

Response to Comments:

May – June 2025 Public Notice of:

- NCG020000 (Active & Inactive Mining Sites)
- NCG190000 (Marinas & Shipbuilding)



July 1, 2025

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Section 1: Overview of Permit Updates

1.1 New General Permits Versus Previous General Permits

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

#1. Updated Language for ‘Evaluation of Stormwater Outfalls’.

Previously, there was no explicit requirement for permittees to document in written record that there were no non-stormwater discharges during their annual evaluation of stormwater outfalls. The new requirement is for permittees to document in their SWPPP when there are no non-stormwater discharges. There was already language for when non-stormwater discharges were present, this adds language for when there are no non-stormwater discharges.

#2. Addition of ‘Recording Results’ Section.

This section emphasizes the information that must be documented when permittees are recording their monitoring results.

#3. Emphasis on eDMR Registration

Per EPA’s Electronic Reporting Rule, permittees subject to analytical monitoring are required to enroll in eDMR, the online Discharge Monitoring Report System. The renewed General Permits update language to show that all permittees need to enroll in eDMR within 30 days after the renewal of the Certificate of Coverage (COC).

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 May-June 2025 and the final permits that were issued on July 1, 2025.

Changes in all General Permits:

- B-8. BMP Inspections Section was added back to the General Permits.
- Fixed numbering format in 'Other Occurrences that Must be Reported' table.

Additional changes in NCG020000 (Active & Inactive Mining Sites):

- B-15. Added language on the kinds of basins and ponds may be exempt from analytical monitoring.
- C-6. Drawdown language was updated to be more consistent with regulations.
- F-5 and H-5. Subsections for turbidity were added back to the General Permit
- F-6. The interval for measurable storm events was clarified back to 72 hours.
- K-4 and K-5. Removed duplicated language at the end.
- L-1. Requirement for SWPPP Implementation was changed to 6 months, like the previous General Permit.
- Removal of K-15 from Draft General Permit. This was duplicated information on Representative Outfalls Status that is already covered by B-14.

Additional changes in NCG190000 (Marinas & Shipbuilding):

- E-2. Table 2 parameter codes for Copper and Zinc corrected.
- E-3. Updated the language on measurable storm events to be consistent with other renewed General Permits.

Section 2. Public Comments and DEMLR Responses

2.1 Comments on NCG020000 received during the public comment period:

Comment: Quartz and feldspar mines should be covered under Individual Stormwater Permits in order to have more stringent effluent limitations. DEMLR has failed to conduct a Reasonable Potential Analysis (RPA) for evaluating an Individual Permitting Strategy.

Response: We have reviewed the discharges authorized for the Quartz and Feldspar mines covered under NCG02 that discharges to the North Toe River. The majority of them discharge wastewater specifically allowed under NCG02. Per Federal regulation 40 CFR 122.26(a)(6)(i), Individual Permits are to cover stormwater discharges, not wastewater. Therefore, effluent limitations for wastewater discharges cannot be added to Individual Permits, making NCG020000 the more acceptable form of stormwater permit. Additionally, the stormwater benchmark values for pollutants are no different under Individual Permits than NCG020000 and the other General Permits. Finally, RPAs are reserved for when there is a sustained flow coming out of an outfall. Wastewater permits use these because they have permitted flows. It doesn't make sense for Stormwater-only outfalls to do these because there are no set or maximum-allowed volumes of flow coming out of the outfall.

Comment: Facilities should inspect BMPs on a weekly basis. The draft permit removed the requirement from the previous permit.

Response: We have made the requested changes.

Comment: The initial SWPPP and annual updates should be submitted to DEMLR for review.

Response: During the initial inspection and most subsequent inspections, Regional Office staff review the SWPPP that is required to be on-site.

Comment: The language for C-6, Drawdown of Treatment Facilities for Essential Maintenance, should be changed to reflect that subsection (c) be required for all drawdown scenarios.

Response: We have made the requested changes.

Comment: Subsections c, d, and e should be retained in Section F-5 and H-5 for Turbidity.

Response: We have made the requested changes.

Comment: SWPPP Implementation should not be extended to 12 months for existing facilities.

Response: We have made the requested changes.

Comment: Part B-3(f) duplicates the information requested for the Mine Map. It should revert back to the previous permit's language.

Response: We have made the requested changes back to the previous permit's language.

Comment: The requirement for a Solvent Management Plan seems petty in scale to other products stored and/or used on-site.

Response: The purpose of the Solvent Management Plan is to ensure no solvents enter the stormwater or wastewater stream.

Comment: Part F-6, 48 hours after a previous storm event contradicts the 72-hour interval indicated in the definition of a Measurable Storm Event. Part F-6 should be modified back to 72-hours to maintain consistency.

Response: We have made the requested modifications.

Comment: Part I-2, requiring facilities to submit results from analytical monitoring no later than 30 days from the date the facility receives all the sampling results will create problems for owners with a large number of permitted facilities. The “30 day” deadline will require various reporting submittals throughout the sampling period, causing extra time and potential violations if the deadlines are not met.

Response: The requirement that results be submitted within 30 days after the date all the data has been received is consistent with EPA’s Multi-sector General Permit, Part 7.3 “Reporting Monitoring Data to EPA”.

Comment: The NCG020000 Factsheet must contain sufficient details about the water quality-based effluent limits for authorized wastewater discharges.

Response: The Division of Water Resources sets the effluent limits for wastewater discharges, not DEMLR. We have added a table in the factsheet explaining the reasoning behind mine-specific sampling parameters.

Comment: Per 15 NCAC 02B.0508, NCG020000 should contain monthly monitoring for certain pollutants at mining facilities, unless NCDEQ makes a determination that the draft permit’s frequency of monitoring is achieved by other means.

Response: We have reviewed monitoring data pulled from our online monitoring system, eDMR, for pH, TSS, Turbidity, and Settleable Solids. We have also reviewed values for Antimony, Arsenic, and Chromium III. The vast majority of values are below the established wastewater limits. DEMLR believes monitoring on a quarterly basis is adequately representative of facility’s operations. The majority of mines in North Carolina covered under Stormwater General Permit NCG020000 conduct mine dewatering a few times a year, negating the need for monthly monitoring.

Comment: The NCG020000 Notice of Intent (NOI) should include requesting information concerning Endangered Species Act- listed species which will support the conditions of the final permit

Response: We will update our Notice of Intent to reflect this in the coming months.

Comment: DEMLR should change the language on ‘Process Wastewater’ to allow ‘Process Generated Wastewater’ specifically.

Response: Process Wastewater, by our definitions, covers process generated wastewater. We do not foresee permittees using this difference to violate water quality standards.

Comment: DEMLR should require Whole Effluent Toxicity (WET) testing limits when there is reasonable potential for narrative pollutants to cause or contribute to violations of narrative Water Quality Standards for complex wastewaters.

Response: DEMLR does not consider the authorized wastewater discharges in the NCG020000 to be complex wastewaters. DEMLR has not observed measurements of pollutants that are at levels that would cause or contribute to water quality standards violations. Therefore, we believe the current testing requirements are sufficient for protecting designated uses.

2.2 Comments on NCG190000 received during the public comment period:

Comment: E-2. The benchmark for metals, particularly copper, is significantly lower than Federal and State drinking water standards.

Response: We have made the requested changes.

Comment: The initial SWPPP and annual updates should be submitted to DEMLR for review.

Response: During the initial inspection and most subsequent inspections, Regional Office staff review the SWPPP that is required to be on-site.

Comment: E-2. The benchmark for metals, particularly copper, is significantly lower than Federal and State drinking water standards.

Response: The Stormwater Program's benchmarks are set by the Surface Water Quality Standards Group, which are different than Drinking Water Standards. Aquatic life benchmarks and human health benchmarks are different.

2.3 Comments on NCG190000 received outside the public comment period

Comment: Lead (total recoverable) should be removed from the sampling parameters list. Lead is rarely above labs' minimum report limit and even less frequently above the benchmark value.

Response: DEMLR Staff feel Lead (total recoverable) is a necessary parameter to sampling for, especially for marinas that service vessels such as trawlers.

Comment: If permittees can meet (4) consecutive samples for a parameter below the benchmark value, the sampling for that parameter shall cease until quarters 3 and 4 of the final permit year.

Response: The purpose of analytical monitoring is to alert permittees to potential pollution problems on site and is meant to be a proactive measure. Removing analytical monitoring would mean stormwater discharges throughout the year would go unchecked. Quarterly monitoring will allow permittees to better gauge what is coming off their sites and take the necessary corrective actions when applicable.

Comment: Quarterly inspections and outfall sampling is costly and burdensome to permittees where money can be spent on BMPs. Inspections and sampling should be done semi-annually.

Response: DEMLR has determined that monitoring on a quarterly basis is representative of the different seasons of the year. Under semi-annual monitoring, stormwater discharges throughout much of the year go unchecked. Quarterly monitoring will allow permittees to better gauge what is coming off their sites and take the necessary corrective actions when applicable.

Comment: Electronic signatures should be accepted for an NCDEQ forms, applications, and reports. Getting wet-ink signatures from different people is difficult.

Response: The Stormwater Program is undergoing a 'Permit Transformation Process' that is supposed to alleviate the need for wet-ink signatures in the coming years. All permittees that are required to conduct analytical monitoring are required to enroll in our eDMR reporting system which is entirely online.