

Response to Comments:

April – May 2023 Public Notice of:

- NCG050000 (Apparel, Printing, Leather, and Rubber)
- NCG070000 (Stone, Clay, and Glass)
- NCG110000 (Treatment Works)
- NCG130000 (Non-Metal Waste and Scrap)
- NCG210000 (Timber Products)



June 1, 2023

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Note: Section 2 does not include a sub-section on NCG130000 (Non-Metal Waste and Scrap) because DEMLR did not receive any specific comments on that permit.

Section 1: Overview of Permit Updates

1.1 New General Permits Versus Previous General Permits

This batch of General Permits has been significantly reorganized and improved during the permit renewal process. The “top five” changes in the new general permits versus the recently expired versions include the following:

#1. Baseline analytical monitoring is required quarterly.

The intent of this change is to improve the tier response system and to capture stormwater data during each season. Required baseline monitoring parameters such as pH and TSS are basic Stormwater Control Measure (SCM) effectiveness indicators. As required by [EPA's Electronic Reporting Rule](#), monitoring data will be recorded in DEQ's eDMR system. The Division will be able to make better use of the data that is collected to facilitate future decisions about NPDES Industrial Stormwater Permit Monitoring requirements. NCG210000: Timber Products' required parameters will remain the same.

#2. Removal of Feasibility Study requirement from SWPPP.

The newly renewed General Permits has removed the Feasibility Study requirement. The Division has deemed is unnecessary and redundant in terms of other SWPPP requirements.

#3. Addition of Solvent Management Plan for SWPPP.

If a facility uses, receives, stores, or disposes of solvents then the permittee shall develop a Solvent Management Plan to demonstrate that no solvent waste enters a stormwater discharge stream. The Plan will ensure permittees determine whether their solvents are hazardous and must be managed and disposed of properly per the [RCRA Hazardous Waste Regulations](#).

#4. Implementing a 6-month grace period for current permittees before analytical monitoring begins for NCG050000, NCG070000, NCG110000, and NCG130000

Current permittees under General Permits that did not previously have required baseline analytical monitoring will begin monitoring in Quarter 1, 2024 (January 1 – March 31). This will allow time for staff and facilities as well as DEQ staff to prepare for monitoring requirements and eDMR registration. Qualitative monitoring should be conducted as usual, without a grace period.

#5. Many organizational improvements were made in the permits, including:

- Links are provided throughout the permits to definitions and other sections.
- Requirements and definitions are standardized.
- Footnotes were moved to requirements
- Bullet Points were changed to Roman Numerals for ease of reference.
- Bolding/italicizing throughout the permit was removed.
- Text was broken into manageable sizes
- References were updated.

1.2 Final General Permits Versus Publicly Noticed Draft General Permits

Below is a summary of changes that were made between the permits that went to public notice in April-May 2023 and the final permits that were issued on June 1, 2023.

Changes in all General Permits:

- B-7 Removal of “Facility Inspections” section since facility inspections are already reference in B-10 (Preventative Maintenance and Good Housekeeping)
- C-6. Changed wording to be more consistent with realistic instances of Bypasses.
- E-3. Changed heading from ‘PFAS Monitoring’ to ‘Emerging Contaminants’
- E-8. Clarified some Tier Response language.
- F-2. Moved guidance for when DMRs are due from F-6 to F-2.
- F-6. Trimmed down this section. Moved some sentences to other sections.
- H-15. Added guidance for the referenced Action Plan for Tier Three that was missing in the Draft General Permits.

Additional changes in NCG050000 (Apparel, Printing, Leather and Rubber):

- E-1. Changed the monitoring grace period from 4 months to 6 months. Permittees will begin analytical monitoring in Quarter 1 of 2024 (January 1st) to allow more time to prepare for analytical monitoring.

Additional changes in NCG070000 (Stone, Clay, and Glass):

- E-1. Changed the monitoring grace period from 4 months to 6 months. Permittees will begin analytical monitoring in Quarter 1 of 2024 (January 1st) to allow more time to prepare for analytical monitoring.

Additional changes in NCG110000 (Treatment Works):

- E-1. Changed the monitoring grace period from 4 months to 6 months. Permittees will begin analytical monitoring in Quarter 1 of 2024 (January 1st) to allow more time to prepare for analytical monitoring.

Additional changes in NCG130000 (Non-Metal Waste and Scrap):

- E-1. Changed the monitoring grace period from 4 months to 6 months. Permittees will begin analytical monitoring in Quarter 1 of 2024 (January 1st) to allow more time to prepare for analytical monitoring.

Additional changes in NCG210000 (Timber Products):

- B-6. Removed the BMP Inspection Section.

Section 2. Public Comments and DEMLR Responses

2.1 Comments Pertaining to all General Permits

- Comment: The monitoring frequency should not be increased from semi-annual to quarterly.
- Response: NC DEQ NPDES Stormwater Program is administered on behalf of US EPA. The 2021 US EPA Multi-Sector General Permit (MSGP) requires quarterly monitoring of indicators pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) on a quarterly basis for subsectors included in this year's General Permit renewal. (See Table 4.1 of [US EPA 2021 MSGP](#)) The subsectors include:
- Allied paper products
 - Inks and paints,
 - Cement product manufacturing,
 - Clay materials,
 - Recycling facilities,
 - Treatment works,
 - Apparel, Fabric, and Leather products,
 - Printing, publishing, allied industries and,
 - Plastics and Rubber product manufacturing.
- The purpose of analytical monitoring is to alert permittees to potential pollution problems on site and is meant to be a proactive measure. Under semi-annual monitoring, stormwater discharges throughout much of the year went unchecked. Quarterly monitoring will allow permittees to better gauge what is coming off their sites and take the necessary corrective actions when applicable.
- Comment: Changes to these General Permits exceed federal requirements through US EPA. The draft general permit conflicts with the Administrative Procedures Act which limits the Departments authority to be more restrictive than federal law or rule.
- Response: [The Memorandum of Agreement between US EPA and NC DEQ](#) states that NC DEQ Stormwater Program has been delegated by the US EPA to administer the NPDES program how NC DEQ sees fit. "The State has the primary responsibility to establish the State NPDES program priorities that are consistent with national NPDES goals and objectives." Requirements set forth by NC DEQ are consistent with US EPA's requirements, not more stringent. This is codified in federal law [Title 40, Chapter I, Subchapter D, Part 123](#). As per procedure, drafts of the General Permits have been sent to EPA for comment.
- Comment: Remove benchmark values for Total Suspended Solids (TSS), pH, and Chemical Oxygen Demand (COD). Other states such as Georgia do not have established benchmarks nor require analytical monitoring.
- Response: The Stormwater Program provides benchmarks with assistance from the Division of Water Resources' Classifications and Standards, Rules Review Branch and are a requirement of our program. DWR staff members use data from multiple sources to develop stormwater benchmarks, including EPA's National Recommended Water Quality Criteria, the National Primary Drinking Water Regulation (40 CFR 141.11), and NC Surface Water Quality Standards (15A NCAC 02B .0200). When these resources do not contain information for a particular pollutant of concern, benchmarks are calculated per 15A NCAC 2B .0200 using peer-reviewed toxicity data. All NPDES Stormwater Industrial permits include a table that lists the parameters that an industrial facility is required to monitor, and the benchmarks associated with each parameter. Benchmarks are different from effluent limits because a stormwater discharge concentration that exceeds a benchmark concentration in the permit table is not a violation of a stormwater permit.
- Comment: Facilities who have never sampled will now need to learn how to sample. Required quarterly analytical monitoring completely changes the workload and stresses associated with stormwater compliance.

Response: The Stormwater Program will allow the grace period to span until Quarter 1 of 2024 for permittees who previously did not complete baseline analytical monitoring. When General Permits NCG050000, NCG070000, NCG110000, and NCG130000 renew, current permittees will begin monitoring in Quarter 1, (Jan 1 2024 – March 31 2024) and then follow the standard monitoring schedule. This will allow time to prepare for analytical monitoring, establish the correct sampling personnel, and familiarize themselves with the General Permit.

Comment: Push grace period back to allow for 12 full months until start of analytical monitoring requirement.

Response: See above referenced comment. We will allow permittees a 6 month grace period. Without the grace period, permittees would need to begin monitoring July 1 which is not enough time for facility staff to prepare.

Comments: Limit the requirements to track new motor oil and hydraulic oil usage and conduct sampling of non-polar oil & grease to vehicle maintenance areas with potential exposures to stormwater (ex. Outdoor and uncovered areas) and clarify “vehicle maintenance areas” in draft permit.

Response: Permittees will sample for Non Polar Oil & Grease at outfalls that discharge stormwater runoff from vehicle maintenance areas if the facility uses more than 55 gallons of new motor and/or hydraulic oil a month when averaged over a calendar year. The average monthly usage of motor oil and hydraulic oil used for vehicle maintenance and equipment shall be tracked and recorded regardless of if the activity is outdoors.

Comment: NCDEQ does not have the staff to process hundreds of eDMR requests at one time. Most of these facilities will not have registered with eDMR because they had no required reporting. After these permits go into effect, they will all be submitting their eDMR registration info.

Response: NC DEQ Stormwater Program is better staffed than this time last year. NC DEQ is undergoing a Permit Transformation Process (PTP) that will significantly streamline and update the permit issuance and reporting process.

Comment: The relationship between Tier 3 status and the other two statuses is not clear. Recommend Tier 3 status be removed from permit.

Response: The Tier Response guidance has been updated to explain the progression more clearly. If three consecutive samples produce results for all parameters below benchmark (or in range, in the case of pH), then the outfall “resets” to Tier One, and the count starts over, resetting to “No Tier”. The old permit referenced a “Facility” tier status, which is not accurate wording. We have updated the wording. Tier status belongs to an outfall, not facility wide. An outfall goes straight into Tier Three if there are any four exceedances of the same parameter in a permit cycle, even when it has never been in Tier One or Tier Two. An outfall also can go into Tier Three if it’s in Tier One or Tier Two and has not dropped out with 3 consecutive results under benchmark for all parameters.

Comment: Remove Tier Response system until appropriate benchmark values are available and established.

Response: Stormwater benchmark values are a requirement of our program. A benchmark exceedance is not a permit violation, but an opportunity to assess SCM effectiveness, identify the source of the exceedance, and correct it. Our program requirements are consistent with US EPA standards via the Memorandum of Agreement between US EPA and NC DEQ.

Comment: Remove the Solvent Management Plan. Many facilities already record solvent usage through other requirements. This would be extra work for the permittee.

Response: Permittees may reference their already-existing Solvent usage plans in their SWPPP if it satisfies the same requirements as the Solvent Management Plan. Guidance for this will be added to the final General Permit.

2.2 Comments on NCG050000 (Apparel, Printing, Leather, and Rubber)

- Comment: Analytical monitoring requirements for NCG05 exceeds federal regulations.
- Response: Our monitoring requirements for sampling for pH, Total Suspended Solids, and Chemical Oxygen Demand are consistent with federal regulations per [The Memorandum of Agreement between US EPA and NC DEQ](#). pH, TSS, and COD are standard indicators of industrial stormwater pollution per the US EPA 2021 Multisector General Permit and help gauge the effectiveness of Best Management Practices (BMPs).
- Comment: Many “light industry” operations are covered and/or industrial activity is not exposed to stormwater. Analytical monitoring is excessive.
- Response: NC DEMLR Stormwater Program offers a No Exposure Exclusion for industrial facilities whose activities are not exposed to stormwater. A No Exposure has no analytical monitoring, no SWPPP, and is overall less burdensome to permittees. We provide factsheets on No Exposure site conditions via [EPA’s Guidance Manual](#) and an [EPA Factsheet for No Exposure Exclusions](#).

2.3 Comments on NCG070000 (Stone, Clay, and Glass)

Comment: B-7. The term BMP (Best Management Practices) should be replaced with SCM (Stormwater Control Measures)

Response: The terms BMP and SCM can be used interchangeably, for consistency's sake, the Stormwater Program will be using the term BMP primarily. The reasoning being that BMPs includes SCMs in addition to other good housekeeping practices. Additionally, the [EPA's Guide to Developing Your SWPPP](#) uses the term BMP over SCM.

2.4 Comments on NCG110000 (Treatment Works)

Comment: Analytical monitoring for pH, TSS, and Fecal Coliform should not be included in NCG110000: Treatment Works.

Response: In the interest of protecting waters of the State, and in accordance with 40 CFR 122.43, and in the interest of providing for the stated purpose of the Clean Water Act, The North Carolina Department of Environmental Quality (Department) has determined that analytical monitoring at wastewater treatment facilities is necessary to identify, and in turn to prevent pollutants from entering waters of the State. Familiarity with the treatment process and maintenance activities associated with a sanitary sewer collection system should in every case, include the acknowledgement that sewer lines can and do leak/break at any given time or location. The fact that the potential exists for a sewer line break/leak to occur in the collection system in general leads axiomatically to the conclusion that such could occur at the plant itself.

Further, familiarity with the treatment process should also include the acknowledgement that, due to Inflow and infiltration (I&I), flow volumes are highest during and immediately after storm events. In turn, the potential for this issue to occur would also be highest during and immediately after storm events. The Department recognizes that the potential exists for subsurface infiltration of wastewater into the facility's stormwater infrastructure as well as runoff from the surface by way of stormwater inlets.

Additionally, failure to correctly capture runoff from exposed process areas at the facility (such as areas used for grit collection or biosolids management) also has the potential to occur and has been previously observed by NCDEQ inspectors.

Analytical monitoring has not been prescribed by the Department because of any conclusion that this problem exists for POTW's. It has been prescribed by the Department because of the self-evident potential for this problem to exist. This is the case for all analytical monitoring in any given permit. Continuous and sustained monitoring is to ensure the permittee and the Department that no such problem exists, and that the discharge of pollutants to waters of the State is not occurring now or in the future.

Many POTWs are known to use chemicals (such as caustics) for pH correction (Biosolids conditioning or otherwise). These chemicals are often stored in large quantities on site and are occasionally plumbed into the system. Because this is an identified and observable part of the industrial process, the potential exists for leaks or mishandling of caustic or other chemicals, resulting in an unintended impact on the stormwater discharging from the system, and in turn, to waters of the State.

While the Department is aware that the extent of use and the quantity of these chemicals may vary greatly between POTWs, the relatively inexpensive and quick process of checking pH is nonetheless a crucial factor in establishing that no pollutants are being discharged to waters of the State now or in the future.

Total suspended solids (TSS) monitoring is a diverse indicator of pollutant issues for many reasons. Solids originate from many sources including the erosion of pervious surfaces, dust, litter and other particles deposited on impervious surfaces from industrial activities. For this reason, many states, as well as the EPA recognize TSS monitoring as useful and beneficial for determining to what extent, if any, an industrial facility is impacting its receiving waters now or in the future.

Qualitative monitoring primarily and importantly serves to identify crucial pollutant indicators such as Color, Odor, the presence of floatable pollutants, foam, and erosion/deposition. These important indicators are not sufficiently captured by analytical monitoring.

Conversely, qualitative monitoring is not as conclusive as analytical monitoring when it comes to identifying in solution pollutants or chemical properties which indicate serious pollutant concerns. For example, when leaks/breaks occur in the sewer collection

system, a simple visual inspection is occasionally not conclusive because the wastewater must move through gravel and soil to finally daylight somewhere it can be identified and sampled. At which point, the discharge may appear clear and have no odor (as has been observed by DEQ staff). These situations often lead utility staff to perform some form of analytical test such as Fecal Coliform or Ammonia to confirm or rule out a sewer main break/leak. If wastewater, or stormwater that has come into contact with waste, is discharging from a stormwater outfall, there is no guaranty that qualitative monitoring would indicate that such pollutants were present.

For these reasons, and the combined experience of DEQ staff, qualitative monitoring alone is insufficient to conclusively determine that no wastewater is infiltrating the stormwater system at the facility, or if incorrectly captured runoff from exposed industrial areas (such as those used for grit collection or biosolids management) is reaching stormwater inlets.

Comment: Employee Training Requirements are overly proscriptive.

Response: If a permittee implements practices listed in the Permit such as chlorine handling and disposal, then trainings must be performed and documented. It would be ill-advised for permittees to purposefully skip training on listed topics **if they occur at the facility**. If a permittee **does not** implement listed practices at the facility, the those trainings are not required.

Comment: PFAS Monitoring should not be included in the General Permits.

Response: As NC DEQ looks to US EPA for guidance on emerging contaminants in the coming years, the Stormwater Program has added wording with the potential to require certain facilities to monitor for appropriate emerging contaminants as needed by the director. There is no established benchmark or limit codified in law for emerging contaminants such as PFAS.

Comment: Drawdown and Bypass Requirements Should not be Included in General Permits.

Response: Bypasses are and have been completely prohibited. The new language expands on the very specific times and requirements when bypasses would be allowed. This benefits the permittee in that it will not constitute a permit violation. Removing guidance on bypasses would be detrimental to the permittees. Guidance on drawdown and bypasses has been added to all renewing General Permits on the potential for drawdown and bypasses. The destruction of 2016's Hurricane Matthew prompted NC DEQ to add language on drawdowns and upsets.

Drawdown guidance refers most often to for example, stormwater ponds filled with sediment that must be maintained to remove the sediment. The permittees should test the water for the listed required parameters to ensure it meets our benchmarks before it is released.

Comment: The definition of MS4 should be revised.

Response: NC DEQ's definition of MS4 listed in the General Permits, "A stormwater collection system within an incorporated area of local self-government such as a city or town." is consistent with the definition listed on EPA's site: A system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.

Comment: Permittees should not be required to acknowledge and document individuals accepting responsibilities for the required Spill Prevention and Response portion of the SWPPP.

Response: A signed acknowledgement on personnel on site responsible for the Spill Prevention and Response Plan is a natural requirement for a SWPPP. USEPA's "Developing your SWPPP" document requires qualified personnel take responsibility for preparing the SWPPP, identify individual responsibilities of personnel in the SWPPP, and list personnel who should be notified in the event of a SWPPP. NC DEQ's requirement is consistent with federal guidelines.

2.5 Comments on NCG210000 (Timber Products)

Comment: The directive: "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." Is potentially inconsistent as written. Suggest permittee be required to contact the Division within 30 days of any expansion or change to determine what modifications may be necessary, if any. The facility would still be subject to the conditions of the permit in the interim.

Response: This language is in all the permits. The intent is that the permittee should communicate with DEQ regarding changes to a facility. With larger changes such as switching activities, the permittee should contact the State as early as possible. With smaller changes such as moving activities to a different part of the facility, permittee could perhaps wait until next inspection.

Comment: B-7. Changing the frequency of documented inspections from semi-annual to every 7 days is a significant change in the permit conditions and presents an unnecessary burden to facility staff. Considering illnesses, weather conditions, and personnel vacation, making this requirement every 7 days will very likely result in permittees being unable to meet permit conditions and falling into non-compliance for an immaterial "violation."

Response: We have removed this requirement. It was mistakenly taken from General Permit NCG020000

Comment: B-10. The draft permit is not clear what amount of solvent would be required to produce a Solvent Management Plan. Consider modifying this requirement to identify a threshold that would be subject to this Permit requirement and limit the Solvent Management Plan to those containers stored outdoors with potential exposure to stormwater.

Response: The purpose of a Solvent Management Plan is to ensure that concentrated toxic organics as defined by 40 CFR 469.22 do not enter a stormwater discharge and to track the use of all solvents delivered, stored, used, and disposed of on site. If a facility keeps their solvents stored indoors with no exposure to stormwater, then the permittee shall document this in their plan.