STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES
GENERAL PERMIT NO. NCG090000

TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

For establishments primarily engaged in the following activities:

Manufacturing Paints, Varnishes, Lacquers, Enamels, and Allied Products

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 (COC) by the Environmental Management Commission to allow the **discharge of stormwater to the surface waters of North Carolina** or to a separate storm sewer system conveying discharges to surface waters in accordance with the terms and conditions set forth herein.

Coverage under this General Permit is applicable to:

- Stormwater point source discharges associated with manufacturing of paints, varnishes, lacquers, enamels, and allied products.
- *Stormwater* point source discharges from like industrial activities deemed by The Division of Energy, Mineral, and Land Resources (DEMLR) to be similar to these operations in the process, or the discharges, or the exposure of raw materials, intermediate products, by-products, final products, or waste products.

The General Permit shall become effective on July 1, 2026.

The General Permit shall expire at midnight on June 30, 2031.

Signed this 25th day of June 2026.

William E. Toby Vinson, Jr., PE, CPM, Director
Division of Energy, Mineral, and Land Resources
By the Authority of the Environmental Management Commission

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PART A: NCG090000 PERMIT COVERAGE

All persons desiring to have facilities covered by this General Permit must register with the Division of Energy, Mineral, and Land Resources (DEMLR) by filing a Notice of Intent (NOI) and paying the applicable fees. The NOI shall be submitted and a Certificate of Coverage (COC) issued prior to any discharge of stormwater associated with industrial activity that has a point source discharge to surface waters of the state or to a separate storm sewer system conveying discharges to surface waters. – [15A NCAC 02H .0127(h)]

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual National Pollutant Discharge Elimination System (NPDES) permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit shall 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. – [15A NCAC 02H .0127(m)]

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 DEMLR; must receive approval from DEMLR; must maintain no exposure conditions unless authorized to discharge under a valid NPDES stormwater permit; and must recertify the No Exposure Exclusion annually. – [40 CFR § 122.26(g); 15A NCAC 02H .0143(a)(10)]

A Total Maximum Daily Load (TMDL) is for one or more watersheds with one or more impaired waters. The TMDL sets one or more pollutant-loading limit(s) that affect(s) one or more watersheds, or portion of a watershed, draining to one or more impaired waters. A list of approved TMDLs for the state of North Carolina can be found at https://www.deq.nc.gov/about/divisions/water-resources/water-planning/modeling-assessment/tmdls. To not be subject to the TMDL, any facility seeking new coverage with one or more discharges to watersheds affected by a TMDL must demonstrate it does not have reasonable potential to violate applicable water quality standards for those pollutants identified in the TMDL as a result of discharges. For facilities with existing coverage, a facility may seek continued coverage under this permit unless DEMLR sends a written determination that the discharges have reasonable potential to cause water quality standard violations. If DEMLR 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. After that individual permit becomes effective, the facility will no longer have coverage under this General Permit. Note although there is not a TMDL for every impaired water, the permittee must identify impaired waters in the General Location Map, as outlined in the Stormwater Pollution Prevention Plan (SWPPP), Part B of this permit. The Department of Environmental Quality - Division of Water Resources integrated reports (https://www.deq.nc.gov/about/divisions/water-resources/water-planning/modeling-assessment/water-quality-data-assessment/integrated-report-files) include assessments of

waters monitored in North Carolina. Use the most recent final report to identify impaired waters. – [40 CFR 122.44(d); 15A NCAC 02H .0143(a)(25); 15A NCAC 02H .0127(f)]

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or a separate storm sewer system which has been treated and managed in accordance with the terms and conditions of this General Permit and the requirements of the permittee's COC. – [NCGS 143-215.1(a); 15A NCAC 02H .0127(k)]

The permittee's COC is hereby incorporated by reference into this General Permit. Any violation of the COC is a violation of this General Permit and subject to enforcement action as provided in the General Permit. – [NCGS 143-215.1(a); 15A NCAC 02H .0127(k)]

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 discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500. – [NCGS 143-215.1(a); 15A NCAC 02H .0127(f)]

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. – [15A NCAC 02H .0127(h)]

This permit does not relieve the permittee's responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, or decree. (e.g., take of Endangered Species Act (ESA)-protected species prohibited under section 9 of the ESA). Other federal Services can provide technical assistance to avoid violation of the ESA section 9. – [40 CFR 122.49; 15A NCAC 02H .0127(f)]

PART B: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The permittee shall develop a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be maintained on site unless exempted from this requirement by DEMLR. The permittee shall implement the SWPPP and all Best Management Practices (BMPs) consistent with the provisions of this permit, to control contaminants entering surface waters – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)].

These items shall exist for the duration of the permit term and made available to the Director upon request and also shall be sent to the Regional Office upon request. The SWPPP shall be considered public information in accordance with I-8 of this General Permit – [40 CFR 122.41(h); 15A NCAC 02H .0143(a)(22)].

The SWPPP shall include, at a minimum, the following items:

B-1. Responsible Party

The SWPPP shall identify specific position(s) responsible for the overall coordination, development, implementation, and revision of the SWPPP. Responsibilities for all components of the SWPPP shall be documented and position assignments provided – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)].

B-2. General Location Map

The General Location Map shall be a USGS quadrangle map or appropriately drafted equivalent map that includes:

(a) The facility's location in relation to transportation routes and surface waters;

(b) The name of the receiving waters to which the stormwater outfalls discharge, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters;

(c) Any impaired receiving waters, use the most recent final integrated report (https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/water-quality-data-assessment/integrated-report-files) to identify impaired waters ;

(d) If the site is in a watershed for which a TMDL has been established, include a list of the parameter(s) of concern (those exceeding water quality standards).

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25); 15A NCAC 02H .0127(i)]

B-3. Site Map

The Site Map shall include the following at a scale sufficient to clearly depict all required features. At a minimum, the map shall include:

(a) Site property/permit boundary;

(b) Site topography;

(c) Buildings, roads, parking areas and other built-upon areas;

(d) Industrial activity areas (including, but not limited to: vehicle maintenance activities, storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads);

(e) Stormwater discharge outfalls and a table of latitudes and longitudes;

(f) Delineated drainage area for each outfall and a table of impervious percentage for each drainage area;

(g) Stormwater Control Measures (SCMs);

(h) All stormwater collection/drainage features, structures and direction of flow;

(i) On-site and adjacent surface waters and wetlands; and

(j) A graphic scale and north arrow.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25); 15A NCAC 02H .0127(i)].

B-4. Narrative Description of Industrial Processes

The narrative description shall include:

(a) Storage practices;

(b) Loading and unloading activities;

(c) Outdoor process areas;

(d) Dust or particulate generating and control processes;

(e) Waste disposal practices; and

(f) A list of potential pollutants that could be expected to be present in the stormwater discharge for each outfall.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-5. Evaluation of Stormwater Outfalls

On an annual basis, the permittee shall evaluate all stormwater outfalls for the presence of non-stormwater discharges.

(a) If there are no non-stormwater discharges present, the permittee shall document the evaluation in a summary written record in their SWPPP, and be dated and signed in accordance with the requirements found in H-1

(b) If non-stormwater discharges are present, the permittee shall identify the source and record whether the discharge is otherwise permitted by rule or a different permit. If the non-stormwater discharge is associated with the permittee's operations and is not otherwise permitted by rule or a different permit, the permittee shall take corrective action. The permittee shall document the evaluation and steps taken in a summary written record and certification statement. The certification statement and summary written record shall be retained with the SWPPP and shall be dated and signed in accordance with the requirements found in H-1.

[NCGS 143-215.1; 40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-6. Stormwater BMP Summary

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 on data collected through monitoring of stormwater discharges. BMP Summary shall be reviewed and updated annually.

The BMP Summary shall include:

(a) Written record of the specific rational for installation and implementation of the selected site BMPs.

(b) Structural and nonstructural practices to minimize the exposure and transport of materials in stormwater.

(c) BMPs for vehicle maintenance activities.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-7. Secondary Containment Plan

In order to prevent leaks and spills from contaminating stormwater runoff, secondary containment is required for: bulk storage of liquid materials including petroleum products; storage in any amount of water priority chemicals listed in Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); and storage of hazardous substances in any amount.

For facilities subject to the federal Spill Prevention, Control, and Countermeasure (SPCC) regulation, the SPCC Plan may be used to support compliance with this requirement.

The Secondary Containment Plan shall include:

(a) A table or summary of tanks and stored materials equipped with secondary containment systems;

(b) Manually activated valves or other similar devices that are securely closed with a locking mechanism if the secondary containment devices are connected to stormwater conveyance system;

(c) A commitment to visually observe any accumulated stormwater prior to release for color, foam, outfall staining, visible sheens, and dry weather flow;

(d) A commitment to only release accumulated stormwater that is uncontaminated by any material; and

(e) Records on every release from a secondary containment system that include: the individual making the observation, a description of the accumulated stormwater, and the date and time of the release. These records shall be kept for a period of five (5) years.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-8. Spill Prevention and Response Procedures

A responsible person shall be on-site at all times during facility operations that have potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. For facilities subject to the federal SPCC regulation, the SPCC Plan may be used to support compliance with this requirement.

The Spill Prevention and Response Procedures (SPRP) shall include:

(a) An assessment of areas of the facility where there is the potential for spills;

(b) A list of trained facility personnel responsible for implementing the SPRP;

(c) A signed and dated acknowledgement in which staff members accept their responsibilities under the SPRP;

(d) An inventory of spill response materials and equipment and the locations for storing these items;

(e) Written procedures for proper cleanup and disposal of spilled materials; and

(f) A list of significant spills or leaks of pollutants that have occurred during the previous three (3) years and any corrective actions taken to mitigate spill impacts or the notation that no spills have occurred. This list shall be updated on annual basis.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-9. Solvent Management Plan

The Solvent Management Plan shall be incorporated as a separate chapter into the Stormwater Pollution Prevention Plan (SWPPP). The permittee can incorporate other documents that satisfy these requirements by reference by citing to the specific portions of those documents.

The Solvent Management Plan (SMP) shall include:

(a) An annually updated and quantified inventory of solvents present on site during the previous three years;

(b) A narrative description of the facility locations and uses of solvents;

(c) The method of disposal, including quantities disposed on-site and off-site; and

(d) The management procedures and engineering measures for assuring that solvents do not spill or leak into stormwater.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

If solvents are not stored or used onsite, the owner must certify that in the SWPPP. The Division may at is discretion require submittal, review, and approval of the SMP.

B-10. Preventative Maintenance and Good Housekeeping Program

A preventative maintenance and good housekeeping program (PMGHP) shall be developed and implemented.

The PMGHP shall include:

(a) A schedule of inspections, maintenance, and housekeeping measures for industrial activity areas including, at a minimum, all material storage and handling areas, disposal areas, process areas, loading and unloading areas, haul roads, and vehicle maintenance areas. Inspections shall occur at a minimum on a quarterly schedule (January-March, April-June, July-September, October-December).

(b) A plan for disposing spent lubricants and fuels properly and in accordance with applicable federal disposal regulations;

(c) A record of inspections, maintenance, and housekeeping activities.

[40 CFR 122.41(e), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

B-11. Employee Training

Employee training shall be developed and provided on an annual basis for facility personnel responsible for operations that have the potential to contaminate stormwater runoff. The training shall be documented by the date, signature, and printed or typed name of each employee trained.

The annual employee training shall include the following topics **if applicable** to the facility:

(a) General stormwater awareness;

(b) The provisions of the current NCG090000 General Permit

(c) Spill response training;

(d) Used oil management;

(e) Spent solvent management;

(f) Secondary containment releases;

(g) Fueling procedure;

(h) Used battery management.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-12. Representative Outfall Status

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 (ROS) [40 CRF 122.41(j)]. 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.

If DEMLR has granted ROS, documentation from DEMLR shall be part of the SWPPP. The permittee shall notify DEMLR of any site or activity modifications that result in a change to ROS.

The permittee must request reissuance of ROS by submitting a written request to the Division's Central Office within thirty (30) days prior to the expiration of this General Permit to maintain ROS. – [40 CFR 122.41(e), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

B-13. Annual SWPPP Review and Update

All aspects of the SWPPP shall be reviewed and updated on an annual basis. The permittee 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. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

In addition, the SWPPP update shall include a review and comparison of sample analytical data to benchmark values (if applicable) over the past year, including a discussion about Tiered Response status. The permittee shall use DEMLR's Annual Summary Data Monitoring Report (DMR) form, available from the Stormwater Permitting Program's website (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps). This form shall be kept in the SWPPP and shall **not** be submitted to the Division unless

requested. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-14. Notice to Modify the SWPPP

The Director may notify the permittee when the SWPPP 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 SWPPP to meet minimum requirements. Upon completion of the modifications, the permittee shall provide certification in writing in accordance with H-1 and H-7 of this permit to the Director that the changes have been made. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

B-15. SWPPP Documentation

Copies of the SWPPP shall be maintained on-site and be available electronically to DEMLR upon request. These records or copies shall be maintained for a period of at least five years. This period may be extended by request of the Director at any time [40 CFR 122.41]. – [40 CFR 122.41(j), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

PART C: OPERATIONAL REQUIREMENTS

Permitted operations shall be subject to the following operational requirements.

C-1. Operation and Maintenance of Treatment and Control Systems

The permittee shall at all times:

(a) Properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit.

(b) Implement laboratory controls and quality assurance procedures for onsite laboratories and/or on-site testing.

(c) Operate 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 conditions of this permit. [40 CFR 122.41(e), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

C-2. SCM Clean-Out

When applicable, SCMs must be cleaned out when sediment storage capacity equals or exceeds 50 percent of the design sediment volume or if visible sedimentation is leaving the property. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

C-3. Residuals Management

The residuals generated from treatment facilities must be disposed of in accordance with applicable standards and in a manner such as to prevent any pollutants from such materials from entering waters of the state or navigable waters of the United States. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25); 15A NCAC 02H .0127(f)]

C-4. Corrective Actions

The permittee shall take corrective actions if:

(a) Self-inspections required by this permit identify a need for corrective actions,

(b) A facility fails to perform satisfactorily, **or**

(c) A facility creates nuisance conditions.

Corrective actions shall include, but not be limited to: maintenance, modifications, or additions to existing control measures, the construction of additional or replacement treatment or disposal facilities, or implementation of new BMPs. Corrective actions shall be completed as soon as possible considering adverse weather and site conditions. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

C-5. Draw Down of Settling Ponds for Essential Maintenance

The permittee may draw down settling ponds if these conditions are met:

(a) Settling ponds shall be drawn down in manner to ensure benchmarks are met;

(b) Analytical sampling data of the water stored in the settling pond demonstrates that the discharge will not exceed benchmarks in this permit. The sampling data shall be

collected no more than 14 calendar days prior to the draw down; and

(c) The permittee has evaluated any accumulated stormwater for color, foam, odor, and visible sheens prior to release and documented such evaluation; and

(d) The drawdown is for essential maintenance to assure efficient operation.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

C-6. Bypasses of Stormwater Control Measures

Bypass of SCMs in a manner inconsistent with the design or applicable operation and maintenance plan is prohibited, and DEMLR may take enforcement action against a permittee for bypass unless the following conditions are met:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary control measures, 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. The permittee shall submit notices identifying the reason(s) for the bypass as required under C-8 below.

[40 CFR 122.41(m), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

C-7. Upsets

Diversions of stormwater from SCMs may be considered as an upset, rather than a bypass, if the permittee can demonstrate to the Director that all of the following conditions have been met. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

(a) The permittee demonstrates that the upset was not caused by operational error, improperly designed treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

(b) The permittee agrees to take remedial measures if necessary.

(c) The permittee submitted notice of the upset and identified the cause(s) of the upset as required under C-8 below.

[40 CFR 122.41(n), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

C-8. Required Notice for Bypass or Upset

After a permittee becomes aware of an occurrence that must be reported, the permittee shall contact the appropriate Division regional office within the timeframes and in accordance with the requirements listed in Table 1 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Hotline at (800) 858-0368 within the applicable reporting timeframe but must also notify the appropriate DEMLR regional office on the next business day. –[40 CFR 122.41(m), (n), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

Table 1: Bypass and Upset Reporting Requirements

Event [40 CFR 122.41(m)(3)]	**Reporting Requirements**
Anticipated Bypass	***Written report at least ten days prior to the anticipated bypass.*** The written report shall include an evaluation of the anticipated quantity, quality, and effect of the bypass. –[40 CFR 122.41(m)(3)(i), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]
Unanticipated Bypass or Upset	***Oral or electronic notification within 24 hours of the event, and*** ***Written report within 7 calendar days of the event.*** The written report shall include an evaluation of the quantity, quality, and effect of the bypass. –[40 CFR 122.41(m)(3)(ii), (n), 122.44(k); 15A NCAC 02H .0143(a)(22), (25)]

PART D: QUALITATIVE MONITORING OF STORMWATER DISCHARGES

The purpose of qualitative monitoring is to implement a quick and inexpensive way to evaluate the effectiveness of the permittee's SWPPP, to identify the potential for new sources of stormwater pollution, and to prompt the permittee's response to pollution. – [40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

D-1. Visual Inspections

(a) Visual inspections shall be made at each stormwater discharge outfall (SDO) that discharges stormwater associated with industrial activity unless representative outfall status specifically for visual monitoring has been approved in writing by DEMLR.

(b) Visual inspections shall be performed concurrent with required analytical monitoring.

(c) Visual inspections are not required to be performed outside of the facility's normal operating hours.

(d) Visual inspections shall be recorded on DEMLR's Stormwater Discharge Outfall Qualitative Monitoring Report (QMR) form and shall include observations of:

- Color
- Odor
- Clarity
- Floating Solids
- Suspended Solids
- Foam
- Oil Sheen
- Deposition at or immediately below the outfall
- Erosion at or immediately below the outfall, and
- Other obvious indicators of stormwater pollution.

(e) Inability to perform inspections because of adverse weather or lack of discharge during the monitoring period shall not constitute a failure to monitor if the event is documented in the SWPPP and recorded on the Qualitative Monitoring Report.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

D-2. Qualitative Monitoring Response

(a) If the permittee's qualitative monitoring indicates that the SWPPP and/or existing stormwater BMPs are ineffective, or that stormwater contamination is present, then the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those feasible corrective actions within sixty (60) days unless otherwise approved by the Regional Engineer.

(b) A written record of the permittee's investigation, evaluation, and response actions shall be kept in the SWPPP.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

PART E: ANALYTICAL MONITORING OF STORMWATER DISCHARGES

This part applies to industrial stormwater discharges from activities covered by this General Permit.

E-1. Required Baseline Sampling

The permittee shall perform baseline sampling of all stormwater discharge outfalls and/or authorized representative discharge outfalls in accordance with this part.

(a) Grab samples shall be collected, analyzed, and reported for the parameters listed in Table 2. In addition, grab samples shall be analyzed for Non-Polar Oil & Grease 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.

(b) In addition to the grab samples, the average monthly usage of new motor and hydraulic oil used for vehicle maintenance at the facility shall be tracked and recorded.

(c) The total rainfall amount for each sampling event shall be recorded in inches. Total rainfall shall be determined from an on-site rain gauge or a regional rain gauge located within one (1) mile of the facility.

(d) Samples shall be collected from four separate monitoring periods per year. A minimum of thirty (30) days must separate any two sampling events during the following periods

- January 1 – March 31
- April 1 – June 30
- July 1 – September 30
- October 1 – December 31

(e) If the outfall was in Tier Two or Tier Three status under the previous permit, the facility shall continue monthly monitoring and reporting requirements until relieved by the provisions of this permit or DEMLR.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

E-2. Baseline Sampling Benchmarks

(a) Analytical results for each parameter shall be compared to the benchmark values for the appropriate receiving stream classification as provided in Table 2. An exceedance of a benchmark value is not a permit violation; however, failure to respond in accordance with E-2(b) below is a permit violation.

(b) An exceedance of any benchmark value shall require a tiered response for that outfall. A single exceedance of a benchmark value shall require a Tier One response for that outfall. Two benchmark value exceedances in a row shall require a Tier Two response for that outfall. Four benchmark exceedances for a parameter within the permit term shall require a Tier Three response for that outfall.

(c) Baseline sampling benchmarks shall be in accordance with Table 2 below.

Table 2: Summary of Quarterly Baseline Sampling Requirements

Parameter Code	Parameter	Receiving Stream Classification	Units	Benchmark
CO530	Total Suspended Solids (TSS)	All, except...	mg/L	100
		HQW, ORW, Tr, PNA	mg/L	50
00400	pH[1]	Freshwater	Standard	6-9
		Saltwater	Standard	6.8-8.5
01027	Cadmium, Total (as Cd)	All, except...	mg/L	0.003
		Tr	mg/L	0.002
01033	Chromium III, Total Recoverable (as Cr)	Freshwater	mg/L	0.905
		Saltwater	mg/L	none
01051	Lead, Total Recoverable (as Pb)	Freshwater	mg/L	0.075
		Saltwater	mg/L	0.220
46529	Total Rainfall of Sampled Event	-	Inches	-
NCOIL	Average Monthly Oil Usage at the Facility	-	Gallons/ Month	-
For vehicle or equipment maintenance areas in which more than 55 Gallons of motor oil and/or hydraulic oil is used per month when averaged over the calendar year.				
00552	Non-Polar Oil & Grease Per EPA Method 1664 SGT-HEM	All	mg/L	15

[1] Grab samples shall be analyzed for pH within 15 minutes of collection.

E-3. Emerging Contaminants

If required by a change in state or federal law, the Director may reopen this permit to require monitoring for Emerging Contaminants such as Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) subject to the requirements of 15A NCAC 2H *et seq*. For more information about PFAS and other Emerging Contaminants, please visit deq.nc.gov/news/key-issues/emerging-compounds/understanding-pfas. – [40 CFR 122.41(a); 40 CFR 122.49; 15A NCAC 02H .0127(f), (q); 15A NCAC 02H .0143(a)(22)]

E-4. Methodology for Collecting Samples

(a) Outfall monitoring efforts shall begin with the first measurable storm event in the monitoring period that meets all of the following conditions:

i. Occurs at least 72 hours after the previous measurable storm event unless E- 4 (b) applies,

ii. Occurs during the facility' s normal operating hours

iii. Does not coincide with adverse weather conditions, and

iv. Is characteristic of the volume and nature of the permitted discharge.

(b) The 72-hour storm interval may not apply if:

i. The permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and

ii. The permittee obtains approval from the Division's Regional Office.

iii. After authorization by DEMLR's Regional Office, a written approval letter must be kept on site in the permittee's SWPPP.

(c) Grab sample collection must begin within the first 30 minutes of discharge from an outfall and continue until all outfalls that are discharging have been sampled.

(d) Outfalls that are not sampled during the first measurable storm event in the monitoring period shall be sampled during the next measurable storm event in the monitoring period until a sample has been collected.

(e) If, during the entire monitoring period, there is no discharge from an outfall during any measurable storm event then the permittee shall:

i. Report "No Discharge" in the DMR,

ii. Note "No Discharge" in the SWPPP, and

iii. Submit the DMR within 30 days after the end of the monitoring period.

(f) Lack of a discharge from an outfall for the monitoring period shall not constitute failure to monitor as long as the above permit conditions are met.

(g) If the sampled storm event coincides with a known non-stormwater discharge that is deemed permitted under 15A NCAC 02 .0106, then this shall be noted on the DMR.

[40 CFR 122.41(j); 15A NCAC 02H .0143(a)(22)]

E-5. Locations for Collecting Samples

Samples shall be collected at all stormwater discharge outfalls (SDO) that discharge stormwater associated with industrial activity. If DEMLR has issued a representative outfall status approval letter, then the permittee shall collect samples from all SDOs in accordance with the ROS approval letter.

(a) All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance.

(b) Monitoring points as specified in this General Permit shall not be changed without written notification to and approval by DEMLR.

[40 CFR 122.41(j); 15A NCAC 02H .0143(a)(22)]

E-6. Tier One Response: Single Benchmark Exceedance

The outfall(s) will remain in Tier One status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any sampling result is above the benchmark value for any parameter at any outfall, then the permittee shall respond in accordance with Table 3 to identify and address the source of that exceedance for that parameter.

(b) Each required response shall be documented in the SWPPP as each action occurs including; the date and value of the benchmark exceedance, the date DEMLR's Regional Office was notified of the exceedance, the inspection date, the personnel conducting the inspection, the selected feasible actions, and the date the selected feasible actions were completed.

(c) Each exceedance of a benchmark parameter shall individually require a Tier I

response.

(d) The Tier One response shall be in accordance with Table 3 below.

Table 3: Tier One Response for a Benchmark Exceedance

Timeline From Receipt of Sampling Results	Tier One Required Response/Action
Continuously	i. Document the exceedance and each required response/action in the SWPPP in accordance with E-5(b) above.
Within two weeks	i. Notify DEMLR's Regional Office of the exceedance date and value via email, in writing, or, when it is developed, an electronic form created by DEMLR for reporting exceedances. ii. Conduct a stormwater management inspection. iii. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	i. Select specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements.
Within two months	i. Implement the selected feasible actions.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

E-7. Tier Two Response: Two Consecutive Benchmark Exceedances

The outfall(s) will remain in Tier Two status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any two consecutive sampling results in a row for the same parameter are above the benchmark value at an outfall, then the permittee shall respond in accordance with Table 4 to identify and address the source of exceedances for that parameter.

(b) After implementing the specific feasible courses of action, perform monthly monitoring at every outfall where a sampling result exceeded the benchmark value for two consecutive samples for all parameters until three samples in a row are below the benchmark value or are inside the benchmark range.

(c) Each required response shall be documented in the SWPPP as each action occurs including; the dates and values of the benchmark exceedances, the date DEMLR's Regional Office was notified of the consecutive exceedances, the inspection date, the personnel conducting the inspection, the selected feasible actions, the date the selected feasible actions were completed, and the monthly monitoring results.

(d) Each pair of two consecutive exceedances of a single benchmark parameter at a single outfall shall constitute an event that requires a Tier Two response. Subsequent events shall not include the same exceedances that have been addressed in a Tier Two response.

(e) The Tier Two response shall be in accordance with Table 4 below.

(f) Alternatively, in lieu of the Tier Two response, the permittee may, after two consecutive exceedances, implement a Tier Three response.

Table 4: Tier Two Response for Two Consecutive Benchmark Exceedances

Timeline From Receipt of Sampling Results	Tier Two Required Response/Action
Continuously	i. Document the exceedance and each required response/action in the SWPPP in accordance with E-6(c) above.
Within two weeks	i. Notify DEMLR's Regional Office of the exceedance date and value via email, in writing, or, when it is developed, an electronic form created by DEMLR for reporting exceedances. ii. Conduct a stormwater management inspection. iii. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	i. Select specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements.
Within two months	i. Implement the selected feasible actions. ii. Implement monthly monitoring at every outfall where a sampling result exceeded the benchmark value for two consecutive samples for **all parameters** until three samples in a row are below the benchmark value.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

E-8. Tier Three Response: Four Benchmark Exceedances Within the Permit Term

The outfall(s) will remain in Tier Three status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any four sampling results within the permit term for any single parameter are above the benchmark value at a sampled outfall, then the permittee shall respond in accordance with Table 5 to identify and address the source of exceedances for that parameter at that outfall.

(b) The permittee shall prepare a written Action Plan and submit to DEMLR's Regional Office for review and approval within thirty (30) days of receipt of the fourth analytic monitoring data point that exceeds the benchmark value. At a minimum, the Action Plan shall include:

i. documentation of the four benchmark exceedances,
ii. an inspection report that covers the industrial activities within the drainage area of the outfall with the exceedances (including the date of the inspection and the personnel conducting the inspection),
iii. an evaluation of standard operating procedures and good housekeeping procedures,
iv. identification of the source(s) of exceedances,
v. specific actions that will be taken to remedy the identified source(s) with a schedule for completing those actions, and
vi. a monitoring plan to verify that the Action Plan has addressed the source(s).

(c) The permittee shall keep the Action Plan in the SWPPP and document when each

specific action was carried out and by whom.

(d) The permittee shall contact DEMLR's Regional Office when all actions in the Action Plan are completed.

(e) The Tier Three response shall be in accordance with Table 5 below.

Table 5: Tier Three Response for Four Benchmark Exceedances Within the Permit Term

Timeline From Receipt of Fourth Sampling Result	Tier Three Required Response/Action
Continuously	i. Document the exceedances and each required response/action in the SWPPP in accordance with E-7(c) above. ii. Continue monthly monitoring for all parameters at the subject outfall and continue until three samples in a row are below the benchmark value.
Within two weeks	i. Notify DEMLR's Regional Office of the exceedance date and value via email, in writing, or, when it is developed, an electronic form created by DEMLR for reporting exceedances. ii. Conduct a stormwater management inspection. iii. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	i. Prepare an Action Plan that should include specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements and submit to DEMLR's Regional Office for review and approval.
Upon DEQ Approval	i. Implement the approved Action Plan.
Upon Completion of Approved Action Plan	i. Notify DEMLR's Regional Office of Action Plan completion.

[40 CFR 122.44(k); 15A NCAC 02H .0143(a)(25)]

E-9. Recording Results

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

(a) The date, exact place, and time of sampling or measurements;

(b) The individual(s) who performed the sampling or measurements;

(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.

[40 CFR 122.41(j); 15A NCAC 02H .0143(a)(22)]

PART F: SUBMITTAL OF DISCHARGE MONITORING REPORTS (DMRs)

F-1. Deadlines for eDMR Registration

Unless otherwise informed by the Director, permittees are required to register for eDMR within 30 days of the Certificate of Coverage issuance date. Permittees shall follow the guidelines for submitting data that are set forth in the Stormwater eDMR User Manual, available on the Division's website at deq.nc.gov/SW-eDMR. – [40 CFR 127.11(a); 15A NCAC 02H .0143(a)(48)]

F-2. Discharge Monitoring Report (DMR) Forms

Analytical results within the monitoring period shall be submitted no later than 30 days from the date the facility receives all the sampling results. For COCs issued between March 1-31, June 1-30, September 1-30 or December 1-31, sampling shall not commence until the next sampling period following initial issuance of the COC. Samples analyzed in accordance with the terms of this General Permit shall be recorded on DMR forms provided by the Director. DMR forms are available on DEMLR's website (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps.) – [40 CFR 122.41(l); 15A NCAC 02H .0143(a)(22)]

F-3. DMR Signature and Certification

DMRs shall be signed and certified by a person meeting the Signatory requirements in H-1. – [40 CFR 127.12; 15A NCAC 02H .0143(a)(48)]

F-4. Results Below Detection Limits

When results are below detection limit, they shall be reported in the format, "<XX mg/L" for example, where XX is the numerical value of the detection limit. –[40 CFR 122.41(l)(4), 122.44(i); 15A NCAC 02H .0143(a)(22), (25)]

F-5. Occurrences of No Discharge

If no discharge occurs during the sampling period, the permittee must record that in the facility's monitoring records within 30 days of the end of the sampling period. "No Discharge" shall be reported on the eDMR report or the paper Discharge Monitoring Report (DMR). –[40 CFR 122.41(l)(4), 122.44(i); 15A NCAC 02H .0143(a)(22), (25)]

F-6. Reports Required if More Frequent Monitoring Has Occurred

If the permittee monitors any pollutant more frequently than required by this General Permit using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this General Permit, the results of such monitoring shall be included in the data submitted on the DMR. Analytical results within the monitoring period shall be submitted no later than 30 days from the date the facility receives all the sampling results. For purposes of benchmark comparison and Tired response actions, the permittee shall use the analytical results from the first sample with valid results. Permittee is encouraged to take more samples than required by permit during a monitoring period to help identify potential causes of exceedance(s). When taking additional samples, permittee may not use the additional sample with lowest results for compliance purposes to avoid taking actions to identify causes of parameter exceedances. Additional sampling is only for informational purposes. – [40 CFR 122.41(l)(4)(ii); 15A NCAC 02H .0143(a)(22)]

F-7. Report Required if Discharging to a Water Not Listed in the COC

The permittee shall request a modification to the COC from DEMLR prior to discharging to a

new stormwater discharge outfall (SDO) to a waterbody that is not listed on the most current COC. – [N.C.G.S. § 143-215.1(a)(1)]

F-8. Submittal Process before Electronic Discharge Monitoring Reporting (eDMR)

Until a permittee is registered in eDMR, they shall continue to submit DMRs using the DMR Upload Form to upload scanned DMRs. Then, the original signed DMRs shall be mailed or otherwise delivered to the appropriate Regional Office, which is indicated at: https://deq.nc.gov/contact/regional-offices/. – [15A NCAC 02B .0506]

F-9. Qualitative Monitoring Reports

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by DEMLR and shall retain the completed forms on site. Qualitative monitoring results shall **not** be submitted to DEMLR, except upon DEMLR's specific requirement to do so. Qualitative Monitoring Report forms are available on DEMLR's website (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps).). Please note that permittees may use their own forms to record qualitative monitoring results if they include all required items. – [40 CFR 122.41(j); 15A NCAC 02H .0143(a)(22)]

F-10. Monitoring Report Retention

Copies of the following reports shall be maintained on-site or be available electronically to DEMLR upon request. These records or copies shall be maintained for a period of at least 5 years from the date of the sample, measurement, report, or Notice of Intent application. This period may be extended by request of the Director at any time.

(a) Calibration and maintenance records,

(b) Original strip chart recordings for continuous monitoring instrumentation,

(c) Paper DMR reports prior to submitting through eDMR,

(d) Qualitative monitoring records, and

(e) Copies of all data used to complete the Notice of Intent to be covered by this General Permit.

[40 CFR 122.41(j), (l); 15A NCAC 02H .0143(a)(22)]

PART G: OTHER OCCURENCES THAT MUST BE REPORTED

After a permittee becomes aware of an occurrence that must be reported, permittee shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed in Table 6 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368. - [40 CFR 122.41(l); 15A NCAC 02H .0143(a)(22)]

Table 6: Other Occurrences that Shall Be Reported

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
Visible sediment deposition from discharges covered under this permit into a stream or wetland. – [40 CFR 122.41(l); 15A NCAC 02H .0143(a)(22)]	(a) ***Within 24 hours***, an oral or electronic notification. (b) ***Within 7 calendar days***, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. (c) If the stream is listed as impaired on the DWR Integrated Report for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
Oil spills if they are: (a) 25 gallons or more, (b) less than 25 gallons but cannot be cleaned up within 24 hours, (c) cause sheen on surface waters (regardless of volume), or (d) are within 100 feet of surface waters (regardless of volume). [NCGS 143-215.85]	***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act Ref – [NCGS 143-215.85; 40 CFR 110.3; 40 CFR 117.3; 40 CFR 302.4]	***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
Anticipated bypasses – [40 CFR 122.41(m)(3); 15A NCAC 02H .0143(a)(22)]	***A report at least ten days before the date of the bypass, if possible***. The report shall include an evaluation of the anticipated quality and effect of the bypass.
Unanticipated bypasses – [40 CFR 122.41(m)(3); 15A NCAC 02H .0143(a)(22)]	(a) ***Within 24 hours***, an oral or electronic notification. (b) ***Within 7 calendar days,*** a report that includes an evaluation of the quality and effect of the bypass.
Noncompliance with the conditions of this permit that may endanger health or the environment – [40 CFR	(a) ***Within 24 hours***, an oral or electronic notification. (b) ***Within 7 calendar days***, a report that contains 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

122.41(l)(7); 15A NCAC 02H .0143(a)(22)]	time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6). (c) Division staff may waive the requirement for a written report on a case-by-case basis.

PART H: PERMIT ADMINISTRATION

H-1. Signatory Requirements

All applications, reports, or information submitted to the Permitting Issuing Authority shall be signed and certified.

(a) All Notices of Intent to be covered under this General Permit shall be signed as follows:

i. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

iii. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

[40 CFR 122.22; 40 CFR 122.41(k); 15A NCAC 02H .0143(a)(6), (22)]

(b) All reports required by this General Permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph (a) above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i. The authorization is made in writing by a person described above;

ii. 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

iii. The written authorization is submitted to the Permit Issuing Authority

[40 CFR 122.22; 15A NCAC 02H .0143(a)(6)].

(c) Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

[40 CFR 122.22; 15A NCAC 02H .0143(a)(6)]

(d) Any person signing a document under paragraphs (a.) or (b.) of this section, or submitting an electronic report (e.g., eDMR), shall make the following certification [40 CFR 122.22]. No other statements of certification will be accepted.

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

[40 CFR 122.22; 15A NCAC 02H .0143(a)(6)]

H-2. General Permit Expiration

General permits will be effective for a term not to exceed five years, at the end of which DEMLR may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by DEMLR. New applicants seeking coverage under a renewed general permit must submit a Notice of Intent (NOI) to be covered and obtain a Certificate of Coverage under the renewed general permit [15A NCAC 02H .0127(e)].

H-3. 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 [40 CFR 122.41(l)]. 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 (b). – [40 CFR 122.41(l); 40 CFR 122.42(b); 15A NCAC 02H .0143(a)(22), (23)]

H-4. Transfers

This General Permit is not transferable to any person without prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in particular NCGS 143-215.1(b)(4)b.2., and may require modification or revocation and reissuance of the Certificate of Coverage, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute. – [NCGS 143-215.1(b)(4)b.2.; 40 CFR 122.61(a); 40 CFR 122.41(l)(3); 15A NCAC 02H .0143(a)(22), (31)]

H-5. Sale or Closure

The Permittee is required to notify the Division in writing in the event the permitted facility is sold or closed.

[NCGS 143-215.1(b)(4)(b)(2); 40 CFR 122.61(a); 40 CFR 122.41(l)(3); 15A NCAC 02H .0143(a)(22), (31)]

H-6. 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.

[15A NCAC 02H .0127(o)]

H-7. 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. [15A NCAC 02H .0127 (n)] 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. – [15A NCAC 02H .0127 (h)].

H-8. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Permit Issuing Authority 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. – [15A NCAC 02H .0112]

H-9. Certificate of Coverage Actions

Coverage under the 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 – [40 CFR 122.41(f); 15A NCAC 02H .0143(a)(22]

H-10. Requirement to Report Incorrect 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 submitted incorrect information in that

Notice of Intent application or in any report to the Director, it shall promptly submit such facts or information – [40 CFR 122.41(l)(8); 15A NCAC 02H .0143(a)(6), (22].

H-11. Waivers from Electronic Reporting

If a permittee is unable to use the eDMR system due to a demonstrated hardship or due to the facility being physically located in an area where less than 10 percent of the households have broadband access, then a temporary waiver from the NPDES electronic reporting requirements may be granted and discharge monitoring data may be submitted on paper DMR forms or alternative forms approved by the Director.

To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to DEMLR. Requests for temporary electronic reporting waivers must be submitted in writing to DEMLR for written approval at least sixty (60) days prior to the date the facility would be required under this permit to begin submitting monitoring data and reports. The duration of a temporary waiver shall not exceed 5 years and shall thereupon expire. At such time, monitoring data and reports shall be submitted electronically to DEMLR unless the permittee re-applies for and is granted a new temporary electronic reporting waiver by DEMLR. Approved electronic reporting waivers are not transferrable. Only permittees with an approved reporting waiver request may submit monitoring data and reports on paper to DEMLR for the period that the approved reporting waiver request is effective.

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page: deq.nc.gov/SW-edmr

[40 CFR 127.15; 15A NCAC 02H .0143(a)(48)]

H-12. Annual Fee Requirements

The permittee must pay the annual fee within 30 (thirty) days after being billed by DEMLR. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(2) may cause DEMLR to initiate action to revoke coverage under the General Permit. - [15A NCAC 02H .0105(b)(2); 15A NCAC 02H .0127(k)]

H-13. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 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. If no approved methods are determined capable of achieving minimum detection and reporting levels below the General Permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

[40 CFR 122.21 (e)(3); 40 CFR 122.41(i); 15A NCAC 02B .0505; 15A NCAC 02H .0143(a)(5), (22)]

H-14. 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 DEMLR. 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 Clean Water Act. – [15A NCAC 02H .0115]

PART I: COMPLIANCE AND LIABILITY

I-1. Compliance Schedule

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

(a) Existing Facilities already operating but applying for permit coverage for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the Certificate of Coverage and updated thereafter on an annual basis. Secondary containment, as specified in Part B-9 of this General Permit, shall be accomplished within 12 months of the effective date of the issuance of the Certificate of Coverage.

(b) New Facilities applying for coverage for the first time: 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 B of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

(c) Existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit (except new SWPPP elements in this permit renewal) shall become effective immediately upon issuance of the Certificate of Coverage. New elements of the Stormwater Pollution Prevention Plan for this permit renewal shall be developed and implemented within 6 months of the effective date of this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part B of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

[40 CFR 122.41; 15A NCAC 02H .0143(a)(22)]

I-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 (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit upon renewal application.

(a) The permittee shall comply with standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the General Permit has not yet been modified to incorporate the requirement [40 CFR 122.41].

(b) The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation [33 USC 1319(d) and 40 CFR 122.41(a)(2)].

(c) The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8)

of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)].

(d) Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)].

(e) Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [40 CFR 122.41(a)(2)].

(f) Under state law, a civil penalty of not more than $25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit [North Carolina General Statutes § 143-215.6A].

(g) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500. Penalties for Class II violations are not to exceed $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)].

[40 CFR 122.41(a); 15A NCAC 02H .0143(a)(22)]

I-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 – [40 CFR 122.41(d); 15A NCAC 02H .0143(a)(22)]

I-4. Civil and Criminal Liability

Except as provided in Part C-6 of this General Permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-2l5.3, l43-2l5.6, or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is

responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

I-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 l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

I-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. – [40 CFR 122.41(g); 15A NCAC 02H .0143(a)(22)]

I-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 [NCGS 150B-23].

I-8. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the General Permit issued pursuant to this General Permit or to determine compliance with this General Permit. The permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required to be kept by this General Permit – [40 CFR 122.41(h); 15A NCAC 02H .0143(a)(22)]

I-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 $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. – [40 CFR 122.41(a); 15A NCAC 02H .0143(a)(22)]

I-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 $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. – [40 CFR 122.41(a); 15A NCAC 02H .0143(a)(22)]

I-11. Onshore or Offshore Construction

This General Permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

I-12. Duty to Reapply

Permittees covered by this General Permit need not submit a new Notice of Intent (NOI) nor renewal request unless so directed by DEMLR. If DEMLR chooses not to renew this General Permit, the permittee will be notified to submit an application for an individual permit [15A NCAC 02H .0127(e), (o)].

I-13. 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 permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

[40 CFR 122.41(i); 15A NCAC 02H .0143(a)(22)]

I-14. 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. – [40 CFR 122.41(c); 15A NCAC 02H .0143(a)(22)]

PART J: DEFINITIONS

Additional definitions for the NPDES Program may be found in federal rule at 40 CFR Part 122.2

Act
See Clean Water Act.

Adverse Weather
Weather conditions are 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. When adverse weather conditions prevent the collection of samples during the sample period, the permittee must take a substitute sample or perform a visual assessment during the next qualifying storm event. Documentation of an adverse event (with date, time, and written narrative) and the rationale must be included with your SWPPP records. Adverse weather does not exempt the permittee from having to file a monitoring report in accordance with the sampling schedule. Adverse events and failures to monitor must also be explained and reported on the relevant DMR.

Allowable Non-Stormwater Discharges
This General Permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system include:

(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, irrigation waters, flows from riparian habitats and wetlands.

(c) Discharges resulting from fire-fighting or, or emergency shower or eye wash as a result of use in the event of an emergency.

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: https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater

Bulk Storage for Liquid Materials
Liquid raw materials, in-process liquids and reactants, manufactured products, waste materials or by-products contained in a single above ground container, tank, or vessel having a capacity of greater than 660 gallons or contained in multiple above ground containers, tanks, or vessels located in close proximity to each other having a total combined capacity of greater than 1,320 gallons

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

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

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

Division
The Division of Energy, Mineral, and Land Resources, Department of Environmental Quality (DEQ), formerly the Department of Environment and Natural Resources.

Director
The Director of the Division of Energy, Mineral, and Land Resources, the permit issuing authority.

EMC
The North Carolina Environmental Management Commission.

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

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

High Quality Waters (HQW)
Supplemental classification intended to protect waters which are rated excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, or HQW by definition:
(a) Water Supply Watershed I (WS-I),
(b) Water Supply Watershed (WS-II),
(c) SA waters (commercial shellfish),
(d) Outstanding Resource Waters (ORW),
(e) Primary Nursery Areas and other functional nursery areas designated by Marine Fisheries Commission, or
(f) Waters for which DWQ has received a petition for reclassification to either WS-I or WS-II.
(15A NCAC 02B .0200)

Impaired Water
A water that has one or more parameters (biological and/or chemical) that exceed water quality standards.

Measurable Storm Event
A storm event that results in an actual discharge from the permitted site outfall. The previous measurable storm event must have been at least 72 hours prior. The 72-hour storm interval may not apply if the permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and obtains approval from DEMLR's Regional Office. This information and a written request letter shall be sent to DEMLR's Regional Office. After authorization by DEMLR's Regional Office, a written approval letter must be kept on site in the permittee's SWPPP.
Note: If a constant non-stormwater discharge is present at any given outfall, the above storm interval requirement may not apply.

Municipal Separate Storm Sewer System (MS4)
A stormwater collection system within an incorporated area of local self-government such as a city or town.

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. DEMLR's Regional Office 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).

Notice of Intent (NOI)
The state application form which, when submitted to DEMLR, officially indicates the facility's notice of intent to seek coverage under a general permit.

Outstanding Resource Water (ORW)
Supplemental classification intended to protect unique and special waters having excellent water quality and being of exceptional state or national, ecological or recreational significance. To qualify, waters must be rated Excellent by DWQ, and have one of the following outstanding resource values:

(a) Outstanding fish habitat and fisheries,

(b) Unusually high level of water based recreation or potential for such kind of recreation,

(c) Some special designation such as N.C. Scenic/Natural River, or National Wildlife Refuge,

(d) Important component of state or national park or forest, or

(e) Special ecological or scientific significance (rare or endangered species habitat, research or educational areas).

All ORWs are HQW by supplemental classification.
(15A NCAC 02B .0200)

Permit Issuing Authority
The Director of the Division of Energy, Mineral, and Land Resources (see "Director" above).

Permittee
The owner or operator issued a Certificate of Coverage pursuant to this General Permit.

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

Primary Nursery Area (PNA)
Tidal saltwaters which provide essential habitat for the early development of commercially important fish and shellfish and are so designated by the Marine Fisheries Commission. (15A NCAC 02B .0200)

Representative Outfall Status (ROS)
When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, DEMLR's Regional Office may grant representative outfall status. ROS allows the permittee to perform analytical monitoring at a reduced number of outfalls.

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

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 (EPCRA) 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:

i. 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);

ii. Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or

iii. Is a pollutant for which EPA has published acute or chronic water quality criteria.

Severe Property Damage
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.

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.

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 110.3 and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4).

Stormwater Control Measure (SCM)
A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

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.

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

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.

Stormwater Pollution Prevention Plan (SWPPP)
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.

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 https://www.deq.nc.gov/about/divisions/water-resources/water-planning/modeling-assessment/tmdls/draft-and-approved-tmdls.

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

Trout (waters)
Supplemental classification intended to protect freshwaters for natural trout propagation and survival of stocked trout on a year-round basis. This is not the same as the N.C. Wildlife

Resources Commission's Designated Public Mountain Trout Waters (15A NCAC 02B .0200).

Upset
An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

Vehicle Maintenance Activity
Vehicle rehabilitation, mechanical repairs, washing, sanding, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations. All cleaning operations shall be performed, where feasible, indoors where there is a connection to the sanitary sewer system or where wash water can be collected and properly treated, recycled, or otherwise disposed of.

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.

10-year, 24-hour Storm Event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 10 years.

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.