STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

PERMIT NO. NCS000245
TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

The City of Raleigh

is hereby authorized to discharge stormwater from their municipal separate storm sewer system located within the City of Raleigh's corporate limits to receiving waters of the State, within the Neuse River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth herein.

In addition, the City of Raleigh is hereby authorized to operate, administer, and enforce Construction Site Runoff Control and Post Construction Site Runoff Control Programs as required and specified by this permit within the City of Raleigh's Extra Territorial Jurisdiction (ETJ) areas.

This permit shall become effective October 10, 2023.

This permit and the authorization to discharge shall expire at midnight on October 9, 2028.

Signed this day [DATE OF SIGNATURE] 2023.

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Isaiah Reed, MS4 Program Coordinator
Division of Energy, Mineral, and Land Natural Resources
By the Authority of the Environmental Management Commission

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PART 1: PERMIT COVERAGE

1.1 Authorized Discharges

1.1.1 During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) to receiving waters within the Neuse River Basin.

1.1.2 All discharges authorized herein shall be managed in accordance with the terms and conditions of this permit. 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.

1.1.3 Authorized discharges shall be controlled, limited, and monitored in accordance with the permittee's approved Stormwater Management Plan (SWMP).

1.1.4 All provisions contained and referenced in the approved SWMP, along with all provisions and approved modifications of the SWMP, are incorporated by reference and are enforceable parts of this permit.

1.1.5 The permit authorizes the point source discharge of stormwater runoff from the MS4. In addition, non-stormwater discharges are also authorized through the MS4 if such discharges are:

a) Permitted by and in compliance with another authorization or approval, including discharges of process and non-process wastewater, permitted groundwater discharges and stormwater associated with industrial activity; or

b) Determined by the permittee to be incidental non-stormwater flows that do not significantly impact water quality and may include:

- water line and fire hydrant flushing;
- landscape irrigation;
- diverted stream flows;
- rising groundwater;
- uncontaminated groundwater infiltration;
- uncontaminated pumped groundwater;
- discharges from uncontaminated potable water sources;
- foundation drains;
- air conditioning condensate (commercial/residential);
- irrigation waters;
- springs;
- water from crawl space pumps;
- footing drains;
- lawn watering;
- individual residential and charity car washing;
- flows from riparian habitats and wetlands;
- dechlorinated swimming pool discharges;
- street wash water;
- flows from emergency firefighting activities; and
- splash pads and spray grounds.

c) The Division of Energy, Mineral and Land Resources, herein referred to as the Division, may require that non-stormwater flows of this type be controlled by the permittee's Stormwater Management Plan if it has been determined by the Division that the subject non-stormwater flow could potentially have a significant impact on receiving waters.

1.2 Permitted MS4 Area

This permit covers activities associated with the discharge of stormwater from the MS4 owned and operated by the permittee within the corporate limits of the permittee. The permit also applies to the areas that seek coverage under this permit through inter-local or other similar agreements with the permittee. Aspects of the minimum control measures defined herein may also apply to extra-territorial jurisdiction (ETJ) as determined by the subject municipal ordinance to the extent allowable by law.

1.3 Co-Permittees

1.3.1 Agreements for coverage under this permit shall be approved by the Division.

1.3.2 The Division may deny or revoke coverage under this permit for separate entities and require independent permit coverage as deemed necessary. In addition, the permittee may petition the Division to revoke or deny coverage under this permit for specific entities.

1.4 Shared Responsibility

1.4.1 An operator of a regulated MS4 may share the responsibility to implement the minimum control measures with other entities provided:

a) The other entity, in fact, implements the control measure(s);

b) The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and

c) There is a legal agreement for the other entity to implement the control measure(s) on behalf of the MS4.

1.4.2 Unless implemented by the State, the permittee remains responsible for compliance if the other entity fails to perform the permit obligation and may be subject to enforcement action if neither the permittee nor the other entity fully performs the permit obligation.

1.5 Annual Administering and Compliance Monitoring Fee

The permittee shall pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause the Division to initiate action to revoke this permit and/or deny permit renewal.

1.6 Duty to Reapply

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit a permit renewal application and fees, as are required, no later than 180 days prior to the expiration date of this permit.

Any permittee that has not requested renewal at least 180 days prior to expiration, or any discharge that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, shall be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq.

The renewal application shall include: a review of the Stormwater Management Program development and implementation over the life of this permit, the result of any compliance audit, and a description of further program development to be implemented over the future permitting time period.

1.7 Permit Actions and Limitations

1.7.1 The issuance of this permit does not prohibit the Division from reopening and modifying the permit, revoking and reissuing the permit, or terminating the 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

1.7.2 The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

1.7.3 This permit does not relieve the permittee from responsibility for compliance with any applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

PART 2: STORMWATER MANAGEMENT PROGRAM

2.1 Program Implementation

The permittee shall implement all requirements herein to the maximum extent practicable (MEP) and allowable by law.
To maintain compliance with this permit, the permittee shall implement, manage, and oversee all provisions of its approved SWMP to control, to the maximum extent practicable (MEP) and allowable by law, the discharge of pollutants associated with stormwater runoff and illicit discharges, and including spills, from its MS4. This includes all, but is not limited to, the following areas:

2.1.1 The permittee shall maintain adequate funding and staffing to implement and manage the provisions of the SWMP and meet all requirements of this permit.

2.1.2 The permittee shall evaluate the performance and effectiveness of the program components at least annually. Results shall be used by the permittee to modify the program components as necessary to accomplish the intent of the Stormwater Program. This evaluation shall be separate from, and in addition to the annual reporting requirements outlined in Part 4 of this permit.

2.1.3 If discharges are determined by the permittee to cause or contribute to non-attainment of an applicable water quality standard, the permittee shall expand or better tailor its BMPs within the scope of the six minimum control measures to address the discharges.

2.1.4 The permittee shall notify the Division of any planned major changes to the SWMP. All major changes must be approved in writing by the Division prior to implementation.

2.1.5 The permittee shall make its SWMP available to the Division upon request.

2.1.6 The permittee shall keep an up-to-date version of its permit and SWMP available to the Division and the public online. Ordinances or other regulatory mechanisms (or a list thereof) providing the legal authority necessary to implement and enforce the requirements of the permit and SWMP shall also be posted online.

2.1.7 The Permittee shall submit a revised Stormwater Management Plan which reflects a program compliant with this permit no later than 12 months after the effective date of this permit for review and approval.

2.2 Minimum Control Measures

2.2.1 Compliance with the six minimum control measures (MCMs) and the requirements of this permit constitute compliance with the Clean Water Act to reduce the discharge of pollutants from the MS4, to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the approved SWMP constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.

2.2.2 The Permittee shall maintain, and make available to the Division upon request, written plans or procedures for implementing the six minimum control measures. Written procedures shall identify specific action steps, schedules, resources, and responsibilities for implementing the MCMs. Written plans or procedures shall be free standing and separate from the Stormwater Management Plan.

2.3 Reliance on Qualifying Alternative Programs to Meet Permit Requirements

2.3.1 The permittee shall clearly identify in the SWMP the qualifying alternative program components that will be utilized to meet specific permit requirements.

2.3.2 Any qualifying alternative program components utilized to meet the requirements of this permit shall become an enforceable part of this permit.

2.3.3 Qualifying alternative programs include those programs that comply with the North Carolina Sediment Pollution Control Act of 1973, Chapter 4 of Title 15A of the North Carolina Administrative Code, Title 15A NCAC 02H .1017 of the North Carolina Administrative Code.

2.3.4 Nothing in this permit precludes the permittee from generating nutrient/pollutant reduction credits for compliance with the Neuse Nutrient Strategy Rules, the Nutrient Offset and Buffer Mitigation Program, the Nutrient Sensitive Water Strategy, or other regulatory requirements for any regulated pollutant including the generation of nutrient credits for maintenance activities in excess of minimum requirements in this permit, including but not limited to street sweeping, catch basin cleaning, stormwater control measure construction and maintenance, and leaf litter collection and disposal.

2.4 Notification to Modify Program

2.4.1 When changes to the program are required by the Division, the permittee shall provide certification in writing to the Division that the changes have been made.

2.4.2 The Division may notify the permittee when the SWMP does not meet one or more of the requirements of the permit. Within ninety (90) days of such notice, the permittee shall submit a plan and time schedule to the Division for modifying the SWMP to meet the requirements. The Division may approve the plan, approve a plan with modifications, or reject the proposed plan. Nothing in this paragraph shall be construed to limit the Division's ability to conduct enforcement actions for violations of this permit.

PART 3: STORMWATER MANAGEMENT PLAN (SWMP)

This permit requires the full and proper implementation of the approved SWMP detailing the MS4s compliant stormwater management program. To the extent allowable under State and local law, the permittee must develop and implement a SWMP in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act. The purpose of the SWMP is to establish and define the means by which the permittee will comply with the MS4 permit and with the applicable provisions of the Clean Water Act.

3.1 General Requirements

3.1.1 The SWMP shall include, at a minimum, specific and measurable goals that define program elements to fully implement each of the six minimum control measures (MCMs): public education and outreach on stormwater impacts, public involvement and participation, illicit discharge detection and elimination, construction site runoff control, post-construction stormwater management, and pollution prevention/good housekeeping for municipal operations. In addition to the six minimum control measures, the permittee shall also define elements to fully implement a water quality assessment and monitoring program, a program to monitor and evaluate industrial stormwater discharges and any applicable Total Maximum Daily Load (TMDL) requirements.

3.1.2 The SWMP shall include, at a minimum, specific and measurable goals that define program elements to fully implement a program to monitor and evaluate storm water discharges to municipal systems from hazardous waste treatment, disposal, and recovery facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and NPDES industrial permitted facilities.

3.1.3 The SWMP shall identify specific position(s) and responsibilities for the implementation of each MCM and any TMDL requirements, as well as overall implementation of the SWMP.

3.1.4 The SWMP shall detail the permittee's Stormwater Management Program for the five-year term of the stormwater permit. Each MCM and any TMDL requirements shall have: a narrative description of the program, a table that identifies each best management practice (BMP) used, the frequency of the BMP, the measurable goals for each BMP, the implementation schedule, and the responsible person or position for implementation.

3.2 Public Education and Outreach Program

The SWMP shall identify the specific elements and implementation of a Public Education and Outreach Program to share educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and how the public can reduce pollutants in stormwater runoff. The permittee shall document the extent of exposure of each media, event, or activity, including those elements implemented locally or through a cooperative agreement and, at a minimum, shall:

3.2.1 Define the goals and objectives of the program based on at least three high priority, community-wide issues (e.g. reduction of pollution in discharges from the MS4, promoting pervious techniques used in the MS4);

3.2.2 Identify and describe the target audience(s) or steps to determine the target audience(s);

3.2.3 Create an appropriate message(s) based on at least three targeted residential issues and three targeted industrial/commercial issues appropriate to the MS4.

3.2.4 Develop appropriate educational materials (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites);

3.2.5 Determine methods and process of distribution;

3.2.6 Utilize public input (e.g., the opportunity for public comment, or public meetings) in the development of the program.

3.2.7 During the term of the permit, the permittee must distribute the educational materials, using whichever methods and procedures determined appropriate by the permittee, in such a way that is designed to convey the program's message to at least two identified target audiences each year.

3.2.8 Within the permit term, the permittee must assess, as thoroughly as resources allow, changes in public awareness resulting from the implementation of the program and modify the education/outreach program accordingly as determined necessary by the permittee.

3.2.9 The permittee must assess its stormwater education/outreach program annually as specified in this permit. The permittee must adjust its educational materials and the delivery of such materials to address any shortcomings found as a result of this assessment.

3.3 Public Involvement and Participation Program

The permittee is required to involve the public in the planning and implementation of activities related to the development and implementation of the SWMP. At a minimum, the permittee must:

3.3.1 Establish a citizen advisory group or utilize existing citizen organizations. The permittee may establish a stand-alone group or utilize an existing group or process. The advisory group must consist of a representation of affected parties, such as residents, business owners, and environmental organizations in the MS4 area and/or affected watershed. The permittee must invite the citizen advisory group to participate in the development and implementation of all parts of the community's SWMP. If efforts to establish a citizen advisory group have been unsuccessful, the permittee shall describe the reasons such advisory group has not been established, such as lack of interest or participation.

3.3.2 Provide opportunities for citizens to participate in the implementation of stormwater controls (e.g., stream clean-ups, storm drain stenciling, volunteer monitoring, and educational activities), to include at least two (2) events annually.

3.4 Illicit Discharge Detection and Elimination Program

The SWMP shall identify the specific elements to develop, implement, and enforce an Illicit Discharge Detection and Elimination (IDDE) Program. At a minimum, the IDDE Program shall:

3.4.1 Develop, update, and maintain a municipal storm sewer system map including stormwater conveyances, flow direction, major outfalls and receiving waters. The MS4 map shall include areas zoned for industrial use.

3.4.2 Provide an IDDE ordinance or other regulatory mechanism that provides legal authority to prohibit, detect, and eliminate illicit connections and discharges, and spills into the MS4, including enforcement procedures and actions. The IDDE Ordinance shall be reviewed annually and updated as necessary to address issues identified by the permittee.

3.4.3 Maintain and implement a written IDDE Plan to detect and address illicit discharges, , spills and any non-stormwater discharges identified as significant contributors of pollutants to the MS4. The plan shall provide standard procedures and documentation to locate priority areas likely to have illicit discharges. This may include: Areas with older infrastructure, areas with industrial/commercial use, areas with a history of illicit discharges, areas with onsite sewage disposal systems, areas with older sewer lines or with a history of sewer overflow or cross-connection, and areas upstream of sensitive waterbodies. This priority area list must be reviewed annually and updated as needed to reflect changing priorities and be available for review by the permitting authority.

3.4.4 The permittee must continue to implement and revise, if necessary, written procedures to detect and eliminate illicit discharges to the MS4. These procedures must be included as part of the IDDE program and include dry weather field screening and procedures for (1) field observations; (2) field screening monitoring; and (3) analytical monitoring.

3.4.5 Conduct dry weather field screening and analytical monitoring at each station located within priority areas identified above at least once per permit cycle.

3.4.6 Sample dry weather flows according to requirements outlined in (a) and (b) below if flow or ponded runoff is observed at a field screening station and there has been at least seventy-two (72) hours of dry weather. The permittee must also record general information such as time since last rain, quantity of last rain, site descriptions (e.g., conveyance type, dominant watershed land uses), flow estimation (e.g., width of water surface, approximate depth of water, approximate flow velocity, flow rate), and visual observations (e.g., odor, color, clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology).

a) Field screening requirements: The permittee is required to conduct a field screening analysis for the following constituents: Dissolved Oxygen; pH; temperature; salinity; and conductivity. Samples must be collected and analyzed consistent with the procedures required by 40 CFR Part 136. Fecal Coliform and Ammonia may be analyzed where sanitary sewer is a possible source of discharge.

b) Identify threshold concentration levels for dry weather field screening and analytical monitoring results whereby exceedance of the threshold will require follow-up investigations to be conducted with the intent of identifying and eliminating the source causing the exceedance of the threshold.

3.4.7 To determine if updates to the written IDDE plan are needed, the permittee shall review the IDDE plan at least once per permit term and update as necessary.

3.4.8 Provide a mechanism for tracking and documenting each illicit discharge, illicit connection and spills including date(s) reported and/or observed, the results of the investigation, any follow-up of the investigation, the date the investigation was closed, the issuance of enforcement actions, and the ability to identify chronic violators.

3.4.9 Train municipal staff who, as part of their normal job responsibilities, may observe an illicit discharge, illicit connection, and spills. Training shall include how to identify and report illicit discharges, illicit connections, and spills. Each staff training event shall be documented, including the agenda/materials, date, and number of staff participating.

3.4.10 Provide a mechanism for the public and staff to report illicit discharges, and spills. The mechanism shall be publicized to facilitate reporting and shall be managed to provide rapid response by appropriately trained personnel.

3.5 Construction Site Runoff Control Program (Construction Program)

The permittee must continue to implement a program which requires operators of private "construction activities" to select, install, implement, and maintain stormwater control measures that comply with 15A NCAC Chapter 04 and the North Carolina Sediment Pollution Control Act of 1973 (SPCA). "Construction activity" for this permit includes, at a minimum, private construction sites that result in a total land disturbance of either one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Reliance upon a North Carolina Sediment Pollution Control Act of 1973 (SPCA) program as defined in 15A NCAC Chapter 04 may be used to meet requirements 3.5.1 through 3.5.4 below. The permittee's Construction Site Runoff Control Program shall, at a minimum:

3.5.1 Require each operator of a construction activity to prepare and submit an Erosion and Sediment Control (E&SC) Plan prior to the disturbance of land for the permittee's review and written approval prior to issuance of a land disturbance grading permit. The permittee must make it clear to operators of construction activity that they are prohibited from commencing construction activity until they receive receipt of written approval of the E&SC plans. If the E&SC plan is revised, the permittee must review and approve those revisions. "Construction activities" and "land disturbance" may exclude activities associated with installing erosion controls as determined necessary by the permittee.

3.5.2 Implement site plan review procedures that meet the following minimum requirements:

(a) The permittee must not approve any E&SC plan unless it contains appropriate site-specific construction site control measures that meet the minimum requirements in Part 3.5.3 of this permit.

(b) The E&SC plan must include the rationale used for selecting control measures, including how the control measure protects a waterway or stormwater conveyance.

(c) The permittee must use qualified individuals, knowledgeable in the technical review of E&SC plan to conduct such reviews.

(d) The permittee must document its review of each E&SC plan using an appropriate tracking system.

3.5.3 Ensure the following minimum requirements are effectively implemented for all construction activity discharging to its MS4: All Erosion and Sediment Controls are designed, installed, and maintained to:

(a) Control stormwater discharge and velocity within the site to minimize soil erosion;

(b) Control stormwater discharges, including peak flowrates to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

(c) Minimize the amount of soil exposed during construction activity;

(d) Minimize the disturbance of steep slopes;

(e) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics expected to be present on the site;

(f) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and

3.5.4 Establish and implement an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal or local law.

3.5.5 Prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,

(4) Soaps or solvents used in vehicle and equipment washing.

3.5.6 Require outlet structures that withdraw water from the surface when discharging from basins and impoundments with a drainage area greater than one acre.

3.5.7 Maintain an inventory of all active private construction sites and construction activities undertaken by the permittee that result in a total land disturbance of an acre or more or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. The inventory must be continuously updated as new projects are permitted and projects are completed. The inventory must contain relevant contact information for each project (e.g., name, address, phone, etc.), the size of the project and area of disturbance, the date the permittee approved the erosion and sediment control/stormwater plan. The permittee must make the inventory available upon request available to the permitting authority upon request.

3.5.8 Establish and implement procedures for site inspection and enforcement of control measures. Erosion control sites shall be inspected at a minimum frequency of (two) 2 inspections per year.

3.5.9 Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impact to water quality.

3.5.10 Provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems.

3.6 Post-Construction Site Runoff Control Program (Post-Construction Program)

The SWMP shall identify the specific elements to develop, implement, and enforce a Post-Construction Program to address stormwater runoff from development projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. At a minimum, the Post-Construction Program shall comply with 15A NCAC 02H .1017 and shall provide:

3.6.1 Qualifying Alternative Post-Construction Programs

In accordance with 15A NCAC 02H .1017, the permittee shall implement the following Post-Construction Program(s) to meet NPDES MS4 Post-Construction Program requirements in the geographic areas where they are implemented. The permittee shall maintain a map indicating where each of the following programs apply.

a) Water Supply Watershed Program – 15A NCAC 2B .0620 - .0624

b) Neuse River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B .0711

3.7 Pollution Prevention and Good Housekeeping Program

The SWMP shall identify the specific elements for development and implementation of a comprehensive suite of operation and maintenance practices to prevent and minimize pollutants in runoff from municipal facilities and operations. At a minimum, pollution prevention and good housekeeping program for municipal operations shall include the following:

3.7.1 Municipal Facilities Operation and Maintenance procedures to manage facilities that are owned and operated by the permittee and have the significant potential for generating polluted stormwater runoff. The permittee shall maintain a current inventory of municipal facilities; perform facility inspections and routine maintenance; establish specific frequencies, schedules, and standard documentation; provide staff training on general stormwater awareness and implementing pollution prevention and good housekeeping practices. The permittee shall ensure that municipal industrial facilities within the municipal limits subject to NPDES industrial permitting comply with those permit requirements, provide routine pollution prevention training to staff, perform routine inspections, and establish specific frequencies, schedules, and documentation.

3.7.2 The permittee must use information compiled from inspections and complaints/reports to help in the assessment/identification of priority areas as follows:

Priority A – Catch basins that are designated as having high priority prior to adverse weather.

Priority B – Catch basins that are designated as consistently generating moderate volumes of trash and/or debris.

Priority C – Catch basins that are designated as a result of a valid complaint/report.

3.7.3 Based on the priorities assigned in Part 3.7.2., the permittee must inspect, and clean catch basins as needed to allow for proper drainage, in accordance with the following schedule:

Priority A – Before a named storm, or at least annually.

Priority B – 2 times per permit cycle.

Priority C – As needed.

3.7.4 Catch basin labeling – The permittee shall maintain a map or inventory which tracks the labeling status of stormwater inlets. This map shall be maintained with data collected through the public involvement program.

3.7.5 Spill response procedures for facilities and operations that store and/or use materials that have the potential to contaminate stormwater runoff if spilled. The permittee shall maintain written spill response procedures and inform staff on spill response procedures.

3.7.6 MS4 operation and maintenance procedures to minimize pollutants in the stormwater collection system. The permittee shall provide operation and maintenance staff training on stormwater awareness and pollution prevention, perform MS4 inspections, maintain the collection system including catch basins and conveyances; and establish specific frequencies, schedules, and standard documentation.

3.7.7 Municipal SCM Operation and Maintenance Program to manage municipally owned, operated, and/or maintained structural SCMs that are installed for compliance with the permittee's post-construction program. The permittee shall maintain a current inventory of SCMs, perform SCM inspections at least annually. The permittee shall perform maintenance in accordance with established specific frequencies, schedules, and documentation in accordance with the operation and maintenance plan.

3.7.8 Pesticide, herbicide, and fertilizer management procedures for municipal staff to minimize water quality impacts from the use of landscape chemicals. The permittee shall ensure that municipal applicators maintain applicator certifications.

3.7.9 Vehicle and equipment maintenance procedures to prevent and minimize contamination of stormwater runoff from areas used for municipal vehicle and equipment maintenance and/or cleaning.

3.7.10 Pavement management procedures to reduce pollutants in stormwater runoff from municipally owned streets, roads, and parking lots within the permittee's corporate limits. The permittee shall implement measures to control litter, leaves, debris, particulates and other pollutants associated with vehicle traffic, and establish specific frequencies, schedules, and documentation. At a minimum, the following areas must be regarded as "high priority," for sweeping activities while the "medium priority" and "low priority" areas are recommended:

High priority – Downtown central business district.

Medium priority – Streets, road segments designated by the permittee as special routes include, but are not limited to, medium traffic zones.

Low priority – Remaining city maintained roads, streets and parking lots with curb/gutter.

3.7.11 Implementing sweeping schedules – The permittee must sweep streets/roads/public parking lots in accordance with the following frequency:

High priority – At least twice a year.

Medium priority –At least annually.

Low priority – At least once per permit cycle.

3.7.12 MS4 Maintenance Waste Material Disposal – The permittee must develop a procedure to dewater and dispose of maintenance waste material. This procedure must ensure that water and material will not reenter the MS4.

3.8 Total Maximum Daily Load (TMDL)

3.8.1 The permittee shall comply with the requirements of an approved TMDL with an assigned NPDES MS4 Waste Load Allocation (WLA) for any applicable receiving waters.

3.8.2 If no NPDES MS4 WLA exists for an approved TMDL, the permittee shall document an evaluation of strategies to tailor and/or expand BMPs within the scope of the six MCMs to enhance water quality recovery strategies to acknowledge the TMDL and reduce pollutants of concern in the watershed(s) to which the TMDL applies.

3.8.3 Compliance with an approved alternative approach, such as an approved category 4(b) watershed improvement strategy plan constitutes compliance with Part 3.8 of this permit.

3.8.4 For new TMDLs that are not addressed above, the following shall apply upon the date of EPA's final approval of a TMDL:

a) Within 12 months, the permittee's annual reports shall include a description of, and a brief explanation as to how existing programs, controls, partnerships, projects, and strategies to address NPDES MS4 WLA assigned to the municipality.

b) Within 24 months, the permittee's annual reports shall include an assessment of whether additional structural and/or non-structural BMPs are necessary to address the NPDES MS4 WLA assigned to the municipality.

c) Within 36 months, the permittee's SWMP shall be updated to include appropriate BMPs to address the NPDES MS4 WLA assigned to the municipality.

3.9 **Program to Monitor and Evaluate Industrial Storm Water Discharges to Municipal Systems.**

3.9.1 The Permittee shall develop or continue to maintain a program to evaluate pollutants in storm water discharges to the permittee's MS4 from hazardous waste treatment, disposal, and recovery facilities, industrial facilities subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and Industrial facilities identified with an industrial activity permitted (as defined in 4 CFR 122.26) to discharge storm water to the permittee's MS4.

3.9.2 The permittee must continue to maintain an inventory of all sources identified in part 3.9.1 within its jurisdiction (regardless of ownership) that could discharge pollutants in stormwater to the MS4. The inventory must be updated annually and available for review by the permitting authority upon request.

3.9.3 The inventory must include the following minimum information for each industrial site:

(a) Name

(b) Address

(c) Physical Location of discharge

(d) Name of receiving water

(e) Pollutants potentially generated by the site/source

(f) Identification of (1) whether the site/source is discharging to an impaired water body segment (i.e., whether it is listed under Section 303(d) of the Clean Water Act) and (2) whether potential pollutants identified by the permittee could contribute to the water body segment which is impaired

3.9.4 The permittee shall develop and implement a written program to identify frequencies and specific procedures for inspecting the facilities identified in part 3.9.2 above. The permittee shall evaluate control measures implemented at all facilities identified in part 3.9.2 above and establish procedures for reporting significant issues to the permitting agency.

3.9.5 During Industrial facility inspections, the permittee shall require appropriate Best Management Practices to best meet the goals of the program. Examples of these practices include:

(a) Using grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas

(b) Locating materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas)

(c) Cleaning up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants

(d) Using drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible

(e) Using spill/overflow protection equipment

(f) Draining fluids from equipment and vehicles prior to on-site storage or disposal

(g) Performing all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray

(h) Ensuring that all wash water drains to a proper collection system (i.e., not the stormwater drainage system)

3.10 **Water Quality Assessment and Monitoring**

Permittee shall develop and implement a monitoring and assessment program. A description of this program must be included in the Stormwater Management Plan. The monitoring and assessment program must be designed to assess the impact of MS4 discharges on receiving waters and aid in the identification of stormwater pollutant sources.

A monitoring and assessment plan shall be developed and must describe the overarching monitoring to be conducted and the assessments to be performed on stream water quality data. The plan shall identify the watersheds that will be monitored and provide reference to written procedures for conducting water quality monitoring. The plan shall describe assessments of water quality monitoring data that will occur throughout the duration of the permit. The permittee will use assessments to evaluate future monitoring plans. Specific measurable goals for the monitoring and assessment plan include:

(a) The types and frequency of water quality monitoring activities

(b) The types and frequency of water quality monitoring data assessments that will be conducted

(c) At least one sample per identified watershed must be collected, with all identified watersheds within the MS4 jurisdiction sampled in a five-year period i.e. no more than 5 years between samples in a watershed.

3.11 **Stream Survey**

The Permittee shall develop and implement stream survey protocols in the water quality monitoring program. The permittee protocol must address the following at a minimum:

a) Training, Safety, and stream access;

b) Equipment, logistics, geospatial data;

c) Recordkeeping and documentation;

d) Visual Survey Assessment elements identified in the Water Quality Monitoring Plan.

PART 4: ANNUAL REPORTING

Implementation of the Stormwater Management Plan shall include an annual report which documents of all program components identified in the Stormwater Management Plan as a reportable metric.

4.1 Annual Report

4.1.1 The permittee shall review and update the Stormwater Management Plan as necessary, but at least on an annual basis, to identify compliance issues, necessary modifications and improvements needed to maximize SWMP effectiveness. A summary of any changes shall be included in the Annual Report,

4.1.2 The annual report shall document activities over the course of the fiscal year (July 1 – June 30) and include appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Management Plan and, at a minimum, shall:

a) Provide information on the establishment of appropriate legal authorities, inspections, and enforcement actions.

b) Summarize past year activities, including specific annual reporting metrics identified in the SWMP.

c) Describe the effectiveness of each program component.

d) Provide an evaluation of the program budget, including a summary of program costs, and funding sources.

4.2 Program Modifications

4.2.1 The permittee shall describe and justify any proposed changes to the approved SWMP in the annual report. The annual report shall include descriptions and supporting information for the proposed changes and how these changes will impact the approved SWMP (results, effectiveness, implementation schedule, fiscal analysis, etc.).

4.2.2 The permittee shall submit proposed SWMP changes to the Division for review and approval.

4.2.3 The permittee shall not implement proposed changes prior to receiving written approval from the Division.

4.3 Submittal Schedule

4.3.1 The permittee shall submit an annual report of the previous fiscal year activities to the Division no later than September 30 of each year.

4.3.2 The Division may request additional reporting and/or collected monitoring information as necessary to evaluate the progress and results of the permittee's SWMP.

PART 5: DOCUMENTATION STANDARDS

5.1 Electronic Submittals

Beginning on December 21, 2025, and in accordance with federal reporting requirements established in the final NPDES Electronic Reporting Rule adopted and effective December 21, 2015, the permittee shall electronically submit any required annual reports and monitoring data. All required electronic submittals shall be made in accordance with Division guidance.

5.2 Non-Electronic Submittals

All reports required herein, not submitted electronically, shall be submitted to the following address:

Department of Environmental Quality
Division of Energy, Mineral, and Land Resources - Stormwater Program
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

5.3 Signatory Authority

All applications, reports, or information, other than those submitted electronically, shall be signed by a principal executive officer, ranking elected official, or duly authorized representative. A person is a duly authorized representative only if:

a. The authorization is made in writing by a principal executive officer or ranking elected official;

b. The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and

c. The written authorization is submitted to the Division.

5.4 Signatory Certification

Any person signing a document under these permit requirements shall, at a minimum, make the following certification:

> "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."

5.5 Record Keeping Requirements

5.5.1 Documentation shall be kept on-file by the permittee for a period of five years from the date of expiration of this permit and made available to the Division or authorized representative upon request.

5.5.2 The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, for a period of at least five years from the date of expiration of this permit. This period may be extended by request of the Division.

5.6 Supplemental or Corrected Information

Where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Division, it shall promptly submit such facts or information.

PART 6: COMPLIANCE AND LIABILITY

6.1 Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.

a. The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $37,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions 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. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed $16,000 per violation with the maximum amount not to exceed $177,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]

c. Under state law, a daily civil penalty of not more than twenty-five thousand dollars ($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. [Ref: North Carolina General Statutes 143-215.6A]

d. Any person may be assessed an administrative penalty by the Administrator for violating sections 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. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $137,500).

e. Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the permittee under this permit, the permittee shall not be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake,

hurricane, tornado, or other catastrophic natural event, act of God, civil unrest, or governmental orders related to a public health emergency. The permittee must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this permit by this provision.

6.2 **Duty to Mitigate**

The permittee shall take reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.3 **Twenty-four Hour Noncompliance Reporting**

The permittee shall report to the Division any noncompliance that may constitute an imminent threat to health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes, the period of noncompliance and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

6.4 **Civil and Criminal Liability**

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, l43-2l5.6A, 143-215.6B, 143-215.6C 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.

6.5 **Oil and Hazardous Substance Liability**

Nothing in this 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.

6.6 **Property Rights**

The issuance of this 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.

6.7 **Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

6.8 **Duty to Provide Information**

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Division upon request, copies of records required by this permit.

6.9 **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 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.

6.10 **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 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.

6.11 **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 permit.

6.12 **Proper Operation and Maintenance**

The permittee shall maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee in operable condition to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures as necessary. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

PART 7: INSPECTION, ENTRY AND AVAILABILITY OF REPORTS

7.1 Inspection and Entry

The permittee shall allow the Division, or an authorized representative (including an authorized contractor acting as a representative of the Division), 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 shall be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records of the permittee that shall be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations of the permittee regulated or required under this 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 under the control of the permittee.

7.2 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 of this permit shall be available for public inspection at the offices of the Division of Energy, Mineral, and Land Resources. 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 Act.

PART 8: DEFINITIONS

1. Act: See Clean Water Act.

2. Annual Report: The standard document submitted by the permittee on an annual basis that summarizes the SWMP implementation and activities conducted during the previous fiscal year.

3. Best Management Practice (BMP): Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP). See also SCM.

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

5. Common Plan of Development: A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways: in separate stages, in separate phases, or in combination with other construction activities. It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot. It can include one operator or many operators.

6. Construction Activity: The disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.

7. Department (DEQ): The North Carolina Department of Environmental Quality.

8. Division (DEMLR): The Division of Energy, Mineral, and Land Resources in the Department of Environmental Quality.

9. Illicit Discharge: Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), and allowable non-stormwater discharges.

10. Industrial Activity: For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.

11. Major Change: A major change is any change to a program that affects the measurable goals in the SWMP (section 3.1).

12. Major Municipal Separate Storm Sewer Outfall (or "Major Outfall"): Major municipal separate storm sewer outfall (or "major outfall") means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe that is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

13. Maximum Extent Practicable (MEP): MEP is described in the *Federal Register* (U.S. EPA, 1999, p. 68754). This document says that "Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard." Minimum control measures are defined in the *Federal Register* as (1) public education and outreach, (2) public participation/involvement, (3) illicit discharge detection and elimination, (4) construction site runoff control, (5) post-construction runoff control, and (6) pollution prevention/good housekeeping. MEP are the controls necessary for the reduction of pollutants discharged from a MS4, which consist of a combination of BMPs, control techniques, system design and such other provisions as described in the SWMP. Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this permit constitutes compliance with the standard of reducing pollutants to the MEP. Stormwater management programs must be assessed and adjusted, as part of an iterative process, to maximize their efficiency and make reasonable progress toward as ultimate goal of reducing the discharge of pollutants to the MEP.

14. Six Minimum Measures, or Six Minimum Control Measures: As defined in 40 CFR §122.34(b). They are Public Education and Outreach, Public Involvement/Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Controls, Post-Construction Runoff Controls, and Pollution Prevention and Good Housekeeping for Municipal Operations.

15. Municipal Separate Storm Sewer System (MS4): Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by the United States, a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State that is designed or used for collecting or conveying stormwater; that is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

16. Non-structural BMP: Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

17. Outfall: Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

18. Permittee: The owner or operator issued this permit.

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

20. Redevelopment: "Redevelopment" has the same meaning as in G.S. 143-214.7.

21. Storm Sewer System: Is a conveyance or system of conveyances which are designed or used to collect or convey stormwater runoff that is not part of a combined sewer system or treatment works. This can include, but is not limited to, streets, catch basins, pipes, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff.

22. 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.

23. Stormwater Control Measures (SCM): "Stormwater Control Measure" or "SCM," also known as a structural "Best Management Practice" or "BMP," means a permanent 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.

24. Stormwater Management Program: The term Stormwater Management Program refers to the comprehensive stormwater management program that is required to be developed and implemented by MS4 permittees.

25. Stormwater Management Plan (SWMP): The Stormwater Management Plan is the written plan that is used to describe and define the various control measures and activities the permittee will undertake to implement the stormwater management program to meet the MEP standard.

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

27. Total Maximum Daily Load (TMDL): A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is a detailed water quality assessment that provides the scientific foundation for an implementation plan. The implementation plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain water quality standards in all seasons. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

28. Waste Load Allocation (WLA): A WLA is a TMDL pollutant reduction target allocating a specific load reduction to specific point source discharge(s) of the pollutant. Some stormwater point source discharges are assigned a WLA.