ROY COOPER
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*Interim Director*

NORTH CAROLINA
*Environmental Quality*

January 31, 2024

Michael Landguth, President and CEO
Raleigh-Durham Airport Authority
PO Box 80001
Raleigh, NC 27623-80001

Subject: Draft NPDES Stormwater Permit
NPDES Permit NCS000588
Raleigh-Durham International Airport
Wake County

Dear Permittee:

The Division of Energy, Mineral, and Land Resources (DEMLR) Stormwater Permitting Program received your renewal application for coverage under NPDES Permit **NCS000588** on **September 27, 2021**. Enclosed with this letter is a copy of the draft stormwater permit for your facility. Please review the draft carefully to ensure thorough understanding of the conditions and requirements it contains.

**The draft permit contains the following significant changes from the current permit:**

1. Regulatory citations have been added.
2. Monitoring increased to quarterly for all parameters (qualitative and quantitative) and outfalls as this is a standard monitoring requirement in all stormwater permits.
3. “No discharge” clarifications were made.
4. eDMR reporting requirement was updated.
5. Feasibility study and online SWPPP certification requirements have been removed from the Stormwater Pollution Prevention Plan (SWPPP) requirements. Additional SWPPP requirements have been updated.
6. Boilerplate language has been moved into the body of the permit. There is no longer a boilerplate attachment to the permit.
7. List of co-permittees has been updated per the permit renewal application.
8. References to wastewaters has been removed throughout the permit as the permit only covers stormwater discharges. All wastewater discharges are prohibited. If your facility needs to discharge wastewater, please obtain appropriate permit coverage.

9. Monitoring for BOD, COD, and conductivity have been added for all outfalls due to the presence of deicing/anti-icing fluids, other chemicals used onsite, and washing areas present in the drainage areas.
10. Limits for pH and O&G have been removed and replaced with benchmarks to match Stormwater Program monitoring requirements.
11. Monitoring for propylene glycol added for SW016 as the RDU maintenance facility is in the drainage area.
12. Monitoring for benzene, toluene, ethylbenzene, and xylene added for SW007 as maintenance and fueling areas are in the drainage area.
13. Monitoring for DO has been removed from all outfalls as monitoring for BOD and COD was added.
14. Aquatic toxicity monitoring condition has been updated.
15. A reopener clause has been added to address emerging contaminants.
16. Minimum Monitoring and Reporting Requirements condition has been updated.
17. Part V of the previous permit regarding fees has been removed as this is already included in Parts J and M of the draft permit.
18. Stormwater benchmarks have been added per current Stormwater Program requirements.

Stormwater benchmarks are not permit limits, but rather guidelines for implementing the Stormwater Pollution Prevention Plan (SWPPP). A benchmark exceedance is not a permit violation; however, the permittee must respond to exceedances as directed in the Tier Response requirements.

Please note that representative outfall status (ROS) is a separate review process and not handled during permit renewal. If you wish to request ROS, you may visit our website at deq.nc.gov/SW-industrial and follow the instructions under "Request Representative Outfall Status".

Please note that the receiving stream is listed as impaired for PCB fish tissue advisory on the North Carolina 2022 303(d) Impaired Waters List. Addressing impaired waters is a high priority with the Division, and instream data will continue to be evaluated. If there are exceedances of permit benchmarks, and stream impairment can be attributed to your facility, then mitigative measures may be required.

Threatened and Endangered Species: Please note that your facility drains to an area where there are threatened and endangered species. The Bald Eagle (*Haliaeetus leucocephalus*), Green Floater (*Lasmigona subviridis*), Savannah Lilliput (*Toxolasma pullus*), Mimic Shiner (*Notropis volucellus*), Ringed Witch Grass (*Dichanthelium annulum*), Heller's Rabbit Tobacco (*Pseudognaphalium heller*), and Michaux's Sumac (*Rhus michauxii*) are threatened and endangered species that have been identified near your facility. Failure to abide by your stormwater permit may constitute violation of the Threatened and Endangered Species Act.

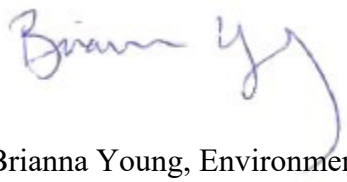
With this notification, the Division will solicit public comment on this draft permit by publishing a notice in newspapers having circulation in the general Wake County area, per EPA

requirements. **Please provide your comments, if any, to me no later than 30 days after receiving this draft permit.** Comments may be emailed to Brianna.Young@ncdenr.gov or mailed to:

NC DEMLR
Stormwater Permitting Program
Attn: Brianna Young
1612 Mail Service Center
Raleigh, NC 27699-1612

Following the 30-day public comment period, the Division will review all pertinent comments and take appropriate action prior to issuing a final permit. If you have questions concerning the draft, please contact me at Brianna.Young@ncdenr.gov or call 919-707-3647.

Sincerely,



Brianna Young, Environmental Program Consultant
DEMLR Stormwater Program

Attachment: Draft Permit NCS000588

cc: NPDES Stormwater Program Files (Laserfiche)
Raleigh Regional Office
WSS/Aquatic Toxicology Branch
USFWS
NCWRC
Gina Danison, RDUAA, Director of Environmental Programs

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

# PERMIT

TO DISCHARGE STORMWATER UNDER THE

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

In compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

**Raleigh-Durham Airport Authority**
and
**Co-Permittees named herein**

is hereby authorized to discharge stormwater from a facility located at:

**Raleigh-Durham International Airport**
**John Brantley Blvd at Aviation Parkway**
**Wake County**

to receiving waters designated as an unnamed tributary to Brier Creek, a Class C; NSW stream; to Brier Creek Reservoir, a Class C; NSW stream; an unnamed tributary to Little Brier Creek, a Class C; NSW stream; an unnamed tributary to Sycamore Creek, a Class B; NSW stream; and an unnamed tributary to Haleys Branch, a Class C; NSW stream; all in the Neuse River Basin, in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts A through J hereof.

This permit shall become effective

This permit and the authorization to discharge shall expire at midnight on **_____, 2029.**

Signed this day

_____
Michael Lawyer, Stormwater Program Supervisor
Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission

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## SUPPLEMENT TO PERMIT COVER SHEET

All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked, and as of this permit issuance, any previously issued permit bearing this number is no longer effective. Therefore, the exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions described herein.

**The Raleigh-Durham Airport Authority and the co-permittees are hereby authorized to:**

1. **Outfall SW001 (Runway 5R-23L)**: Continue to discharge stormwater runoff from runway 5R-23L, runway safety area, Aircraft Operations Area, vehicle and aircraft maintenance and fueling areas, remote fuel loading area, outdoor storage areas, outdoor parking areas, washing areas, non-contact cooling water, and deicing and anti-icing areas through Outfall SW001 into an unnamed tributary to Brier Creek, a Class C-NSW water in the Neuse River Basin.

2. **Outfall SW002 (Bulk Fuel Facility, Glycol Storage)**: Continue to discharge stormwater runoff from an oil/water separator in the Bulk Fuel Facility area, vehicle maintenance and washing areas, fuel storage areas, outdoor storage areas, anti-icing/deicing storage area, and rental car facilities through Outfall SW002 into Brier Creek Reservoir, a Class C-NSW water in the Neuse River Basin.

3. **Outfall SW003 (West of Runway 5L-23R)**: Continue to discharge stormwater runoff from a portion of runway 5L-23R, Terminals A and C, vehicle and aircraft washing, maintenance and fueling areas, outdoor storage areas, an oil/water separator, deicing and anti-icing areas, and a stormwater pond through Outfall SW003 into Brier Creek Reservoir, a Class C-NSW water in the Neuse River Basin.

4. **Outfall SW004 (General Aviation Apron)**: Continue to discharge stormwater runoff from the north ramp General Aviation Apron and North Cargo Operations, Taxiways J and L, runway safety area, vehicle and aircraft washing areas, maintenance and fueling areas, storage areas, deicing and anti-icing areas, and an oil/water separator through Outfall SW004 into an unnamed tributary to Sycamore Creek, a Class B-NSW water in the Neuse River Basin.

5. **Outfall SW007 (West of Runway 5L-23R)**: Continue to discharge stormwater runoff from a portion of runway 5L-23R, General Aviation Area, Terminal 2C, Taxiway B, vehicle and aircraft washing areas, maintenance and fueling areas, storage areas, and deicing and anti-icing areas through Outfall SW007 into Brier Creek Reservoir, a Class C-NSW water in the Neuse River Basin.

6. **Outfall SW016 (RDU Maintenance Facility)**: Continue to discharge stormwater runoff from the RDU maintenance facility and a retention pond through Outfall SW016 into an unnamed tributary to Haley's Creek, a Class C-NSW water in the Neuse River Basin.

## PART A: INDIVIDUAL PERMIT COVERAGE

During the period beginning on the effective date of the permit and lasting until expiration, the permittee and listed co-permittees are authorized to discharge stormwater associated with industrial activity. Such discharges shall be controlled, limited and monitored as specified in this permit. *[NCGS 143-215.1(a)]*

Discharges covered in this permit are the stormwater discharges from the current airport operations as well as additional stormwater discharge points that may be created by further modification or expansion of airport operations. Current discharges 001, 002, 003, 004, 007, and 016 discharge to receiving waters designated as the Brier Creek Reservoir and unnamed tributaries to Brier Creek, Little Brier Creek, Sycamore Creek, and Haleys Branch in the Neuse River Basin. The permittee and all co-permittees listed on the following page or otherwise failing within the scope of a co-permittee under this permit are bound by the obligations that apply to their activities covered by the terms of this permit.

If industrial materials and activities are not exposed to precipitation or runoff as described in 40 CFR §122.26(g), the facility may qualify for a No Exposure Certification from NPDES stormwater discharge permit requirements. Any owner or operator wishing to obtain a No Exposure Certification must:

(a) Submit a No Exposure Certification application form to the Division of Energy, Mineral and Land Resources (Division),

(b) Receive approval from the Division,

(c) Maintain no exposure conditions unless authorized to discharge under a valid NPDES stormwater permit, and

(d) Recertify the No Exposure Certification annually.

*[40 CFR 122.26(g); 15A NCAC 02H .0143(a)(10)]*

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or separate storm sewer system that has been adequately treated and managed in accordance with the terms and conditions of this permit. *[NCGS 143-215.1(a)]*

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval. The stormwater discharges allowed by this permit shall not cause or contribute to violations of Water Quality Standards. *[NCGS 143-215.1(a); 40 CFR 122.44(d); 15A NCAC 02H .0143(a)(25)]*

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. *[NCGS 143-215.1(a); 40 CFR 122.49]*

## PART B. CO-PERMITTEES

**Air Passenger and Cargo Carriers**

Air Canada
Alaska Airlines
Allegiant
American Airlines
Avelo Airlines
Bahamasair
Breeze Airways
Charter Express, Inc.
Delta Airlines
Envoy Air, Inc.
Endeavor Air
Federal Express (FedEx)
Flight Group Corporation
Frontier Airlines
Icelandair
JetBlue Airways
Martin Marietta Materials, Inc.
NC DOT Division of Aviation
SAS Institute, Inc.
Southwest Airlines, Co.
Spirit Airlines
Sun Country Airlines
United Airlines, Inc.
United Parcel Service (UPS)
UPS Freight Forwarding Services

**Airport Terminals and Services**

Signature Flight Support
Atlantic Aviation

**Airport and Miscellaneous**

LSG Sky Chefs
Raleigh-Durham Airport Authority
Sheetz, Inc.
UNC Air Operations
FSM Group

**Auto Rental**

Avis Rent A Car System, Inc.
Budget Rent A Car System, LLC
Dollar/Thrifty Rent-A-Car
Enterprise Holdings
Enterprise Rent-A-Car
Hertz Rent-A-Car
National/Alamo Rent-A-Car
Payless Car Rental
Sixt Rental Car

## PART C: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The permittee shall develop and with the co-permittees shall implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be maintained on site unless exempted from this requirement by the Division. The permittee shall implement the SWPPP and all Best Management Practices (BMPs) consistent with the provisions of this permit, to control contaminants entering surface waters. These items shall exist for the duration of the permit term and be made available to the Director upon request, and shall also be sent to the Raleigh Regional Office upon request. The SWPPP shall be considered public information in accordance with Part L-13 of this Individual Permit.

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

### C-1. Responsible Party

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

The SWPPP shall identify (a) specific position(s) responsible for the overall coordination, development, implementation, and revision of the SWPPP. Responsibilities for all components of the SWPPP shall be documented and position assignments provided.

A co-permittee may develop a SWPPP for the discharges from the co-permittee's own areas of the airport. Such SWPPP shall be submitted to the Director and the permittee for review and approval.

### C-2. General Location Map

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

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

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

(b) The name of the receiving waters to which the stormwater outfalls discharge, or if the discharge is to a Municipal Separate Storm Sewer System (MS4), the name of the municipality and the ultimate receiving waters; and

(c) Any receiving waters that exceed criteria for one or more parameters or if the site is located in a watershed for which a Total Maximum Daily Load (TMDL) has been established and, if so, a list of the parameter(s) of concern.

### C-3. Site Map

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

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

(e) Site property/permit boundary;

(f) Site topography and finished grade;

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

(h) Industrial activity areas (including: fueling, vehicle maintenance and repair, washing of materials or equipment, storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads);

(i) A table of stormwater discharge outfalls and their latitudes and longitudes;

(j) Drainage area for each outfall with an estimation of impervious area percentage;

(k) Stormwater Control Measures (SCMs);

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

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

(n) A graphic scale and north arrow;

(o) Locations of aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance; and

(p) Locations of any storage piles containing salt used for deicing or other commercial or industrial purposes. Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes, must be enclosed or covered to prevent exposure to precipitation. The permittee must implement appropriate measures (e.g., good housekeeping, diversions, and/or containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the United States or discharges from the piles are authorized and controlled under another NPDES permit.

**Location Map:**


**Latitude: 35° 52’ 44” N**
**Longitude: 78° 47’ 13” W**
**County: Wake**
**Receiving Stream: Brier Creek Reservoir, UT to Brier Creek, UT to Little Brier Creek, UT to Sycamore Creek, UT to Haleys Branch**
**Stream Class: C; NSW and B; NSW**
**Sub-basin: 03-04-02 (Neuse River Basin)**

**Approximate Facility Location**

**NCS000588**
**Raleigh-Durham International Airport**

## C-4. Narrative Description of Industrial Processes

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

The narrative description shall include:

(a) Storage practices;

(b) Loading and unloading activities;

(c) Outdoor process areas;

(d) Dust or particulate generating and control processes;

(e) Waste disposal practices; and

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

The SWPPP shall describe and assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges:

(g) Aircraft, runway, ground vehicle and equipment maintenance and cleaning; and

(h) Aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps).

Commercial tenants or other fixed based operations that conduct any of the operations listed above shall be considered co-permittees under this permit regardless of whether or not they are listed in Part B and must provide all of the above information to the Airport Authority for inclusion in the Airport Authority's SWPPP. If deicing chemicals are used, the permittee must maintain a record of the types (including the Safety Data Sheets [SDS]) used and the monthly quantities of deicing material only, not the deicing and water mixtures, either as measured or estimated. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. The pollutant list must include all significant materials, including any hazardous substances or oil handled, treated, stored, or disposed of that have been exposed to stormwater in the 3 years prior to the date the SPPP was prepared or amended.

## C-5. Evaluation of Stormwater Outfalls

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

On an annual basis, the permittee shall evaluate all stormwater outfalls for the presence of non-stormwater discharges. If non-stormwater discharges are present, the permittee shall identify the source and record whether the discharge is otherwise permitted by rule or a different permit. The permittee shall evaluate the environmental significance of the non-stormwater discharges and include a summary written record and certification statement. The certification statement and summary written record shall be retained with the SWPPP and shall be dated and signed in accordance with the requirements found in Part L-1 of this permit.

The permittee may require and rely on each co-permittee to certify annually to the permittee. These certification statements will be signed and must include:

(a) The date of any testing and/or evaluation;

(b) A description of the evaluation criteria or testing method used;

(c) A list of the outfalls or onsite drainage points that were directly observed during the test;

(d) A description of the results of any test and/or evaluation for the presence of non-stormwater discharges; and

(e) The action(s) taken to eliminate unauthorized discharge(s), if any were identified.

**C-6. Narrative Description of Stormwater SCMs/BMPs**

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

A narrative description of structural Stormwater Control Measures (SCMs) and non-structural Best Management Practices (BMPs) on site shall be provided. Appropriate SCMs/BMPs may include, but are not limited to, vegetative swales, berms, and reuse of collected stormwater (such as for an industrial process or as an irrigation source) in a manner that reduces pollutants in stormwater discharges leaving the site. The installation and implementation of SCMs/BMPs shall be based on the assessment of the potential for sources to contribute significant quantities of pollutants to stormwater discharges and on data collected through monitoring of stormwater discharges. The Narrative Description of SCMs/BMPs shall be reviewed and updated annually.

The narrative description of stormwater SCMs/BMPs shall include:

(a) A written record of the specific rationale for installation and implementation of the selected site SCMs and/or BMPs; and

(b) BMPs for vehicle maintenance activities.

**C-7. Facility Inspections**

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

Inspections of the facility and all stormwater systems shall occur as part of the Preventative Maintenance and Good Housekeeping Program at a minimum on a quarterly schedule, with at least 30 days separating inspection dates (unless performed more frequently than quarterly). These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring at the outfalls required in Parts D and E of this permit.

**C-8. Secondary Containment Plan**

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

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

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

The Secondary Containment Plan shall include:

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

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

(c) A commitment to visually observe any accumulated stormwater prior to release for color, foam, outfall staining, visible sheens, and dry weather flow. Accumulated stormwater may be released if found to be uncontaminated by any material. Accumulated stormwater found to be contaminated shall not be released from the containment area;

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

**C-9. Spill Prevention and Response Procedures**

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

A responsible person shall be on-site at all times during facility operations that have potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. For facilities subject to the federal Spill Control and Countermeasure (SPCC) regulation, the SPCC Plan may be used to support compliance with this permit. The Spill Prevention and Response Procedures (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. The SPRP must be site specific. An oil SPCC Plan may be a component of the SPRP. The common elements of the SPCC used to meet the SPRP shall be incorporated by reference into the SPRP.

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

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

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

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

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

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

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

**C-10. Preventative Maintenance and Good Housekeeping Program**

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

A preventative maintenance and good housekeeping program (PMGHP) shall be developed and implemented, and any affected co-permittee, provided that the co-permittee shall develop and implement its own PMGHP to supplement the PMGHP developed by the permittee, provided that such co-permittee PMGHP shall be consistent with the permittee's PMGHP. The permittee's program shall address all stormwater control measures (SCMs) (if applicable), stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including material storage areas, material handling areas, disposal areas, process areas, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural SCMs and non-structural BMPs. Any co-permittee's PMGHP shall include any such information as is relevant or required by the permittee's PMGHP.

The PMGHP shall include:

(a) A schedule of inspections, maintenance and housekeeping measures for industrial activity areas including, at a minimum, all material storage and handling areas, disposal areas, process areas, loading and unloading areas, haul roads, and vehicle maintenance areas. Inspections shall occur at a minimum on a quarterly schedule. A minimum of thirty (30) days must separate each inspection:

i. Period 1: January 1 – March 31

ii. Period 2: April 1 – June 30

iii. Period 3: July 1 – September 30

iv. Period 4: October 1 – December 31

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

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

The permittee can inspect any co-permittee facility in implementing this program, but co-permittees must develop and implement their own PMGHP as appropriate for their facility, but, in any event, if requested by the Director or the permittee.

**C-11. Employee Training**

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

Training programs shall be provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. The facility personnel responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained.

The annual employee training shall include, at a minimum, the following topics:

(a) General stormwater awareness;

(b) Spill response and cleanup procedures;

(c) Preventative maintenance and good housekeeping activities;

(d) Secondary containment releases; and

(e) Fueling procedures (if applicable).

Each co-permittee shall maintain its own training program and a records of its training program, which shall be consistent with the permittee's training program.

**C-12. Representative Outfall Status**

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

If the Division has granted representative outfall status (ROS), written documentation from the Division shall be part of the SWPPP. The permittee shall notify the Division of any site or activity modifications that result in a change to ROS.

**C-13. Annual SWPPP Review and Update**

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

All aspects of the SWPPP shall be reviewed and updated by permittee and co-permittees on an annual basis. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, site drainage, maintenance, or configuration of the physical features which may have a significant effect on the potential for the discharge of pollutants to surface waters.

In addition to the other items in Part C of the permit, the SWPPP update shall include:

(a) An updated list of significant spills or leaks of pollutants for the previous three (3) years, or the notation that no spills have occurred;

(b) A written certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges;

(c) A documented re-evaluation of the effectiveness of the on-site SCMs and BMPs in minimizing the contamination of stormwater runoff, including a summarization of all SCM inspections conducted throughout the year preceding the annual update;

(d) A statement that annual training requirements were met in the past year; and

(e) A review and comparison of sample analytical data to benchmark values (if applicable) over the past year, including an evaluation of Tiered Response status. The permittee shall use DEMLR's Annual Summary Discharge Monitoring Report (DMR) form, available from the Stormwater Permitting Program's website https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/npdes-industrial-program/individual-industrial-permits. This form should be kept with the SWPPP and does not need to be submitted to the Division.

**C-14. Notice to Modify SWPPP**

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

The Director may notify the permittee and co-permittees when the SWPPP does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the SWPPP to meet minimum requirements. The permittee and/or co-permittee shall provide certification in writing (in accordance with Part M-1 of this permit) to the Director that the changes have been made. The permittee shall provide copies of any amended Plan to co-permittees SWPPP to the Director and all co-permittees, and co-permittee shall provide a copy of any amended plan to permittee. Permittee may provide a copy of any co-permittee's plan to the Director. New co-permittees shall provide certification of non-in writing of receipt of the plan and the absence of stormwater discharges.

**C-15. SWPPP Documentation**

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

Documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement SCMs and BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five (5) years and made available to the Division immediately upon request.

**C-16. Solvent Management Plan**

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

The Solvent Management Plan shall be incorporated as a separate chapter into the Stormwater Pollution Prevention Plan (SWPPP). The Solvent Management Plan (SMP) shall include:

(a) An annually updated and quantified inventory of solvents present on site during the previous three (3) years;

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

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

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

If solvents are not stored or used onsite, the owner must certify that in the SWPPP. DEMLR may at is discretion require submittal, review, and approval of the SMP. The permittee shall include the following signed certification statement on each discharge monitoring report:

"Based upon my inquiry of the person or persons directly responsible for managing compliance with the permit requirement for managing solvents, I certify that to best of my knowledge and belief, no leak, spill, or dumping of concentrated solvents into the stormwater or onto areas which are exposed to rainfall or stormwater runoff has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing all provisions of the Solvent Management Plan included in the Stormwater Pollution Prevention Plan."

# PART D: QUALITATIVE MONITORING OF STORMWATER DISCHARGES

The purpose of qualitative monitoring is to implement a quick and inexpensive way to evaluate the effectiveness of the permittee's SWPPP, to identify the potential for new sources of stormwater pollution, and to prompt the permittee's response to pollution.

## D-1. Visual Inspections

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

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

(b) Visual inspections shall be performed **concurrent with required analytical monitoring on a quarterly basis**. Note: These monitoring requirements will increase to a monthly basis when responding to Tier Two status.

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

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

i. Color;
ii. Odor;
iii. Clarity;
iv. Floating Solids;
v. Suspended Solids;
vi. Foam;
vii. Oil Sheen;
viii. Deposition at or immediately below the outfall;
ix. Erosion at or immediately below the outfall; and
x. Other obvious indicators of stormwater pollution.

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

## D-2. Qualitative Monitoring Response

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

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

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

# PART E: ANALYTICAL MONITORING REQUIREMENTS

This part applies to industrial stormwater discharges of stormwater-only flows from drainage areas where industrial activities are performed.

## E-1. Required Baseline Sampling

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

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

(a) Grab samples shall be collected, analyzed, and reported for all the parameters listed in Table 1 and Table 2 below, except for Total Rainfall which shall be monitored using a rain gauge.

(b) In addition to the grab samples, the average monthly usage of new motor and hydraulic oil for the facility shall be tracked, recorded, and reported to the Division if it exceeds an average of 55 gallons per month over the previous twelve (12) months.

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

(d) Samples shall be collected from four separate monitoring periods per year, unless the facility is in Tier Two or Tier Three status. A minimum of thirty (30) days must separate any two sampling events during the following periods:

i. Period 1: January 1 – March 31
ii. Period 2: April 1 – June 30
iii. Period 3: July 1 – September 30
iv. Period 4: October 1 – December 31

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

## E-2. Baseline Sampling Benchmarks

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

(a) Analytical results for each parameter shall be compared to the benchmark values for the appropriate receiving stream classification as provided in Table 1 and Table 2. An exceedance of a benchmark value is not a permit violation; however, failure to respond in accordance with part F-2(b) of this permit is a permit violation.

(b) An exceedance of any benchmark value in Table 1 and Table 2 shall require a tiered response for that parameter. A single exceedance of a benchmark value shall require a Tier One response for that parameter. Two benchmark value exceedances in a row shall require a Tier Two response for that parameter. Four benchmark exceedances for a parameter within a five (5) year period shall require a Tier Three response for that parameter.

(c) Baseline sampling benchmarks shall be in accordance with Table 1 and Table 2 below.

**Table 1. Summary of Quarterly Baseline Sampling Requirements for Stormwater Discharges for Outfalls SW001, SW002, SW003, SW004, and SW007**

| Parameter Code for Reporting | Parameter | Frequency [1] | Benchmark |
|---|---|---|---|
| CO530 | Total Suspended Solids (TSS) | Quarterly | 100 mg/L |
| 00400 | pH [2] | Quarterly | 6 s.u. – 9 s.u. |
| 46529 | Total Rainfall of Sampled Event (inches) [3] | - | - |
| 00552 | Non-Polar Oil & Grease for drainage areas that use >55 gallons/month of oil on average per EPA Method 1664 (SGT-HEM) | Quarterly | 15 mg/L |
| NCOIL | Estimated Average Monthly Oil Usage at the Facility (gallons) | - | - |
| CO310 | Biochemical Oxygen Demand ($BOD_5$) | Quarterly | 30 mg/L |
| 00340 | Chemical Oxygen Demand (COD) | Quarterly | 120 mg/L |
| 00094 | Conductivity | Quarterly | - |
| CO600 | Total Nitrogen | Quarterly | 30 mg/L |
| CO665 | Total Phosphorus | Quarterly | 2 mg/L |
| 38260 | Methylene Blue Active Substances (MBAS) | Quarterly | 0.5 mg/L |
| 34030 | Benzene | Quarterly | 6,700 µg/L |
| | Ethylbenzene | Quarterly | |
| 34010 | Toluene | Quarterly | 55 µg/L |
| 81551 | Total Xylenes | Quarterly | 6.7 mg/L |
| | Propylene Glycol | Quarterly | |
| TGA3B | Aquatic Toxicity | Quarterly | See Part F |



Footnotes:

1. Measurement frequency: Quarterly during a measurable storm event. If the facility is monitoring monthly due to Tier Two or Tier Three response actions, the facility shall continue a monthly monitoring and reporting schedule in Tier Two or Tier Three status until relief is granted.
2. If pH values outside this range are recorded in sampled stormwater discharges, but ambient precipitation pH levels are lower, then the lower threshold of this benchmark range is the pH of the precipitation (within instrument accuracy) instead of 6 s.u.. Readings from an on-site or local rain gauge (or local

precipitation data) must be documented to demonstrate background concentrations were below the benchmark pH range.

3. For each sampled measurable storm event, the total precipitation must be recorded. An on-site rain gauge is required. Where isolated sites are unmanned for extended periods of time, a local rain gauge reading may be substitute for an on-site reading.

- Outfall SW001: Drainage area consists of stormwater runoff from runway 5R-23L, runway safety area, Aircraft Operations Area, vehicle and aircraft maintenance and fueling areas, remote fuel loading area, outdoor storage areas, outdoor parking areas, washing areas, non-contact cooling water, deicing and anti-icing areas, and a retention pond.
- Outfall SW002: Drainage area consists of stormwater runoff from an oil/water separator in the Bulk Fuel Facility area, washing areas, vehicle maintenance areas, fuel storage areas, outdoor storage areas, deicing and anti-icing storage area, and rental car facilities.
- Outfall SW003: Drainage area consists of stormwater runoff from a portion of runway 5L-23R, Terminals 1 and 2, vehicle and aircraft washing areas, maintenance and fueling areas, outdoor storage areas, an oil/water separator, deicing and anti-icing areas, and a stormwater pond.
- Outfall SW004: Drainage area consists of stormwater runoff from the north ramp General Aviation Apron and North Cargo Operations, Taxiways J and L, runway safety area, vehicle and aircraft washing areas, maintenance and fueling areas, outdoor storage areas, deicing and anti-icing areas, an oil/water separator, and a retention pond.
- Outfall SW007: Drainage area consists of stormwater runoff from a portion of runway 5L-23R, General Aviation Area, Terminal 2, Taxiway B, vehicle and aircraft washing areas, maintenance and fueling areas, outdoor storage areas, deicing and anti-icing areas, and a retention pond.

**Table 2. Summary of Quarterly Baseline Sampling Requirements for Stormwater Discharges for Outfall SW016**

| Parameter Code for Reporting | Parameter | Frequency [1] | Benchmark |
|---|---|---|---|
| CO530 | Total Suspended Solids (TSS) | Quarterly | 100 mg/L |
| 00400 | pH [2] | Quarterly | 6 s.u. – 9 s.u. |
| 46529 | Total Rainfall of Sampled Event (inches) [3] | - | - |
| 00552 | Non-Polar Oil & Grease for drainage areas that use >55 gallons/month of oil on average per EPA Method 1664 (SGT-HEM) | Quarterly | 15 mg/L |
| NCOIL | Estimated Average Monthly Oil Usage at the Facility (gallons) | - | - |
| CO310 | Biochemical Oxygen Demand ($BOD_5$) | Quarterly | 30 mg/L |
| 00340 | Chemical Oxygen Demand (COD) | Quarterly | 120 mg/L |
| 00094 | Conductivity | Quarterly | - |
| CO600 | Total Nitrogen | Quarterly | 30 mg/L |
| CO665 | Total Phosphorus | Quarterly | 2 mg/L |
| 34030 | Benzene | Quarterly | 6,700 µg/L |
| | Ethylbenzene | Quarterly | |
| 34010 | Toluene | Quarterly | 55 µg/L |
| 81551 | Total Xylenes | Quarterly | 6.7 mg/L |
| | Propylene Glycol | Quarterly | |
| TGA3B | Aquatic Toxicity | Quarterly | See Part F |

Footnotes:

1. Measurement frequency: Quarterly during a measurable storm event. If the facility is monitoring monthly due to Tier Two or Tier Three response actions, the facility shall continue a monthly monitoring and reporting schedule in Tier Two or Tier Three status until relief is granted.
2. If pH values outside this range are recorded in sampled stormwater discharges, but ambient precipitation pH levels are lower, then the lower threshold of this benchmark range is the pH of the precipitation (within instrument accuracy) instead of 6 s.u.. Readings from an on-site or local rain gauge (or local precipitation data) must be documented to demonstrate background concentrations were below the benchmark pH range.

3. For each sampled measurable storm event, the total precipitation must be recorded. An on-site rain gauge is required. Where isolated sites are unmanned for extended periods of time, a local rain gauge reading may be substitute for an on-site reading.

- Outfall SW016: Drainage area consists of the RDU maintenance facility and a retention pond.

Should the permittee identify or create any new stormwater outfalls, remove any stormwater outfalls identified in this permit, or alter any drainage areas that change the potential pollutants in runoff discharged through corresponding outfalls, the permittee will submit a request to NC DEMLR to modify this permit. For any newly discovered pipes or outfalls, the permittee must evaluate the structure and provide a report of the status and planned actions to NC DEQ within 14 days. The permittee must either (1) request modification of this permit and modify the SWPPP accordingly, or (2) eliminate potential discharges by removal, plugging, or combination of both.

## E-3. Methodology for Collecting Samples

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

(a) Outfall monitoring efforts shall begin with the first measurable storm event that occurs during the facility's normal operating hours and begins at least 72 hours after the previous measurable storm event.

(b) Grab samples shall be collected within the first 30 minutes of discharge. If physical separation between outfalls prevents collecting samples from all outfalls within the first 30 minutes of discharge, then the permittee may continue collecting samples until all outfalls that are discharging have been sampled.

(c) Outfalls that are not discharging during or after the first measurable storm event shall be sampled during the next measurable storm event, until a sample has been collected from every outfall.

(d) If, during an entire monitoring period, there is no discharge from an outfall during any measurable storm event that occurs during the facility's normal operating hours and begins at least 72 hours after the previous measurable storm event, then the permittee shall report "No Discharge" in the DMR and shall record "No Discharge" in the SWPPP. In this case, the DMR shall be submitted within 30 days after the end of the monitoring period. Lack of a discharge from an outfall for the monitoring period shall not constitute failure to monitor as long as this condition is met.

(e) Sampling is not required to be performed outside of the facility's normal operating hours or during adverse weather conditions.

(f) Samples collected shall be characteristic of the volume and nature of the permitted discharge.

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

## E-4. Locations for Collecting Samples

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

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

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

(b) Monitoring points as specified in this permit shall not be changed without written notification to and approval by the Division.

**E-5. Tier One Response: Single Benchmark Exceedance**

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

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

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

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

(c) Each exceedance of a benchmark parameter shall individually require a Tier One response.

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

**Table 3: Tier One Response for a Benchmark Exceedance**

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

**E-6. Tier Two Response: Two Consecutive Benchmark Exceedances**

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

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

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

(b) After implementing the specific feasible courses of action, perform monthly monitoring for all analytical monitoring parameters at outfall(s) in Tier Two status until three samples in a row are below the benchmark value.

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

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

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

(f) Alternatively, in lieu of the steps listed above, the permittee may, after two consecutive exceedances exercise the option of contacting the DEMLR Regional Engineer as provided below in Tier Three. The Regional Engineer may require additional response actions on the part of the permittee as provided in Tier Three, including reduced or additional sampling parameters or frequency.

**Table 4: Tier Two Response for Two Consecutive Benchmark Exceedances**

| Timeline from Receipt of Sampling Results | Tier Two Required Response/Action |
|---|---|
| Continuously | i. Document the exceedance and each required response/action in the SWPPP in accordance with Part E-6 of the permit.<br>ii. Monitor all parameters monthly (qualitative and quantitative) at appropriate outfall(s) |
| Within two weeks | iii. Notify the Division's Raleigh Regional Office in writing of the exceedance date and value.<br>iv. Conduct a stormwater management inspection.<br>v. Identify and evaluate possible causes of the benchmark exceedance. |
| Within one month | vi. Select specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements. |

## E-7. Tier Three Response: Four Benchmark Exceedances Within 5 Years

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

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

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

(b) The permittee shall prepare a written Action Plan and submit to the Division's Raleigh Regional Office for review and approval within thirty (30) days of receipt of the fourth analytical monitoring data point that exceeds the benchmark value. See Section H-1. (b) for reporting requirements. At a minimum, the Action Plan shall include:

i. documentation of the four benchmark exceedances;

ii. an inspection report that covers the industrial activities within the drainage area of the

outfall with the exceedances (including the date of the inspection and the personnel conducting the inspection);

iii. an evaluation of standard operating procedures and good housekeeping procedures;

iv. identification of the source(s) of exceedances;

v. specific actions that will be taken to remedy the identified source(s) with a schedule for completing those actions; and

vi. a monitoring plan to verify that the Action Plan has addressed the source(s).

(c) The permittee shall keep the Action Plan in the SWPPP and document when each specific action was carried out and by whom.

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

(e) The Division may, but is not limited to, require the permittee to:

i. Revise, increase, or decrease the monitoring and reporting frequency for some or all of the parameters herein;

ii. Perform additional sampling or sample for substitute parameters;

iii. Install structural stormwater control measures;

iv. Implement other stormwater control measures;

v. Perform upstream and downstream monitoring to characterize impacts on receiving waters;

vi. Implement site modifications to qualify for a No Exposure Exclusion; and/or

vii. Continue Tier Three obligations through the permit renewal process.

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

**Table 5: Tier Three Response for Four Benchmark Exceedances Within Five Years**

| Timeline from Receipt of Fourth Sampling Result | Tier Three Required Response/Action |
|---|---|
| Continuously | i. Document the exceedances and each required response/action in the SWPPP in accordance with Part E-7 of the permit.<br>ii. Monitor all parameters monthly (qualitative and quantitative) at appropriate outfall(s). |
| Within two weeks | iii. Notify the Division's Raleigh Regional Office in writing of the affected outfall, four exceedance dates and values.<br>iv. Conduct a stormwater management inspection.<br>v. Identify and evaluate possible causes of the benchmark exceedance. |
| Within one month | vi. Prepare an Action Plan and submit to the Division's Raleigh Regional Office for review and approval. |
| Upon DEQ Approval | vii. Implement the approved Action Plan. |
| Upon Completion of Approved Action Plan | viii. Notify the Division's Raleigh Regional Office of Action Plan completion. |

**E-8. Impaired Receiving Waters**

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

This site discharges to impaired waters which exceed criteria for PCB fish tissue advisory in Brier Creek and Little Brier Creek. If the Division institutes further actions, which may include the development of a Total Maximum Daily Load (TMDL) for this segment of Receiving Stream, then the Division will consider your monitoring results in determining whether additional SCMs and/or BMPs are needed to control the pollutant(s) of concern to the maximum extent practicable.

If additional SCMs and/or BMPs are needed to achieve the required level of control, the permittee will be notified in writing and required to; (1) develop a strategy for implementing appropriate SCMs and/or BMPs, and (2) submit a timetable for incorporation of those SCMs and/or BMPs into the Stormwater Pollution Prevention Plan.

## PART F. ACUTE TOXICITY MONITORING

**F-1. Quarterly Testing (Pass/Fail Acute Toxicity Testing)**

The permittee shall conduct acute toxicity tests on a **quarterly** basis using protocols defined in the North Carolina Procedure Document entitled "Pass/Fail Methodology For Determining Acute Toxicity In A Single Effluent Concentration" (Revised December 2010, or subsequent versions). The monitoring shall be performed as a *Ceriodaphnia dubia* 48-hour static test. The stormwater concentration at which there may be at no time significant acute mortality is **90 %** (defined as treatment two in the procedure document). Stormwater samples for self-monitoring purposes must be obtained during representative stormwater discharge below all waste treatment. The tests will be performed **during the first month of each quarter (January-March, April-June, July-September, October-December). If a sample cannot be collected during the first month of the quarter, a sample shall be collected at the next qualifying storm event.** Stormwater samples shall be collected as a single grab sample. Samples for self-monitoring purposes must be obtained during a representative storm event. If at any time there is significant mortality at a stormwater effluent concentration of 90%, the results will be considered as a benchmark exceedance of toxicity.

All toxicity testing results required as part of this permit condition will be entered electronically using the Division's eDMR system for the month in which it was performed, using the parameter code **TGA3B**. Additionally, DWR Form **AT-2** (original) is to be sent to the following address:

North Carolina Division of Water Resources
Water Sciences Section/Aquatic Toxicology Branch
1621 Mail Service Center
Raleigh, NC 27699-1621

Or, results can be sent to the email ATForms.ATB@deq.nc.gov.

Completed Aquatic Toxicity Test Forms shall be filed with the Water Sciences Section or the Division of Energy, Mineral, and Land Resources no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete, accurate, include all supporting chemical/physical measurements and all concentration/response data, and be certified by laboratory supervisor or approved designate signature. Total residual chlorine of the stormwater toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should there be no discharge of stormwater from the facility during a month in which toxicity monitoring is required, the permittee will complete the information located at the top of the aquatic toxicity (AT) test form indicating the facility name, permit number, stormwater outfall number, county, and the month/year of the report with the notation of "No Flow" in the comment area of the form. The report shall be submitted to the Water Sciences Section at the address cited above. **The permittee shall submit acute toxicity monitoring as outlined above at the next available representative storm event during the appropriate quarter.**

Should any test data from either these monitoring requirements or tests performed by the North Carolina Division of Water Resources and/or the Division of Energy, Mineral, and Land Resources (DEMLR) indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

Should it be determined by the North Carolina Division of Water Resources that the facility's discharge frequency and duration enable chronic sampling according to either the North Carolina Ceriodaphnia Chronic Whole Effluent Toxicity Procedure or to Section 8.3, in Methods EPA-821-R-02-013, the permit may be re-opened and modified to include chronic toxicity tests.

**NOTE**: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival and appropriate environmental controls, shall constitute an **invalid test** and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.

**F-2. Actions for Failure of Pass/Fail Testing**

Should any single scheduled monitoring indicate a failure to meet toxicity benchmark levels, within thirty (30) calendar days from availability of the test results, the permittee shall contact the Division of Energy, Mineral, and Land Resources (DEMLR) Stormwater Permitting Unit (SPU) Central Office and the Regional Office Supervisor **in writing**.

(a) If other stormwater monitoring parameters have exceeded benchmark values, the Regional Office may exempt the permittee from additional acute toxicity monitoring (other than regularly scheduled test periods) at the Regional Office's discretion. The permittee shall continue to address all other stormwater parameter benchmark exceedances.

(b) If the permittee has not exceeded other benchmark values, or if the Regional Office does not exempt the permittee from additional monitoring, the permittee shall immediately institute monthly acute toxicity monitoring with a 48-hour multiple dilution test per U.S. EPA Method 2002.0. "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms," EPA 821-R-02-012 (October 2002).

**F-3. Actions if Monthly Monitoring is Instituted (Multiple Dilution Testing)**

If monthly acute toxicity monitoring is instituted per Section II above, the permittee shall perform the tests per the following conditions:

(a) An LC50 greater than 100% shall be used as a benchmark passing endpoint; the DEMLR SPU Central Office may determine alternative endpoints as "passing" on a case-by-case basis, depending on the specific characteristics of the facility's stormwater discharge. Multiple dilution tests will be run at **100%, 50%, 25%, 12.5%, 6.25% and 0%** stormwater unless other test concentrations are determined appropriate by the DEMLR SPU Central Office.

(b) Multiple Dilution Test Results shall be submitted on form **AT-1** for Acute Multiple Dilution Tests. The parameter code is **TAA3B**. The permittee shall:
   i. Submit form AT-1 (original) to the DWR Environmental Sciences Section.
   ii. Send a completed Stormwater eDMR form (copy) with an attached form AT-1 (copy) to the appropriate DEMLR Regional Office.

(c) The permittee shall perform monthly acute toxicity monitoring until one of the following permit conditions is met.
   i. Three (3) consecutive multiple dilution tests pass. No further tests need to be performed until the next regularly scheduled test period.
   -OR-
   ii. Either of the following occurs:
      1. A total of five (5) multiple dilution tests fail.
      -OR-
      2. Three (3) consecutive multiple dilution tests fail.

If either of the above occurs, **further actions are necessary**. See Section IV. below.

(d) The permittee shall submit a summary of all test results for the multiple dilution test series along with complete copies of the test reports as received from the laboratory to the DEMLR Regional Office and DEMLR Central Office. These shall be sent and postmarked within thirty (30) calendar days of receipt of the last failed or passed multiple dilution test (as described above in Section III. 3).

**F-4. Actions for Failure of Multiple Dilution Tests (TRE, TRI, or Other Measures)**

If the permittee fails either a total of five (5) multiple dilution tests or the third consecutive multiple dilution test as described in Section III 3) b., the permittee shall execute the following:

(a) A toxicity reduction evaluation (TRE) shall be automatically instituted. Within thirty (30) calendar days from availability of the test results, the permittee shall contact the DEMLR Central Office and DEMLR Regional Office Supervisor in writing.
   i. The permittee shall submit one copy of a plan for conducting a TRE to the DEMLR SPU and one copy to the DWR Water Sciences Section. These copies shall be submitted within sixty (60) calendar days of the date of DEMLR SPU's direction to perform the TRE.
   ii. This plan must be approved by DEMLR SPU before the TRE begins. A schedule for completing the TRE shall be established in the plan approval. A Toxicity Identification Evaluation (TIE) may be a component of the TRE.
   iii. Upon DEMLR's approval, the TRE schedule may be modified if toxicity is intermittent during the TRE investigations. A revised WET test schedule may be established by DEMLR for this period.

(b) Additionally, after the first year that TRE results have been collected and submitted, depending on results, the DEMLR Regional Office may (among options):
   i. Require the permittee to install structural stormwater controls;
   ii. Require the permittee to implement other stormwater control measures or BMPs;
   iii. Require the permittee to collect and treat the discharge and/or eliminate the discharge;
   iv. Require that the permittee implement site modifications to qualify for the No Exposure Exclusion; or
   v. Require that the permittee perform upstream and downstream biological assessments in the receiving water.

**F-5. Measures Applicable to All Tests**

All acute toxicity test results shall be submitted in a concise summary at the end of the five (5) year permit term. One copy of this report shall be sent to the DEMLR Regional Office Supervisor and one copy to the DWR Water Sciences Section. Should any test data from either these monitoring requirements or tests performed by DWR indicate potential impacts to the receiving stream, this permit may be reopened and modified to include alternate monitoring requirements. If the Permittee monitors for any pollutant more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the eDMR and all Acute Toxicity Forms submitted.

## PART G. MINIMIZATION OF DEICING MATERIALS IN STORMWATER

Facilities which conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations shall:

(a) Evaluate present operating procedures to consider alternative practices that would reduce the overall amount of deicing/anti-icing chemical used and/or lessen the environmental impact of the pollutant source.

(b) Evaluate whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety.

(c) Produce and implement a plan for the minimization of the release of materials used for deicing into the stormwater system. This plan shall address, as a minimum:
   i. The current use and practices employed at the airport for the control and minimization of entry of the deicing materials into the stormwater system;
   ii. The means that may be practicable for modifying current use and practices to collect the runoff that occurs during and following the application of the deicing materials; and
   iii. Feasible alternatives to the use of urea and glycol-based deicing chemicals to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact, consistent with considerations of flight safety.

(d) Airport authorities must determine annually the usage rate of deicing/anti-icing chemicals at their facility. The total amount of deicing/anti-icing chemicals used at an airport facility is the cumulative amount used by the Airport Authority and each co-permittee of the airport facility. In determining the fluid amounts of deicing/anti-icing chemicals used at a facility, operators should use the pre-dilution volume.

(e) Annual usage rate of deicing/anti-icing chemicals shall be **reported annually to the state**. The Division may require facilities that conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations to apply for an individual permit.

## PART H. MINIMUM MONITORING AND REPORTING REQUIREMENTS

Minimum monitoring and reporting requirements are as follows unless otherwise approved in writing by the Director of the Division of Energy, Mineral, and Land Resources:

(a) Detergents used outdoors shall be biodegradable.

(b) This permit regulates stormwater discharges associated with industrial activity. Non-stormwater discharges allowable in the stormwater conveyance system include:

i. All other discharges authorized by an NPDES permit.

ii. Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, waterline and fire hydrant flushing, water from footing drains, flows from riparian habitats and wetlands.

iii. Discharges resulting from firefighting or firefighting training.

(c) Glycol and Urea Usage: The permittee shall be responsible for summarizing the amount of glycol (and urea if applicable) dispensed each month for deicing/anti-icing activities and submit this data on an annual basis. This information shall be submitted with the February monthly DMR, covering the previous calendar year.

# PART I. LIMITATIONS REOPENER

## I-1. Limitations Reopener

This individual permit shall be modified or, alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b)(2)(c), and (d), 304(b)(2), and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

(a) Contains different conditions or is otherwise more stringent than any effluent limitation in the individual permit; or

(b) Controls any pollutant not limited in the individual permit.

The individual permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

## I-2. Emerging Contaminants

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

## PART J: SUBMITTAL OF DISCHARGE MONITORING REPORTS (DMRs)

**J-1. Deadlines for Submittal of Discharge Monitoring Reports**

*[40 CFR 127.11(a); 15A NCAC 02H .0143(a)(48)]*

Discharge Monitoring Reports (DMRs) shall be submitted no later than 30 days from the date the facility receives all the sampling results. For permits issued between March 1-31, June 1-30, September 1-30 or December 1-31, sampling shall not commence until the next sampling period following initial issuance of the permit.

**J-2. Electronic Discharge Monitoring Reporting (eDMR) Process**

*[40 CFR 127.11; 15A NCAC 02H .0143(a)(48)*

Unless otherwise informed by the Director, permittees shall register for eDMR within 30 days of the permit issuance date. Permittees shall follow the guidelines for submitting data that are set forth in the Stormwater eDMR User Manual, available on the Division's website at deq.nc.gov/SW-eDMR.

**J-3. Occurrences of No Discharge**

*[40 CFR 122.41(l)(4), 122.44(i); 15A NCAC 02H .0143(a)(22), (25)]*

If no discharge occurs during the sampling period, the permittee must record within 30 days of the end of the sampling period in the facility's monitoring records in accordance with the guidelines for submitting data that are set forth in the Stormwater eDMR User Manual, available on the Division's website at deq.nc.gov/SW-eDMR.

**J-4. Reports if More Frequent Monitoring Has Occurred**

*[40 CFR 122.41(l)(4)(ii); 15A NCAC 02H .0143(a)(22)]*

If the permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this permit, the results of such monitoring shall be included in the data submitted on the DMR. However, for purposes of benchmark comparison and Tiered response actions, the permittee shall use the analytical results from the first sample with valid results within the monitoring period and submit it no later than 30 days from that date the facility receives the sampling results.

**J-5. Report if Begin Discharging to a New Stormwater Discharge Outfall**

*[15A NCAC 02H .0114(a)]*

The permittee shall submit a letter describing the modification and an updated site map to the Division prior to discharging to a new SDO. Division approval must be granted in writing prior to discharging to a new SDO.

**J-6. Qualitative Monitoring Reports**

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

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division at deq.nc.gov/SW-industrial and shall retain the completed forms on site. Qualitative monitoring results shall not be submitted to the Division, except upon the Division's specific requirement to do so. Qualitative Monitoring Report forms are available on the Division's website.

**J-7. Monitoring Report Retention**

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

Copies of the following reports shall be maintained on-site or be available electronically to the Division upon request. These records or copies shall be maintained for a period of at least five (5) years from the

date of the sample, measurement, report, permit renewal, or permit application. This period may be extended by request of the Director at any time [40 CFR 122.41].

(a) Calibration and maintenance records,

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

(c) Discharge Monitoring Reports (DMRs) and eDMR or other electronic DMR report submissions,

(d) Visual monitoring records, and

(e) Copies of all data used to complete the permit application.

**J-8. Waivers from Electronic Reporting**

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

(a) If a permittee is unable to use the eDMR system due to a demonstrated hardship or due to the facility being physically located in an area where less than 10 percent of the households have broadband access, then a temporary waiver from the NPDES electronic reporting requirements may be granted and discharge monitoring data may be submitted on paper DMR forms or alternative forms approved by the Director. Duplicate signed copies shall be submitted to the mailing address above. See "How to Request a Waiver from Electronic Reporting" section below.

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

(c) Information on eDMR and the application for a temporary electronic reporting waiver are found on the DEQ web page at deq.nc.gov/SW-eDMR.

## PART K: OTHER OCCURENCES THAT MUST BE REPORTED

After becoming aware of an occurrence that must be reported, the permittee shall contact the Division's Raleigh Regional Office within the timeframes and in accordance with the other requirements listed in Table 6 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

The permittee shall report all instances of noncompliance not reported under 24-hour reporting at the time monitoring reports are submitted. *[40 CFR 122.41(l); 15A NCAC 02H .0143(a)(22)]*

**Table 6: Other Occurrences that Shall Be Reported**

| Occurrence | Reporting Timeframes (After Discovery) and Other Requirements |
|---|---|
| Visible Sedimentation in a stream or wetland<br>*[40 CFR 122.41(l); 15A NCAC 02H .0143(a)(22)]* | (a) ***Within 24 hours***, an oral or electronic notification.<br>(b) ***Within 7 calendar days***, a report that contains a description of the sedimentation event and permittee actions taken to address it. |
| Oil spills if they are:<br>• 25 gallons or more,<br>• less than 25 gallons but cannot be cleaned up within 24 hours,<br>• cause sheen on surface waters (regardless of volume), or<br>• are within 100 feet of surface waters (regardless of volume).<br>*[NCGS 143-215.85]* | (c) ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release. |
| Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act or Section 102 of CERCLA or G.S. 143-215.85<br>*[NCGS 143-215.85; 40 CFR 110.3; 40 CFR 117.3; 40 CFR 302.4]* | (d) ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release. |
| Noncompliance with the conditions of this permit that may endanger health or the environment.<br>*[40 CFR 122.41(l)(7); 15A NCAC 02H .0143(a)(22)]* | (e) ***Within 24 hours***, an oral or electronic notification.<br>(f) ***Within 7 calendar days***, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6).<br>(g) Division staff may waive the requirement for a written report on a case-by-case basis. |

# PART L: PERMIT ADMINISTRATION

## L-1. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified [40 CFR 122.41(k)].

(a) All permit applications shall be signed as follows:

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

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

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

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

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

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

ii. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

iii. The written authorization is submitted to the Director.

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

(c) Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. *[40 CFR 122.22; 15A NCAC 02H .0143(a)(6)]*

(d) Certification. Any person signing a document under paragraphs (a) or (b) of this section, or submitting an electronic report (e.g., eDMR), shall make the following certification [40 CFR

122.22; 15A NCAC 02H .0143(a)(6)]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED.

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

**L-2. Permit Expiration**

*[40 CFR 122.21(d); 15A NCAC 02H .0143(a)(5)]*

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 forms and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit) [40 CFR 122.21(d)]. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subjected to enforcement procedures as provided in NCGS §143-215.36 and 33 USC 1251 et. seq.

**L-3. Planned Changes**

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

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants which are not specifically listed in the permit or subject to notification requirements under 40 CFR Part 122.42(a).

**L-4. Transfers**

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

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

**L-5. Sale or Closure**

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

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

**L-6. Permit Modification, Revocation and Reissuance, or Termination**

*[15A NCAC 02H .0112]*

The issuance of this permit does not prohibit the Director 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. After public notice and opportunity for a hearing, the permit may be terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination does not stay any permit condition.

**L-7. Anticipated Noncompliance**

[*40 CFR 122.41(l)(2); 15A NCAC 02H .0143(a)(22)*

The permittee shall give advanced notice to the Director of any planned changes at the permitted facility which may result in noncompliance with the permit.

**L-8. Requirement to Report Incorrect Information**

[*40 CFR 122.41(l)(8); 15A NCAC 02H .0143(a)(22)]*

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

**L-9. Annual Administering and Compliance Monitoring Fee Requirements**

[*15A NCAC 02H .0105(b)(2)]*

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 02H .0105(b)(2) may cause this Division to initiate action to revoke coverage under this permit.

**L-10. Flow Measurements**

*[40 CFR 122.48; 15A NCAC 02B .0505; 15A NCAC 02H .0143(a)(29)]*

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

**L-11. Test Procedures**

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

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

If no approved methods are determined capable of achieving minimum detection and reporting levels below the permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

**L-12. Representative Outfall**

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

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical, and the permittee is granted

representative outfall status, then analytical sampling requirements may be performed at a reduced number of outfalls.

**L-13. Availability of Reports**

*[15A NCAC 02H .0115]*

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Clean Water Act.

**L-14. Permit Actions**

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

The permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

**L-15. Recording Results**

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

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

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

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

(c) The date(s) analyses were performed;

(d) The individual(s) who performed the analyses;

(e) The analytical techniques or methods used; and

(f) The results of such analyses.

# PART M: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

## M-1. Proper Operation and Maintenance

The permittee shall at all times:

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

(b) Implement laboratory controls and quality assurance procedures for onsite labs and field parameter testing.

(c) Operate back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit *[40 CFR 122.41(e); 15A NCAC 02H .0143(a)(22)]*.

## M-2. Corrective Actions

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

The permittee shall take corrective actions if self-inspections required by this permit identify a need for corrective actions, a facility fails to perform satisfactorily, or a facility creates nuisance conditions.

Corrective actions shall include, but not be limited to: maintenance, modifications, or additions to existing control measures, the construction of additional or replacement treatment or disposal facilities, or implementation of new BMPs. Corrective actions shall be completed as soon as possible considering adverse weather and site conditions.

## M-3. Draw Down of Treatment Facilities for Essential Maintenance

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

The permittee may draw down stormwater and wastewater treatment facilities if the drawdown is for essential maintenance to assure efficient operation and one of the following conditions is met:

(a) Either treatment facilities shall be drawn down from the surface, or

(b) Analytical sampling data of the water stored in the treatment facility demonstrates that the discharge will not exceed benchmarks or violate effluent limitations in this permit. The sampling data shall be collected no more than 14 calendar days prior to the draw down.

## M-4. Bypasses of Stormwater Control Facilities

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

Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass unless one of the following conditions are met:

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

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater, or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices and identified the reason(s) for the bypass as required under Part M-6 of this permit.

If the Director determines that it will meet the three conditions listed above, the Director may approve an anticipated bypass after considering its adverse effects.

**M-5. Upsets**

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

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

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

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

(c) The permittee submitted notice of the upset and identified the cause(s) of the upset as required under part M-6 of this permit.

**M-6. Required Notice for Bypass or Upset**

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

After a permittee becomes aware of an occurrence that must be reported, the permittee shall contact the Division's Regional Office within the timeframes and in accordance with the requirements listed in Table 7 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Hotline at (800) 858-0368.

**Table 7: Bypass and Upset Reporting Requirements**

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

**M-7. SCM Clean-Out**

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

SCMs must be cleaned out when sediment storage capacity equals or exceeds 50 percent of the design sediment volume, or if visible sedimentation is leaving the property.

## PART N: COMPLIANCE AND LIABILITY

### N-1. Compliance Schedule

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

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

(a) **Facilities applying for permit renewal:** All requirements, conditions, limitations, and controls contained in this permit (except new SWPPP elements in this permit renewal) shall become effective immediately upon issuance of this permit. New elements of the Stormwater Pollution Prevention Plan for this permit renewal shall be developed and implemented within 6 months of the effective date of this permit and updated thereafter on an annual basis. Secondary containment, as specified in C-8 of this permit shall be accomplished prior to the beginning of stormwater discharges from the operation of the industrial activity.

### N-2. Duty to Comply

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

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit upon renewal application [40 CFR 122.41].

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

(b) The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $51,570 per day for each violation [33 USC 1319(d) and 40 CFR 122.41(a)(2)].

(c) The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)].

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

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

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

(g) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $20,628 per violation, with the maximum amount of any Class I penalty assessed not to exceed $51,570. Penalties for Class II violations are not to exceed $20,628 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $257,848 [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)].

**N-3. Duty to Mitigate**

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

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

**N-4. Civil and Criminal Liability**

Except as provided in Part M-4 of this permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-215.3, l43-215.6, or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

**N-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 l43-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

**N-6. Property Rights**

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

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.

**N-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 [NCGS 150B-23].

**N-8. Duty to Provide Information**

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

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

**N-9. Penalties for Tampering**

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

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 four years, or both.

**N-10. Penalties for Falsification of Reports**

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

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 six months per violation, or by both.

**N-11. Onshore or Offshore Construction**

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

**N-12. Duty to Reapply**

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

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

**N-13. Inspection and Entry**

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

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations 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.

**N-14. Need to Halt or Reduce Not a Defense**

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

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.

## PART O: DEFINITIONS

Act
See Clean Water Act.

Adverse Weather
Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical. When adverse weather conditions prevent the collection of samples during the sample period, the permittee must take a substitute sample or perform a visual assessment during the next qualifying storm event. Documentation of an adverse event (with date, time and written narrative) and the rationale must be included with SWPPP records. Adverse weather does not exempt the permittee from having to file a monitoring report in accordance with the sampling schedule. Adverse events and failures to monitor must also be explained and reported on the relevant DMR.

Allowable Non-Stormwater Discharges
This permit regulates stormwater discharges. However, non-stormwater discharges which shall be allowed in the stormwater conveyance system include:

(a) All other discharges that are authorized by a non-stormwater NPDES permit;
(b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands; and
(c) Discharges resulting from firefighting or fire-fighting training, or emergency shower or eye wash as a result of use in the event of an emergency.

Best Management Practices (BMPs)
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure. More information on BMPs can be found on the Environmental Protection Agency's website.

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

Bulk Storage of Liquid Materials
Liquid raw materials, intermediate products, manufactured products, waste materials, or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers having a total combined storage capacity of greater than 1,320 gallons.

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

Co-Permittee
Co-permittee is an entity listed in Part B of this permit and includes any entity that is added to that list during the life of this permit, as well as any entity that is included under Part C-4 of this permit.

Co-Permittee SPPP
An SPPP prepared by the co-permittee relating to the co-permittee's discharge activities that is separate and apart from the permittee's SPPP for the entire airport. Each co-permittee shall implement such plan as it is required to prepare and implement under this permit. A co-permittee's plan and its implementation shall not conflict with the permittee's SPPP.

Division or DEMLR
The Division of Energy, Mineral, and Land Resources, Department of Environmental Quality.

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

EMC
The North Carolina Environmental Management Commission.

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

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

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

Impaired Waters
Streams, rivers and other bodies of water that do not meet water quality standards and may require development of a Total Maximum Daily Load (TMDL) per Section 303(d) of the federal Clean Water Act.

Landfill
A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Measurable Storm Event
A storm event that results in an actual discharge from the permitted site outfall. The previous measurable storm event must have been at least 72 hours prior. The 72-hour storm interval may not apply if the permittee is able to document that a shorter interval is representative for local storm events

during the sampling period and obtains approval from the local DEMLR Raleigh Regional Office. Two copies of this information and a written request letter shall be sent to the local DEMLR Raleigh Regional Office. After authorization by the DEMLR Raleigh Regional Office, a written approval letter must be kept on site in the permittee's SWPPP.

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

No Exposure
A condition of no exposure means that all industrial materials and activities are protected by a storm-resistant shelter or acceptable storage containers to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products [40 CFR 122.26 (b)(14)]. DEMLR may grant a No Exposure Exclusion from NPDES Stormwater Permitting requirements only if a facility complies with the terms and conditions described in 40 CFR §122.26(g).

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

(a) Outstanding fish habitat and fisheries;
(b) Unusually high level of water-based recreation or potential for such kind of recreation;
(c) Some special designation such as N.C. Scenic/Natural River, or National Wildlife Refuge;
(d) Important component of state or national park or forest; or
(e) Special ecological or scientific significance (rare or endangered species habitat, research or educational areas).

All ORWs are also considered High Quality Waters (HQW) by supplemental classification.

Permittee
The owner or operator issued this permit, who is the legally responsible party for compliance.

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.

Representative Outfall Status
When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, the Division may grant representative outfall status. Representative outfall status allows the permittee to perform analytical monitoring at a reduced number of outfalls.

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

Section 313 Water Priority Chemical
A chemical or chemical category which:

(a) Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
(b) Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
(c) Meets at least one of the following criteria:

1. Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
2. Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
3. Is a pollutant for which EPA has published acute or chronic water quality criteria.

Severe Property Damage
Substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Materials
Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Significant Spills
Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (Ref: 40 CFR 110.3and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4).

Stormwater Discharge Associated with Industrial Activity
This term is defined in 40 CFR 122.26(14).

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

Stormwater Control Systems
All systems at present at the facility used for the control and facilitation of stormwater, including but not limited to, all drainage systems and all stormwater control measures and best management practices.

Stormwater Discharge Outfall (SDO)
The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.

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

Stormwater Associated with Industrial Activity
The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

Stormwater Pollution Prevention Plan (SWPPP)
A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

Total Maximum Daily Load (TMDL)
TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. A list of approved TMDLs for the state of North Carolina can be found on the Division's website.

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

Trout Water (Tr)
Supplemental NC water quality classification intended to protect freshwaters for natural trout propagation and survival of stocked trout on a year round basis. This is not the same as the NC Wildlife Resources Commission's Designated Public Mountain Trout Waters.

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

Vehicle Maintenance Activity
Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations. This definition includes equipment maintenance activity that uses hydraulic oil and that is stored or used outside, or otherwise exposed to stormwater.

Visible Sedimentation
Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

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

25-year, 24-hour Storm Event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.