Response to Comments:

December 2023 – January 2024 Public Notice of:

- NCG110000 (Treatment Works)

March 1, 2024

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Section 1: Overview of Permit Updates

1.1 New General Permit Versus Previously Issued General Permit

Below is the summary of changes made between the General Permit NCG110000 issued 6/1/2023 and the proposed NCG110000 to be re-issued 3/1/2024.

- Part A: Updated TMDL language
- Added references to rules, regulations, and/or codified laws throughout.
- Section B-5: Clarified how to handle non-stormwater discharges not otherwise permitted by a rule or a different permit.
- Section B-9: Added guidance for satisfying Solvent Management Plan requirements.
- Renamed section C-1 to Operation and Maintenance of Storwmater Treatment and Control Systems.
- Renamed section C-2 to Settling Pond Clean-Out
- Renamed section C-5 to Drawdown of Settling Ponds for Essential Inspection or Maintenance and changed the requirements for allowing the draw down of settling ponds.
- Renamed section C-6 to Bypass of Stormwater Control Measures and explained under what specific conditions bypasses are tolerated.
- Renamed section E-1 to Required Indicator Monitoring.
- Section E-1 has been significantly changed from the previous permit:
    - Removed Fecal Coliform as a parameter and added Ammonia-Nitrogen.
    - Removed guidance on Tier Response
    - Pushed back the start of quarterly analytical monitoring to Quarter 1 of 2025.
- Removed analytical monitoring benchmarks.
- Section E-2: Added wording to necessitate a change in state or federal law for a facility to be required to monitoring for emerging contaminants.
- Section E-3(a): Explained how facilities that operate 24 hours a day shall collect samples.
- Completely removed the Tier Response system.
- Added Section E-5: Recording Results
- Section F-6: Changed language to better fit the permit.
- Removed section H-15: Action Plan Submittal
- Removed previous section I-7: Severability

Section 2. Public Comments and DEMLR Responses

2.1 Below are the comments received during the comment period and responses that pertain specifically to the draft General Permit NCG110000.

Comment: Remove pH from indicator monitoring.

Response: The existence of pH monitoring is necessary due to the storage of caustics, lime and other adjustment chemicals for use on-site.

Comment: The 15-minute maximum hold time for pH is burdensome.

Response: The 15-minute hold time for pH is a requirement from 40 CFR 136 Table II which defines the maximum holding time for Hydrogen ion (pH) as 15 minutes. As time passes, pH samples approach neutral, resulting in an inaccurate result. Due to the brief hold time, many facilities have opted for instant pH readers.

Comment: Standardize DMR language to be due 30 days after the end of the quarter, not 30 days from when results are received.

Response: In order to ensure that monitoring data available to the Division is as current as possible, 30 days has been determined to be adequate time to submit reports upon receiving results.

Comment: If a facility has multiple outfalls, and one outfall does not have flow during a sampling period, will the requirement to report analytical data be delayed until data is available from all outfalls?

Response: Our eDMR system allows for reports to show when one outfall discharges industrial stormwater, and another outfall does not discharge.

Comment: Part C of the draft permit, OPERATIONAL REQUIREMENTS, is directed towards operating treatment units that treat stormwater. Wastewater plants are built to treat domestic and industrial wastewater. Most collections systems are not combined systems, meaning they collect wastewater and stormwater separately. How will this effect facilities without stormwater treatment devices?

Response: For facilities that do **not** have stormwater treatment devices, Part C of the draft permit is only applicable in relation to properly maintaining stormwater infrastructure on site. (ex. Stormwater conveyances, outfalls, energy dissipation)

Comment: Analytical monitoring is only logical if there are units onsite such as those in Part C. If there are no treatment units, then there should be no analytical requirements as there is no way for the analytes being analyzed to be removed or reduced from the discharges. Wastewater plants monitor and analyze their discharges to their receiving streams for compliance with their NPDES permits.

Response: Analytical monitoring requirements are to analyze and quantify to what

extent the **industrial process** on site is impacting stormwater, not to determine the effectiveness of stormwater treatment devices onsite.

Comments: Analytical monitoring presents safety concerns for sites with un-reachable sampling points that present a safety hazard by traversing steep slopes, wooded terrain, rip rap, or rushing water.

Response: If accessing the outfall point is determined to be a safety concern by the permittee, they are encouraged to contact the appropriate Regional Office staff to discuss alternative sampling points. Additionally, adequate qualitative monitoring for odor and clarity requires grad samples be taken from an accessible point. Observing an outfall from a distance in an insufficient method for qualitative monitoring.

Comment: Is the routine sampling monthly or quarterly? Is sampling required every time there is a discharge? Some of these are addressed in Section E-3 but are not entirely clear.

Response: Analytical monitoring shall begin in quarter 1 of 2025 and proceed on a quarterly basis. Once a sample is obtained for any given outfall, no additional samples from that outfall are required for the remainder of the monitoring period. Sampling efforts shall continue until all outfalls are sampled for.

Comments: Section E-1. Required Indicator Sampling. POTWs are currently heavily regulated on nutrient loading and facilities will most likely face very significant and costly upgrades to meet the new limits. POTWs are the low hanging as compared to the Stormwater and Agricultural communities because we routinely sample our NPDES effluent. Placing an additional sampling and nutrient monitoring burden on our facilities isn't fair compared to the amount of these activities we already do.

Response: NPDES wastewater and NPDES stormwater flows represent two distinct pathways through which pollutants from the facility have the potential to reach waters of the state. Wastewater sampling is not a substitute for stormwater sampling. Because the potential exists for the industrial operations at the site to impact stormwater, analytical sampling is appropriate to assist in detecting onsite issues that could lead to surface water impacts through stormwater.

Comment: The last sentence of Section F-1 should read: "For new 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."

Response: We have made the requested changes,

Comment: Describe how the Public Notice for comments was advertised. It seems as though the notice was buried on the NCDEQ website

Response: General Permit renewals are published in multiple newspapers state-wide and on the Stormwater Public Notice Webpage as required by the EPA. NC DEQ has additionally sent reminder emails to permittees to inform them of the renewal as well as

by mail.

Comment: How can a 5-year Stormwater General Permit can be issued to a facility that has repeated violations and operating under a consent order.

Response: A facility's compliance status with its coverage under a Stormwater General Permit are considered and dealt with outside the General Permit process. General Permit renewals are not facility-specific.

Comment: Town of Jamestown and Jamestown ETJ residents have tested their water. It is absolutely appalling what their drinking water contains—including exceedingly elevated levels of 1,4-dioxane and other PFAS chemicals.

Response: Please direct all drinking water concerns to Public Water Supply Section, a program within the Division of Water Resources.

2.2 Below are the comments received outside the public comment period and responses that pertain specifically to the draft General Permit NCG110000.

Comment: Required indicator monitoring should be semi-annual, not quarterly.

Response: In order to get the best understanding of potential impacts to stormwater on site, the department has determined that quarterly monitoring is appropriate.

Comment: Request the sampling schedule be changed to read "... first measurable storm event in the monitoring period that occurs between 9am and 5pm on weekdays except where holidays or other disruptions of normal operations prevent sampling."

Response: The current language satisfies whenever a facility's normal business hours take place. If a facility's normal business hours are **not** on the weekends, then sampling shall not take place after stormwater discharges on the weekend.

Comment: Request that section E-3 be amended to read: "Grab sample collection must begin within 30 minutes of first knowledge of discharge from an outfall and continue until all outfalls that are discharging have been sampled.

Response: Permittees shall plan accordingly by watching weather reports so they may sample during the "first flush", when water pollution is more concentrated compared to the remainder of the discharge. Sampling shall begin within 30 minutes of an outfall discharging, not 30 minutes after it begins raining. Combined with watching the forecast, this allows ample time for staff to monitor following a discharge. Additionally, it would be unwise to make the requested changes to the language due to the chance of permittees claiming they "weren't aware" of a discharge.