STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

**Draft PERMIT**

TO DISCHARGE WASTEWATER UNDER THE

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provision 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,

## Duke Energy Progress, LLC.

is hereby authorized to discharge wastewater from a facility located at the

**W.H. Weatherspoon Plant**
491 Power Plant Road
Lumberton NC
Robeson County

to receiving waters designated as the Lumber River in the Lumber River Basin in accordance with effluent limitations, monitoring requirements, and other applicable conditions set forth in Parts I, II, and III hereof.

This permit shall become effective

This permit and authorization to discharge shall expire at midnight on

Signed this day

__DRAFT_____
Linda Culpepper, Interim Director
Division of Water Resources
By Authority of the Environmental Management Commission

## SUPPLEMENT TO PERMIT COVER SHEET

All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked. 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 included herein.

**Duke Energy Progress, LLC.**
is hereby authorized to:

1. Continue to :

   - Discharge from the cooling pond which includes effluent from the oil/water separator used for treatment of drains from combustion turbine and oil remediation recovery system, plant area storm water runoff, water from coal ash truck wash, interstitial water from coal ash pond upon commencement of dewatering and toe drains that are routed into the cooling pond through internal outfalls 115A via **outfall 001** under extremely severe weather conditions or during pond maintenance.

   - Discharge from the cooling pond which includes effluent from above mentioned sources via emergency spillway **outfall 002** under extremely severe weather conditions only. Sampling of this spillway is waived due to unsafe conditions associated with sampling during an extreme rainfall event.

   - Discharge of interstitial water from ash pond to cooling pond via internal **outfall 001A**.

   - Discharge of toe drains S-11 (Latitude - 34° 35' 18”N, Longitude - 78° 58' 5”W), S-12 (Latitude - 34° 35' 19”N, Longitude - 78° 58' 4”W), S-13 (Latitude - 34° 35' 20”N, Longitude - 78° 58' 2”W), S-14 (Latitude - 34° 35' 20”N, Longitude - 78° 58' 1”W), S-25 (Latitude - 34° 35' 19.76”N, Longitude -78° 58' 3.64”W), S-26 (Latitude - 34° 35' 20.23”N, Longitude -78° 58' 2.76”W), S-27 (Latitude - 34° 35' 20.68”N, Longitude - 78° 58' 1.91”W) to the cooling pond via internal **outfall 115A.**

2. Discharge from said treatment works at the location specified on the attached map into the Lumber River which is classified C-Sw waters in the Lumber River Basin.

## Part I

**A. (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001- Cooling Pond) [15A NCAC 02B .0400 et seq., 02B .0500 et seq.]**

During the period beginning on the effective date of this permit lasting until expiration, the permittee is authorized to discharge from **Outfall 001** under specified conditions[1]. Such discharges shall be limited and monitored[2] by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | LIMITS | | MONITORING REQUIREMENTS | | |
|---|---|---|---|---|---|
| | Monthly Average | Daily Maximum | Measurement Frequency | Sample Type | Sample Location[3] |
| Flow, MGD | | | Each Event | Estimate | Effluent |
| Temperature °C | | | Each Event | Grab | Effluent |
| $BOD_5$ | 30.0 mg/L | 45.0 mg/L | Each Event | Grab | Effluent |
| Fecal Coliform (geo. mean) | 200/100 mL | 400/100 mL | Each Event | Grab | Effluent |
| Total Suspended Solids | 30.0 mg/L | 100.0 mg/L | Each Event | Grab | Effluent |
| Total Dissolved Solids | | | Each Event | Grab | Effluent |
| pH | 6.0 ≤ pH ≤ 9.0 | | Each Event | Grab | Effluent |
| Turbidity[4], NTU | | | Each Event | Grab | Effluent |
| Oil and Grease | 15.0 mg/L | 20.0 mg/L | Each Event | Grab | Effluent |
| Hardness[5] –Total as [CaCO3 or (Ca + Mg)] (mg/L) | | | Each Event | Grab | Effluent, Upstream |
| Chlorides[6] mg/L | | | Each Event | Grab | Effluent |
| Sulfates[6] mg/L | | | Each Event | Grab | Effluent |
| Total Kjeldahl Nitrogen (TKN), mg/L | | | Each Event | Grab | Effluent |
| Nitrite/Nitrate Nitrogen ($NO_2$-N + $NO_3$-N), mg/L | | | Each Event | Grab | Effluent |
| Total Nitrogen (TN), mg/L TN = ($NO_2$ + $NO_3$) + TKN | | | Each Event | Calculated | Effluent |
| Total Phosphorus, mg/L | | | Each Event | Grab | Effluent |
| Total Arsenic[5,6,7] | 2.8 mg/L | 6.0 mg/L | Each Event | Grab | Effluent |
| Total Cadmium,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Chromium,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Copper,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Lead,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Selenium,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Zinc,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Thallium,[5,6] µg/L | | | Each Event | Grab | Effluent |
| Total Mercury,[5,8] | | | Each Event | Grab | Effluent |
| Naphthalene | | | Each Event | Grab | Effluent |
| Total Phenols | | | Each Event | Grab | Effluent |
| Acute Toxicity[9] | | | Each Event | Grab | Effluent |

Notes:

1. This discharge is permitted only in cases caused by extreme rainfall (100-year 24-hour rainfall); where unavoidable to prevent loss of life, severe property damage, or damage to the cooling pond structure; or maintenance activities. In the event a discharge occurs, the permittee shall inform the North Carolina Division of Water Resources by telephone within 48 hours after the discharge event. The permittee shall also provide the Division with the following written information within ten (10) days of the discharge: a) a description and cause of the discharge; and b) the period of discharge, including approximate dates and times, the anticipated period the discharge is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the discharge. The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters from the discharge, including such monitoring as is necessary to determine the environmental impact of the discharge. Permittee is required to notify the Fayetteville Regional Office and NPDES Permitting Unit 48 hours in advance if a discharge will occur due to maintenance activities.
2. The permittee shall submit Discharge Monitoring Reports electronically using NC DWR's eDMR application system. See Special Condition A. (13).
3. Sample Location: Upstream – Approximately ¼ miles above outfall.

4. The discharge from this facility shall not cause turbidity in the receiving stream to exceed 50 NTU. If the instream turbidity exceeds 50 NTU due to natural background conditions, the discharge cannot cause turbidity to increase in the receiving stream. Therefore, if the effluent measurement exceeds 50 NTU, the Permittee shall sample upstream and downstream turbidity in the receiving waterbody, within 24 hours, to demonstrate the existing turbidity level in the receiving waterbody was not increased. All data shall be reported on the DMRs. (See 15A NCAC 2B .0211 (21)).
5. Sampling for hardness, arsenic, cadmium, chromium, copper, lead, selenium, thallium, mercury and zinc shall all coincide with sampling for acute toxicity.
6. Monitoring apply upon commencement of dewatering.
7. Limits apply upon commencement of dewatering.
8. The facility shall use EPA method 1631E.
9. Acute Episodic Toxicity Testing (24-hour Fathead Minnow); refer to Section A. (6).

**All domestic wastewater produced at the power plant is to be fully treated through the onsite wastewater treatment system prior to being discharged.**

**The permittee shall obtain authorization from the Division of Water Resources prior to using any biocide in the cooling pond water; see condition A. (7).**

**There shall be no discharge of floating solids or foam visible in other than trace amounts.**

**A. (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Emergency Outfall 002- Cooling Pond) [15A NCAC 02B .0400 et seq., 02B .0500 et seq.]**

During the period beginning on the effective date of this permit lasting until expiration, the permittee is authorized to discharge[1] from **Outfall 002** under specified conditions. Such discharges shall be limited and monitored by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | LIMITS[3] | | MONITORING REQUIREMENTS[2] | | |
|---|---|---|---|---|---|
| | Monthly Average | Daily Maximum | Measurement Frequency[3] | Sample Type | Sample Location |
| Flow, MGD | | | Waived | Estimate | Effluent |
| Temperature °C | | | Waived | Grab | Effluent |
| $BOD_5$ | 30.0 mg/L | 45.0 mg/L | Waived | Grab | Effluent |
| Fecal Coliform (geo. mean) | 200/100 mL | 400/100 mL | Waived | Grab | Effluent |
| Total Suspended Solids | 30.0 mg/L | 100.0 mg/L | Waived | Grab | Effluent |
| Total Dissolved Solids, mg/L | | | Waived | Grab | Effluent |
| pH | $6.0 \leq pH \leq 9.0$ | | Waived | Grab | Effluent |
| Turbidity NTU | | | Waived | Grab | Effluent |
| Oil and Grease | 15.0 mg/L | 20.0 mg/L | Waived | Grab | Effluent |
| Hardness –Total as [CaCO3 or (Ca + Mg)], mg/L | | | Waived | Grab | Effluent, Upstream |
| Chlorides, mg/L | | | Waived | Grab | Effluent |
| Sulfates, mg/L | | | Waived | Grab | Effluent |
| Total Kjeldahl Nitrogen (TKN), mg/L | | | Waived | Grab | Effluent |
| Nitrite/Nitrate Nitrogen ($NO_2$-N + $NO_3$-N), mg/L | | | Waived | Grab | Effluent |
| Total Nitrogen (TN), mg/L TN = ($NO_2$ + $NO_3$) + TKN, mg/L | | | Waived | Calculated | Effluent |
| Total Phosphorus, mg/L | | | Waived | Grab | Effluent |
| Total Arsenic | 2.8 mg/L | 6.0 mg/L | Waived | Grab | Effluent |
| Total Cadmium, µg/L | | | Waived | Grab | Effluent |
| Total Chromium, µg/L | | | Waived | Grab | Effluent |
| Total Copper, µg/L | | | Waived | Grab | Effluent |
| Total Lead, µg/L | | | Waived | Grab | Effluent |
| Total Selenium, µg/L | | | Waived | Grab | Effluent |
| Total Zinc, µg/L | | | Waived | Grab | Effluent |
| Total Thallium, µg/L | | | Waived | Grab | Effluent |
| Total Mercury, ng/L | | | Waived | Grab | Effluent |
| Naphthalene, µg/L | | | Waived | Grab | Effluent |
| Total Phenols, mg/L | | | Waived | Grab | Effluent |
| Acute Toxicity | | | Waived | Grab | Effluent |

Notes:

1. This discharge is permitted only in cases caused by extreme rainfall (100-year 24-hour rainfall); where unavoidable to prevent loss of life, severe property damage, or damage to the cooling pond structure. In the event a discharge occurs, the permittee shall inform the North Carolina Division of Water Resources by telephone within 48 hours after the discharge event. The permittee shall also provide the Division with the following written information within ten (10) days of the discharge: a) a description and cause of the discharge; and b) the period of discharge, including approximate dates and times, the anticipated period the discharge is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the discharge. The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters from the discharge.
2. Effluent limitations and monitoring requirements are waived due to unsafe conditions associated with sampling during an extreme rainfall event.

**There shall be no discharge of floating solids or foam visible in other than trace amounts.**

**A. (3) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Internal Outfall 001A-Ash Pond Water) [15A NCAC 02B .0400 et seq., 02B .0500 et seq.]**

During the period beginning on the effective date of this permit and lasting until expiration, the permittee is authorized to discharge effluent through **Internal Outfall 001A (decanting - the free water above the settled ash layer that does not involve mechanical disturbance of the ash /dewatering-removing the interstitial water/ normal operations – Water leaking/trickling/flowing from ash pond to cooling pond)** Such discharges shall be limited and monitored[1] by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | LIMITS | | MONITORING REQUIREMENTS | | |
|---|---|---|---|---|---|
| | Monthly Average | Daily Maximum | Measurement Frequency | Sample Type | Sample Location[2] |
| Flow, MGD | 2.0 | | Daily | Pump Logs or estimate | Effluent |
| Total Suspended Solids[3] | 30.0 mg/L | 100.0 mg/L | Weekly | Grab | Effluent |
| Oil and Grease | 15.0 mg/L | 20.0 mg/L | Weekly | Grab | Effluent |
| TDS, mg/L | | | Weekly | Grab | Effluent |
| pH[4] | 6.0 ≤ pH ≤ 9.0 | | Weekly | Grab | Effluent |
| Hardness[5] –Total as [CaCO3 or (Ca + Mg)], mg/L | | | Weekly | Grab | Effluent |
| Chlorides, mg/L | | | Weekly | Grab | Effluent |
| Sulfates, mg/L | | | Weekly | Grab | Effluent |
| Total Arsenic, µg/L | | | Weekly | Grab | Effluent |
| Total Cadmium, µg/L | | | Weekly | Grab | Effluent |
| Total Chromium, µg/L | | | Weekly | Grab | Effluent |
| Total Copper, µg/L | | | Weekly | Grab | Effluent |
| Total Lead, µg/L | | | Weekly | Grab | Effluent |
| Total Selenium, µg/L | | | Weekly | Grab | Effluent |
| Total Zinc, µg/L | | | Weekly | Grab | Effluent |
| Total Thallium, µg/L | | | Weekly | Grab | Effluent |
| Total Mercury[5] , ng/L | | | Weekly | Grab | Effluent |

Notes:

1. The permittee shall submit Discharge Monitoring Reports electronically using NC DWR's eDMR application system. See Special Condition A. (13).
2. Effluent sampling shall be conducted at discharge from the ash settling pond prior to mixing with any other waste stream.
3. The facility shall continuously monitor TSS concentration when the dewatering process commences (and the pump is operating) and the dewatering pump shall be shut off automatically when one half of the Daily Maximum limit (15 minutes average) is exceeded. Pumping will be allowed to continue if interruption might result in a dam failure or damage.
4. The facility shall continuously monitor pH when the dewatering process commences (and the pump is operating) and the dewatering pump shall be shut off automatically when 15 minutes running average pH falls below 6.1 standard units or rises above 8.9 standard units. Pumping will be allowed to continue if interruption might result in a dam failure or damage.
5. The facility shall use EPA method 1631E.

**There shall be no discharge of floating solids or visible foam in other than trace amounts.**

**The facility shall notify via e-mail DWR Complex NPDES Permitting Unit and DWR Fayetteville Regional Office seven calendar days prior to the commencement of the dewatering.**

**When the facility commences the ash pond dewatering, the facility shall treat the wastewater discharged from the ash pond using physical-chemical treatment, if necessary, to assure state Water Quality Standards are not contravened in the receiving stream. Duke Energy shall notify DWR NPDES Permitting and DWR [Regional Office], in writing, within seven calendar days of installing additional physical-chemical treatment at this Outfall.**

**The facility shall use a floating pump suction pipe with free water skimmed from the basin surface using an adjustable weir.**

**The rate for lowering the liquid level in a coal ash pond shall not exceed one (1) foot per day unless a higher rate is supported to the satisfaction of DEMLR and in accordance with NCAC, Title 15A, Subchapter 2K.**

**A. (4) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Internal Outfall 115A – Toe Drains S-11, S-12, S-13, S-14, S-25, S-26, S-27) [15A NCAC 02B .0400 et seq., 02B .0500 et seq.]**
During the period beginning on the effective date of this permit and lasting until expiration, the permittee is authorized to discharge toe drain water to the cooling pond through **Internal Outfall 115A**. Such discharges shall be limited and monitored[1] by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | LIMITS | | MONITORING REQUIREMENTS | | |
|---|---|---|---|---|---|
| | Monthly Average | Daily Maximum | Measurement Frequency | Sample Type | Sample Location |
| Flow, MGD | | | Daily | Pump logs or estimate | Effluent |
| Oil and Grease | 15.0 mg/L | 100 mg/L | Quarterly | Grab | Effluent |
| Total Suspended Solids | 30.0 mg/L | 20 mg/L | Quarterly | Grab | Effluent |

Notes:
1. The permittee shall submit Discharge Monitoring Reports electronically using NC DWR's eDMR application system. See Special Condition A. (13).

**If no discharge occurs during the reporting period or the Permittee is unable to obtain a representative sample due to low-flow conditions at the toe drain, the Permittee shall submit its DMR, as required, and indicate "No Flow" for the toe drain (15A NCAC 02B .0506(a)(1)(E)).**

**All samples shall be taken from a representative discharge.**

**There shall be no discharge of floating solids or foam visible in other than trace amounts.**

**A. (5) ADDITIONAL CONDITIONS AND DEFINITIONS [NCGS 143-215.3 (a) (2) and NCGS 143-215.66]**
The following special conditions are applicable to all outfalls regulated by this permit:

a) EPA methods 200.7 or 200.8 (or the most current versions) shall be used for analyses of all metals except for total mercury (EPA Method 1631E).
b) All effluent samples for all external outfalls shall be taken at the most accessible location after the final treatment but prior to discharge to waters of the U.S. (40 CFR 122.41(j)).
c) For all outfalls where the flow measurement is to be "estimated" the estimate can be done by using calibrated V-notch weir, stop-watch and graduated cylinder, or other method approved by the Division.
d) The permittee shall report the presence of cenospheres observed in any samples on the DMRs in the comment section.
e) There shall be no discharge of polychlorinated biphenyl compounds.
f) Nothing contained in this permit shall be construed as a waiver by the permittee of any right to a hearing it may have pursuant to State or Federal laws or regulations.
g) The permittee shall report all visible discharges of floating materials (such as an oil slick) to the Director when submitting DMRs.
h) All flows shall be reported on monthly DMRs. Should no flow occur during a given month, the words "no flow" should be clearly written on the front of the DMR.

**A. (6) ACUTE TOXICITY MONITORING (Outfall 001) [15A NCAC 02B .0400 et seq., 02B .0500 et seq.]**

The permittee shall conduct FIVE acute toxicity tests using protocols defined as definitive in E.P.A. Document EPA/600/4–90/027 entitled "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms." The monitoring shall be performed as a Fathead Minnow (*Pimephales promelas*) 24 hour static test. Effluent samples for self-monitoring purposes must be obtained below all waste treatment. Sampling and subsequent testing will occur during the first five discrete discharge events after the effective date of this permit. After monitoring of the first five toxicity tests, the permittee will conduct one test annually, with the annual period beginning in January of the next calendar year. The annual test requirement must be performed and reported by June 30. If no discharge occurs by June 30, notification will be made to the Division within 2 weeks after June 30. Toxicity testing will be performed on the next discharge event for the annual test requirement.

The parameter code for this test is TAE6C. All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Form (MR-1) for the month in which it was performed, using the appropriate parameter code. Additionally, DWR Form AT-1 (original) is to be sent to the following address:

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

Completed Aquatic Toxicity Test Forms shall be filed with the Water Sciences Section no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete and accurate and include all supporting chemical/physical measurements performed in association with the toxicity tests, as well as all dose/response data. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

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

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.

**A. (7) BIOCIDE CONDITION [NCGS 143-215.1]**

The permittee shall not use any biocides except those approved in conjunction with the permit application. The permittee shall notify the Director in writing not later than ninety (90) days prior to instituting use of any additional biocide used in cooling pond which may be toxic to aquatic life other than those previously reported to the Division of Water Resources. Such notification shall include completion of Biocide Worksheet Form 101 and a map locating the discharge point and receiving stream. Completion of Biocide Worksheet Form 101 is not necessary for those outfalls containing toxicity testing. Division approval is not necessary for the introduction of new biocides into outfalls currently tested for whole effluent toxicity.

**A. (8) COMPLIANCE BOUNDARY [15A NCAC 02L.0107]**

The compliance boundary for the disposal system shall be specified in accordance with 15A NCAC 02L .0107(a) or (b) dependent upon the date permitted. An exceedance of groundwater standards at or beyond the compliance boundary is subject to remediation action according to 15A NCAC 02L .0106(c), (d), or (e) as well as enforcement actions in accordance with North Carolina General Statute 143-215.6A through 143-215.6C.

The compliance boundary map for this facility is incorporated herein and attached hereto as an attachment-1.

**A. (9) STRUCTURAL INTEGRITY INSPECTIONS OF ASH POND DAM [15A NCAC 02K.0208]**

The facility shall meet the dam design and dam safety requirements per 15A NCAC 2K. Dam inspections, maintenance and repairs are overseen by the Dam Safety program at DEMLR.

**A. (10) ASH POND CLOSURE**

The facility shall prepare an Ash Ponds Closure Plan. This Plan shall be submitted to the Division one month prior to the closure of the ash ponds.

**A. (11) INSTREAM MONITORING [15A NCAC 02B.0500 ET SEQ.]**

The facility shall conduct monthly in-stream monitoring in the Lumber River (approximately ¼ mile upstream and ¼ mile downstream of the Outfall 001) for total arsenic, total selenium, total mercury (method 1631E), total chromium, dissolved lead, dissolved cadmium, dissolved copper, dissolved zinc, total bromide, total hardness (as CaCO3), turbidity, and total dissolved solids (TDS). The monitoring results shall be reported on the facility's Discharge Monitoring Reports and included with the NPDES permit renewal application. The sampling locations are shown in the attached map.

**A. (12) APPLICABLE STATE LAW (STATE ENFORCEABLE ONLY) [NCGS 143-215.1(B)]**

This facility shall meet the General Statute requirements under NCGS § 130A-309.200 *et seq*. This permit may be reopened to include new requirements imposed under these Statutes.

**A. (13) ELECTRONIC REPORTING OF DISCHARGE MONITORING REPORTS [G.S. 143-215.1(B)]**

Federal regulations require electronic submittal of all discharge monitoring reports (DMRs) and program reports. The final NPDES Electronic Reporting Rule was adopted and became effective on December 21, 2015.

NOTE: This special condition supplements or supersedes the following sections within Part II of this permit (*Standard Conditions for NPDES Permits*):

- Section B. (11.) Signatory Requirements
- Section D. (2.) Reporting
- Section D. (6.) Records Retention
- Section E. (5.) Monitoring Reports

**1. <u>Reporting Requirements [Supersedes Section D. (2.) and Section E. (5.) (a)]</u>**

The permittee shall report discharge monitoring data electronically using the NC DWR's Electronic Discharge Monitoring Report (eDMR) internet application.

Monitoring results obtained during the previous month(s) shall be summarized for each month and submitted electronically using eDMR. The eDMR system allows permitted facilities to enter monitoring data and submit DMRs electronically using the internet. Until such time that the state's eDMR application is compliant with EPA's Cross-Media Electronic Reporting Regulation (CROMERR), permittees will be required to submit all discharge monitoring data to the state electronically using eDMR and will be required to complete the eDMR submission by printing, signing, and submitting one signed original and a copy of the computer printed eDMR to the following address:

NC DEQ / Division of Water Resources / Water Quality Permitting Section
ATTENTION: Central Files
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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 (MR 1, 1.1, 2, 3) 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.

Regardless of the submission method, the first DMR is due on the last day of the month following the issuance of the permit or in the case of a new facility, on the last day of the month following the commencement of discharge.

Starting on **December 21, 2020**, the permittee must electronically report the following compliance monitoring data and reports, when applicable:

- Sewer Overflow/Bypass Event Reports;
- Pretreatment Program Annual Reports; and
- Clean Water Act (CWA) Section 316(b) Annual Reports.

The permittee may seek an electronic reporting waiver from the Division (see "How to Request a Waiver from Electronic Reporting" section below).

**2. Electronic Submissions**

In accordance with 40 CFR 122.41(l)(9), the permittee must identify the initial recipient at the time of each electronic submission. The permittee should use the EPA's website resources to identify the initial recipient for the electronic submission.

Initial recipient of electronic NPDES information from NPDES-regulated facilities means the entity (EPA or the state authorized by EPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data [see 40 CFR 127.2(b)].

EPA plans to establish a website that will also link to the appropriate electronic reporting tool for each type of electronic submission and for each state. Instructions on how to access and use the appropriate electronic reporting tool will be available as well. Information on EPA's NPDES Electronic Reporting Rule is found at: http://www2.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule.

Electronic submissions must start by the dates listed in the "Reporting Requirements" section above.

**3. How to Request a Waiver from Electronic Reporting**

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 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.

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page:

http://deq.nc.gov/about/divisions/water-resources/edmr

**4. Signatory Requirements [Supplements Section B. (11.) (b) and Supersedes Section B. (11.) (d)]**

All eDMRs submitted to the permit issuing authority shall be signed by a person described in Part II, Section B. (11.)(a) or by a duly authorized representative of that person as described in Part II, Section B. (11.)(b). A person, and not a position, must be delegated signatory authority for eDMR reporting purposes.

For eDMR submissions, the person signing and submitting the DMR must obtain an eDMR user account and login credentials to access the eDMR system. For more information on North Carolina's eDMR system, registering for eDMR and obtaining an eDMR user account, please visit the following web page:

http://deq.nc.gov/about/divisions/water-resources/edmr

Certification. Any person submitting an electronic DMR using the state's eDMR system shall make the following certification [40 CFR 122.22]. 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."*

**5. Records Retention [Supplements Section D. (6.)]**

The permittee shall retain records of all Discharge Monitoring Reports, including eDMR submissions. These records or copies shall be maintained for a period of at least 3 years from the date of the report. This period may be extended by request of the Director at any time [40 CFR 122.41].

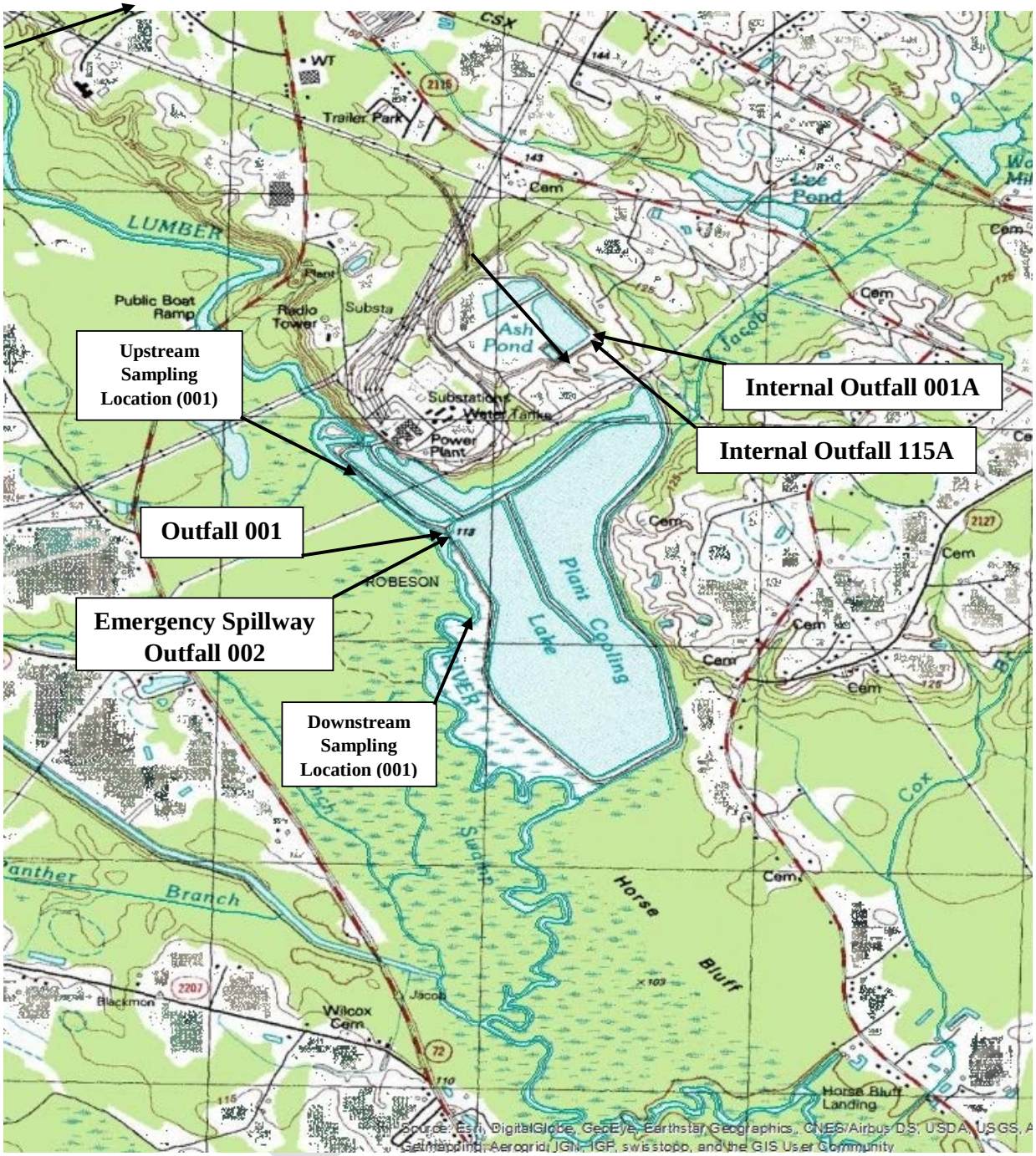
A**. (14) FISH TISSUE MONITORING NEAR ASH POND DISCHARGE (Outfall 001 and Emergency Outfall 002) [NCGS 143-215.3 (a) (2)]**

The facility shall conduct fish tissue monitoring annually and submit the results with the NPDES permit renewal application. The objective of this monitoring is to evaluate potential uptake of pollutants by fish tissue near the ash pond discharge. The parameters analyzed in fish tissue shall include arsenic, selenium, and mercury. The monitoring shall be conducted in accordance with the sampling plan approved by the Division. The plan should be submitted to the Division within 180 days from the effective date of the permit. Upon approval, the plan becomes an enforceable part of the permit.

Copies of all the study plans, study results, and any other applicable materials should be submitted to:

1) Electronic Version Only (pdf and CD)
   Division of Water Resources
   WQ Permitting Section - NPDES
   1617 Mail Service Center
   Raleigh, NC 27699-1617

2) Electronic Version (pdf and CD) and Hard Copy
   Division of Water Resources
   Water Sciences Section
   1623 Mail Service Center
   Raleigh, NC 27699-1623




**W.H. Weatherspoon Plant – NC0005363**
**Duke Energy Carolinas, LLC. – Robeson County**

| | | | |
|---|---|---|---|
| Receiving Stream: | Lumber River, Jacob Swamp | Stream Class: | C-Sw |
| Drainage Basin: | Lumber River Basin | Sub-Basin: | 03-07-51 |
| Permitted Flow: | Not Regulated | HUC: | 03040203 |
| State Grid/USGS Quad: | I23SW/SE Lumberton, NC | | |

N

Facility Location (Not to scale)


Latitude 34° 34’ 58” N Longitude 78° 58’ 25” W

# Attachment - 1
# Compliance Boundary Map