



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

February 26, 2011

Ronald E. Ferrell, Senior Scientist
PBS&J
1616 East Millbrook Road
Suite 310
Raleigh, NC 27609

Subject: Permit No. NCS000516

Dear Mr Ferrell:

In accordance with your application for a stormwater discharge permit, we are forwarding herewith the subject state - NPDES permit, NCS000516. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215 .1 and the Memorandum of Agreement between North Carolina and the US Environmental Protection agency dated May 9, 1994 (or as subsequently amended).

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611 -7447. Unless such demand is made, this decision shall be final and binding.

This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Environmental Management or permits required by the Division of Land Resources, Coastal Area Management Act or any other Federal or Local governmental permit that may be required.

If you have any questions concerning this permit, please contact Mike Randall at mike.randall@ncdenr.gov or by telephone number 919/807-6374.

Sincerely,

for Coleen H. Sullins

cc: DWQ Washington Regional Office
Central files
Stormwater Permitting Unit Files

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**STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
Division of Water Quality**

PERMIT NO. NCS000516

**TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

North Carolina Global TransPark Authority

is hereby authorized to discharge stormwater from a facility located at

North Carolina Global TransPark Site
Lenoir County, North Carolina

to receiving waters designated as Wheat Swamp, Stonyton Creek, Briery Run and Gum Swamp Drainage Basins, in the Neuse River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI and VII and VIII hereof.

This permit shall become effective March 1, 2011.

This permit and the authorization to discharge shall expire at midnight on February 28, 2016.

Signed this day February 26, 2011.



for Coleen H. Sullins, Director
Division of Water Quality

By the Authority of the Environmental Management Commission

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PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the permit and lasting until expiration, North Carolina Global TransPark Authority is authorized to discharge stormwater from the storm sewer system, continue operation of oil water separators not associated with wastewater discharges, construction activities, and industrial activities identified herein, to receiving waters, designated as Wheat Swamp, Stonyton Creek, Briery Run and Gum Swamp Drainage Basins, in the Neuse River Basin. Such discharge will be controlled, limited and monitored in accordance with the permittee's Comprehensive Stormwater Management Program Report, herein referred to as the Stormwater Management Plan (SWMP). The SWMP includes components of the permittee's NPDES Stormwater Permit Application, NPDES Stormwater Permit Application Comprehensive Stormwater Management Program Report and any approved modifications, and the permittee's industrial stormwater control plan. The requirements in this permit apply to stormwater discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes in Major Group 45, namely air transportation, scheduled, and air courier (SIC 4512 and 4513); air transportation, non scheduled (SIC 4522); airports, flying fields, except those maintained by aviation clubs, and airport terminal services including: air traffic control, except government; aircraft storage at airports; aircraft upholstery repair; airfreight handling at airports; airport hangar rental; airport leasing, if operating airport; airport terminal services; and hangar operations; and airport and aircraft service and maintenance including: aircraft cleaning and janitorial service; aircraft servicing/repairing, except on a factory basis; vehicle maintenance shops; material handling facilities; equipment clearing operations; and airport and aircraft deicing/anti-icing. (SIC 4581) The types of activities that Air Transportation facilities are primarily engaged in are:
 - (a) Servicing, repairing, or maintaining aircraft and ground vehicles,
 - (b) Equipment cleaning and maintenance (including vehicle and equipment rehabilitation mechanical repairs, painting, fueling, and lubrication), and
 - (c) Deicing/anti-icing operations. Deicing will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities.
2. All discharges authorized herein shall be adequately managed in accordance with the terms and conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval.
3. 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.
4. This permit covers activities associated with the discharge of stormwater from the storm sewer system and industrial activities identified herein within the jurisdictional area of the permittee as described in the approved SWMP. The permit applies to current and future jurisdictional areas of the permittee, as well as areas that seek coverage under this permit through inter-local or other similar agreements with the permittee. Agreements for coverage under this permit must be approved by the Division of Water Quality, herein referred to as the Division. If a tenant obtains authorization under this permit and develops a Plan for discharges from the commercial tenant's own areas of the airport, that Plan must be coordinated and integrated with the Plan for the entire airport. North Carolina Global TransPark Authority shall maintain a list of all current tenants by type and SIC Code. The Director may require a tenant to apply for and obtain an individual

permit or an alternative General Permit for industrial activities outside the scope of this permit per Part I - Permit Coverage, paragraph 1 above.

5. The Division may deny or revoke coverage under this permit for separate entities and require independent permit coverage as deemed necessary. In addition, the permittee may petition the Division to revoke or deny coverage under this permit for specific entities.
6. Under the authority of Section 402(p) of the Clean Water Act and implementing regulations 40 CFR Part 122, 123 and 124, North Carolina General Statutes 143-215.1 and Session Law 2006-246 and in accordance with the approved SWMP, all provisions contained and referenced in the SWMP are enforceable parts of this permit. The permittee will develop and implement its approved SWMP in accordance with Section 402(p)(3)(B) of the Clean Water Act, provisions outlined by the Director, and the provisions of this permit.
7. This permit includes provisions to ensure that discharges do not cause or contribute to exceedances of water quality standards. This permit sets technology-based limitations in the form of Best Management Practices that apply to all pollutants associated with industrial activity. The permit requires the development and proper implementation of the SWMP. The purpose of the SWMP is to reduce the discharge of pollutants from the stormwater sewer system to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the SWMP constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the SWMP and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the SWMP.
8. If at any time the Division determine(s) that the permittee's discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take corrective actions and conduct follow-up monitoring. If the Division makes the determination that the permittee's discharge causes or contributes to an exceedance of a water quality standard, the permittee must comply with any requirements or schedules, including submitting additional information concerning the potential cause of the exceedance.
9. The permit authorizes the point source discharge of stormwater runoff from the storm sewer system and industrial activities identified herein. In addition, discharges of non-stormwater are also authorized through the storm sewer system of the permittee if such discharges are:
 - (a) Permitted by, and in compliance with, another permit, authorization, or approval, including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or
 - (b) Determined to be incidental non-stormwater flows that do not significantly impact water quality and may include:
 - water line and fire hydrant flushing;
 - landscape irrigation;
 - diverted stream flows;
 - rising groundwaters;
 - uncontaminated groundwater infiltration;
 - uncontaminated pumped groundwater;

- discharges from uncontaminated potable water sources;
- foundation or footing drains;
- air conditioning condensate (commercial/residential);
- irrigation waters;
- ground water or spring water;
- water from crawl space pumps;
- footing drains;
- lawn watering;
- residential and charity car washing;
- flows from riparian habitats and wetlands;
- dechlorinated swimming pool discharges;
- street wash water;
- routine external building washdown that does not use detergents;
- incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., piped cooling tower blowdown or drains); and
- flows from emergency fire fighting.

The Division may require that non-stormwater flows of this type be controlled by the permittee's Stormwater Plan.

10. Unless otherwise stated, full compliance with the requirements of the permit is expected upon the effective date of the permit.

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PART II FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES

SECTION A: PROGRAM IMPLEMENTATION

The permittee will implement, manage and oversee all provisions of its SWMP to reduce pollutants discharged from the separate stormwater sewer system. This includes, but is not limited to, the following areas:

1. The permittee will develop and maintain adequate legal mechanisms, such as regulations, ordinances, policies and/or procedures to implement all provisions of the SWMP. The permittee will keep the Division advised of the status of development of appropriate ordinances and legal authorities and will pursue these authorities in accordance with the schedule outlined in the SWMP.
2. The permittee's SWMP will be implemented and managed such that the discharge of pollutants from the stormwater sewer system is reduced to the maximum extent practicable. It is anticipated that in order to meet this provision, implementation of the SWMP will occur with emphasis given to priority areas and to management measures and programs that are most effective and efficient at varying stages of the plan's implementation.
3. The permittee will implement the components of the SWMP to prohibit, to the maximum extent practicable, illicit connections, spills and illegal dumping into the stormwater sewer system.
4. The permittee will maintain adequate funding and staffing to implement and manage the provisions of the SWMP.
5. The permittee will implement appropriate education, training, outreach, and public involvement programs to support the objectives of this stormwater discharge permit and the SWMP.
6. The permittee will implement a program to reduce pollution from construction site runoff as described in the SWMP and in accordance with this permit.
7. The permittee will implement a post-construction site runoff control program to regulate new development and redevelopment by requiring structural and non-structural best management practices to protect water quality, to reduce pollutant loading, and to minimize post-development impacts. This program will include provisions for long-term operation and maintenance of BMPs.
8. The permittee will evaluate operations and develop and implement an appropriate program to reduce the potential for stormwater pollution.
9. Proposed permit modifications must be submitted to the Director for approval.
10. Discharges of a hazardous substance or oil in excess of reporting quantities caused by a non-stormwater discharge (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. In the event of a spill, the requirements of Section 311 of the CWA and other applicable provisions of Sections 301 and 402 of the CWA continue to apply.

11. If the permittee becomes subject to an approved TMDL, and following notice of such by the Division, the permittee shall implement a TMDL Water Quality Recovery Program. The following additional requirements apply.
- (a) Within two years after receiving the Division's notice that the permittee is subject to a TMDL, the permittee shall establish a TMDL Water Quality Recovery Program and shall identify the locations of all currently known storm sewer system outfalls within its jurisdictional area with the potential of discharging the pollutant(s) of concern: to the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments. The permittee shall also develop a schedule to discover and locate all other storm sewer system outfalls within its jurisdictional area that may be discharging the pollutant(s) of concern: to the impaired stream segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.
 - (b) Within two years after receiving the Division's notice that the permittee is subject to a TMDL, the permittee shall develop a monitoring plan for each pollutant of concern. The monitoring plan shall include the sample location by verbal description and latitude and longitude coordinates, sample type, frequency, any seasonal considerations, and a monitoring implementation schedule for each pollutant of concern. Where appropriate, the permittee may reduce the monitoring burden by proposing to monitor outfalls that the Division would consider substantially similar to other outfalls. The permittee may also propose in-stream monitoring where it would complement the overall monitoring plan. The monitoring plan shall be adjusted as additional outfalls are identified in accordance with the schedule required in (a) above and as accumulating data may suggest.
 - (c) The permittee shall include the location of all currently known stormwater sewer system outfalls with the potential of discharging the pollutant(s) of concern, the schedule for discovering and locating currently unknown stormwater sewer system outfalls with the potential of discharging the pollutant(s) of concern, and the monitoring plan, (all as required in (a) and (b) above, and all part of the TMDL Water Quality Recovery Program) in the first SWMP annual report due no earlier than two years after the Division's initial notification of the applicability of a TMDL.
 - (d) The next and each subsequent SWMP annual report shall include an assessment of the available data for each pollutant of concern, and an assessment of the effectiveness of the BMPs employed, to determine what, if any, additional BMP measures may be necessary to return the impaired segments to compliance with state water quality standards. The permittee shall implement appropriate BMPs to control the pollutant(s) of concern to the maximum extent practicable. Implementation of the appropriate best management practices constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.
 - (e) Following any review and comment by the Division on the TMDL Water Quality Recovery Program, the permittee shall incorporate any necessary changes into the program. The permittee shall incorporate the revised TMDL Water Quality Recovery Program into the SWMP.

The permittee can identify the impaired stream segments in the stormwater sewer system jurisdictional area by referencing the 2004 Integrated 305(b) and 303(d) Report (or current version), available on the website of the Division of Water Quality Modeling and TMDL Unit.

12. If a wasteload allocation (WLA) has been established that applies to the permittee's discharge, the permittee must develop and implement all necessary controls to meet that allocation. The permittee must verify that their discharge complies with the WLA through the appropriate discharge monitoring. Failure to comply with a relevant WLA is a violation of this permit. If the permittee has properly complied with the requirements of this permit, and finds that the applicable TMDL does not specify a wasteload allocation or other requirements either individually or categorically for the permittee's discharge (including disallowing such discharge), compliance with this permit will be deemed adequate to meet the requirements of the TMDL.

If a TMDL has not been established that applies to the permittee's discharge the permittee must comply with the requirements of this permit and any additional conditions stipulated by the Division. If the permittee has properly complied with all such requirements then compliance with this permit will be deemed adequate to meet the requirements for discharging to an impaired water.

13. This permit stipulates pollutant benchmark concentrations. The benchmark concentrations do not constitute direct numeric effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily to determine the overall effectiveness of the SWMP and to assist in knowing when additional corrective action may be necessary to protect water quality. If the average of four quarterly discharge samples exceed a benchmark concentration the permittee must review their SWMP and BMPs to determine whether any improvement or additional controls are needed to reduce that pollutant in the stormwater discharge(s). Failure to undertake and document the review, take the necessary corrective actions, or follow notification procedures stipulated in this permit are violations of this permit.

SECTION B: STORMWATER MANAGEMENT PROGRAM

1. The permittee must implement and enforce a storm water management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management program should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the permitting authority determines appropriate for the control of such pollutants. The storm water management program must include the following information for each of the six minimum control measures described in Section B.2 of this permit:
- (a) The best management practices (BMPs) that the permittee or another entity will implement for each of the storm water minimum control measures;
 - (b) The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action; and
 - (c) The person or persons responsible for implementing or coordinating the BMPs for the stormwater management program.

2. Minimum Control Measures: The six minimum control measures that must be included in the stormwater management program are:
- (a) **Public Education and Outreach on Storm Water Impacts:** The permittee must implement a public education program, within 12 months of the permit issue date, to distribute educational materials to the community, conduct equivalent outreach activities about the impacts of storm water discharges on water bodies, raise public awareness on the causes and impacts of stormwater pollution and inform the public on the steps they can take to reduce pollutants in storm water runoff.
 - (b) **Public Involvement/Participation:** The permittee must at a minimum, provide opportunities for the public to participate in program development and implementation and comply with State, Tribal, and local public notice requirements when implementing a public involvement/participation program.
 - (c) **Illicit Discharge Detection and Elimination:**
 - (i) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR §122.26(b)(2)) into the MS4;
 - (ii) Develop and maintain a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
 - (iii) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions;
 - (iv) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system;
 - (v) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
 - (vi) Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if identified as significant contributors of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).
 - (vii) The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not

be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee must document in the SWMP any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.

- (d) Construction Site Storm Water Runoff Control
- (i). The permittee relies on the NCDENR Division of Land Resources (DLR) Erosion and Sediment Control Program to comply with this minimum measure.
 - (ii). The NCDENR Division of Land Resources Erosion and Sediment Control Program effectively meets the requirements of the Construction Site Runoff Controls by permitting and controlling development activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development. This program is authorized under the Sediment pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. This program includes procedures for public input, sanctions to ensure compliance, requirements for construction site operators to implement appropriate erosion and sediment control practices, review of site plans which incorporates consideration of potential water quality impacts, and procedures for site inspection and enforcement of control measures.
 - (iii). NCDENR Division of Water Quality NPDES general permit for construction activities (NCG010000) effectively meets the above requirements. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
 - (iv). The permittee must provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems. The permittee may implement a plan promoting the existence of the NCDENR, Division of Land Resources “Stop Mud” hotline to meet the requirements of this paragraph.
 - (v). The permittee may pursue local government implementation of the Erosion and Sediment Control Program by requesting a “minor modification” to the permit.

- (e) Post-Construction Storm Water Management in New Development and Redevelopment
- (i) Implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;
 - (ii) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the community; and
 - (iii) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and
 - (iv) Ensure adequate long-term operation and maintenance of BMPs.
- (f) Pollution Prevention and Good Housekeeping for NCGTP Operations
- (i) Within 24 months of permit issuance, identify each area where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products, by-products, final products and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of raw material, intermediate products, final products and waste products.
 - (ii) Within 24 months of permit issuance develop and implement an operation and maintenance program for each industrial activity where industrial materials or activities are exposed to stormwater and for each structural stormwater BMPs. For each area where industrial materials or activities are exposed to stormwater, include a narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. List all stormwater control systems, 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 BMPs. The program shall specify the frequency of inspections, operation and maintenance, and housekeeping activities, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. The inspection and any subsequent maintenance activities performed shall be documented, recording date and time of inspection, individual(s) making the inspection, and a description of the facility's stormwater control and systems. NCGTP must identify and map all structural stormwater BMPs. The map must identify the stormwater outfalls corresponding to each of the BMP as well as the receiving waters to which these BMPs discharge. The map must be maintained and

updated regularly and be available for review by the permitting authority. NCGTP shall maintain and implement, assess annually and update as necessary an O&M program for all structural stormwater BMPs. The O&M program shall specify the frequency of inspections and routine maintenance requirements. NCGTP shall inspect and maintain all structural stormwater BMPs in accordance with the schedule developed by NCGTP. NCGTP must document inspections and maintenance of all structural stormwater BMPs.

- (iii) Within 24 months of permit issuance describe and assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If deicing chemicals are used, the permittee must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, 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. Commercial tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion in the airport authority's Plan. The pollutant list must include all significant materials, including any hazardous substances or oil handled, treated, stored, or disposed of that may be exposed to stormwater.
- (iv) Secondary Containment Requirements. Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected directly to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism), and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated by the material stored within the containment area.
- (v) Conduct and document regular inspections at industrial activities where industrial materials or activities are exposed to stormwater, structural stormwater BMPs, and stormwater conveyance systems. Evaluate the sources, document deficiencies, plan corrective actions, implement appropriate controls, and document the accomplishment of corrective actions.
- (vi) Describe measures that prevent or minimize contamination of the stormwater runoff from industrial activities with the potential for generating polluted stormwater runoff.
- (vii) Spill Prevention and Response Plan. The Spill Prevention and Response Plan (SPRP) shall incorporate an assessment of potential pollutant sources based on a

materials inventory of the facility. Facility personnel (or the team) responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP. A responsible person shall be on-site at all times during facility operations that have the potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP. Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Employees who may cause, detect or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. Include contact information for individuals and agencies that must be notified in the event of a spill in the Plan and in other locations where it will be readily available.

- (viii) Within 24 months of permit issuance, develop training program materials. Within 36 months of permit issuance conduct initial annual training of GTP staff specific for pollution prevention and good housekeeping procedures. The permittee must document all training sessions and the employees who received the training. All employees who work in areas where industrial materials or activities are exposed to stormwater, or are responsible for implementing good housekeeping activities (e.g., inspectors, maintenance personnel), must participate in the training in annual training. Training must include such topics as spill response, good housekeeping, material management practices, inspection and operation and maintenance. The program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
- (ix) Deicing and Anti-Icing Industrial Control Plan: NCGTP shall develop within 24 months of permit issuance a management plan to minimize possible glycol and urea discharges from airport areas with these operations. Plan requirements shall address:
 - (A) Include Best Management Practices (BMPs), economically reasonable and appropriate in light of current industry practices, that are selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce pollutants in the permittee's discharge;
 - (B) Describe and ensure implementation of practices used to eliminate or reduce pollutants in stormwater discharges;
 - (C) 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.
 - (D) Evaluate whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety.

- (E) Develop and implement a plan for the minimization of the release of materials used for de-icing into the stormwater system. This plan shall address:
- The current use and practices employed at the airport for the control and minimization of entry of the de-icing materials into the stormwater system; and
 - 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 de-icing materials.
 - 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.
 - 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 tenant 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.
- (vi) Prepare estimates of annual pollutant loadings discharged to storm sewer systems or surface waters resulting from discharges of spent deicing/anti-icing chemicals from the facility. The loading estimates shall reflect the amounts of deicing/anti-icing chemicals discharged to separate storm sewer systems or surface waters.

SECTION C: MONITORING REQUIREMENTS

1. Benchmark Monitoring where Deicing/Anti-icing Activities Occur
- (a) The permittee must monitor those outfalls from the airport facility that collect runoff from areas where deicing/anti-icing activities occur (SIC 4512-4581) for all benchmark parameters listed in Table 1. Monitoring for all benchmark parameters must be conducted according to the procedures in Part II Section C, Paragraph 3.

Table 1 - Benchmark Monitoring Parameters and Concentrations

Parameter	Benchmark Monitoring Concentration
Biochemical Oxygen Demand (BOD ⁵)	30 mg/L
Chemical Oxygen Demand (COD)	120 mg/L
Ammonia	19 mg/L
PH	6.0 - 9.0 s.u.
Total Suspended Solids (TSS)	100 mg/L
Oil and Grease	30 mg/l

- (b) Benchmark monitoring must be conducted once during the December through February time period provided a deicing event occurs, except as provided in Part II Section C, Paragraph 3.
 - (c) Submit results from all benchmark monitoring to the Division.
 - (d) If the monitoring values exceed the benchmark the permittee must review their SWMP within 14 days to determine if it satisfies the requirements of this permit. The permittee must document the date and findings of their review. If the permittee determines that the SWMP satisfies the requirements of this permit, the permittee must document the justification for this determination. If the permittee determines that the SWMP does not satisfy the requirements of Part II the permittee must initiate corrective action.
 - (f) The permittee may exercise a waiver of the benchmark monitoring requirements at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If the permittee exercises this waiver, the permittee must maintain a certification with the SWMP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. The permittee must sign and certify the waiver.
 - (g) Where two or more outfalls discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct visual monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s), provided the permittee documents in the SWMP the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent).
2. Discharges to Impaired Waters. Monitoring is required for discharges to impaired waters unless the permittee documents that there is no exposure of the pollutant of concern to stormwater at the permittee's site.
- (a) The permittee must submit results from all monitoring to the Division. Discharge Monitoring Reports shall be delivered to the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.
 - (b) For discharges that are conveyed directly or indirectly to impaired waters, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit. This monitoring requirement is waived after one year if the pollutant of concern is not detected in the permittee's stormwater discharge.
 - (c) For discharges that are conveyed directly or indirectly to waters for which EPA has approved or established a TMDL with a wasteload allocation applicable to the permittee's discharge (either specifically or categorically), monitoring for the wasteload allocation pollutant of concern must be conducted, consistent with any instructions in TMDL documentation. If the TMDL documentation does not specify monitoring requirements, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit, unless this permit already

assigns the permittee's discharge a benchmark for the pollutant of concern, in which case the permittee must follow the benchmark monitoring schedule. The monitoring year begins on the day the permittee's discharge is authorized. This monitoring must be conducted in addition to all other monitoring requirements prescribed in this permit. Monitoring of a pollutant of concern for which the discharge has been assigned a wasteload allocation cannot be waived unless the WLA is specified only in terms of BMPs, in which case the monitoring requirement is waived after one year if the pollutant of concern is not detected in the stormwater discharge and the permittee documents that the permittee has adopted the required BMPs.

3. Monitoring Instructions

- (a) The permittee must sample in accordance with the following provisions:
 - i. Take a minimum of one grab sample from a discharge resulting from a storm event with at least 0.1 inch of precipitation (defined as a measurable event), provided the interval since the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.
 - ii. Take the grab sample during the first 30 minutes of the discharge. If it is not possible to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was not possible. Submit this information on or with the Discharge Monitoring Report. If the sampled discharge co-mingles with discharges not authorized under this permit prior to reaching the receiving water body, attempt to sample the stormwater discharge before it mixes with other waste streams.
 - iii. Sample collection, preservation and analysis must be conducted according to test procedures approved under 40 CFR Part 136.
- (b) Along with the results of the monitoring, provide the date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff, the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event, and an estimate of the total volume (in gallons) of the discharge samples.
- (c) When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, take a substitute sample during the next qualifying storm event. Adverse conditions (i.e., those that are dangerous or create inaccessibility for personnel) may include events such as local flooding, high winds, electrical storms, or situations that otherwise make sampling illogical, such as drought or extended frozen conditions.
- (d) The Division may provide written notice requiring additional discharge monitoring briefly stating the reasons for the monitoring, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

4. Qualitative Monitoring Requirements

- (a) The permittee must perform and document a quarterly visual examination of all stormwater discharge outfalls associated with industrial activity, except as provided for in Part II.C.3(c), Adverse Weather Conditions. The visual examination shall be made during daylight hours during a rain event. If no rain event resulted in runoff during daylight hours from the facility during a monitoring quarter, for each stormwater discharge outfall associated with industrial activity, the permittee shall document that no runoff occurred.
- (b) Qualitative monitoring requires a visual inspection of each stormwater outfall regardless of representative outfall status. Qualitative monitoring is for the purpose of evaluating the effectiveness of the SWMP and assessing new sources of stormwater pollution. No analytical tests are required. Visual examinations must be made on samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from the outfall. All samples must be collected from a rain event as defined herein. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if it can be documented that less than a 72-hour interval is representative for local storm events during the sampling period. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.
- (c) In the event an atypical condition is noted at a stormwater discharge outfall, the permittee shall document the suspected cause of the condition and any actions taken in response to the discovery. This documentation will be maintained with the SWMP.
- (d) Visual examination reports must be maintained onsite with the SWMP. The report must include the examination date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.
- (e) All qualitative monitoring will be performed four times per year, once in the periods of January – March; April – June; July – September; and October – December. In the January – March period the qualitative monitoring shall be performed during a representative storm event and within 60 minutes of deicing/anti-icing activities.
- (f) If the permittee’s qualitative monitoring indicates either that existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those corrective actions appropriate.
- (g) The permittee may exercise a waiver of the visual monitoring requirements at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If the permittee exercises this waiver, the permittee must maintain a certification stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. The permittee must sign and certify the waiver.

SECTION D: COMPLIANCE EVALUATION OF INDUSTRIAL ACTIVITIES

1. The permittee must conduct a comprehensive site compliance evaluation of airport facilities subject to industrial stormwater permitting requirements at least once a year.
2. Inspections must cover all the areas where industrial materials or activities are exposed to stormwater, along with areas where spills and leaks have occurred in the past 3 years. Inspectors must examine the following:
 - (a) Industrial materials, residue or trash that may have or could come into contact with stormwater;
 - (b) Leaks or spills from industrial equipment, drums, tanks and other containers;
 - (c) Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
 - (d) Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
 - (e) Evidence of, or the potential for, pollutants entering the drainage system; and
 - (f) Evidence of pollutants discharging to surface waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring.
 - (g) Conduct annual site compliance evaluations during periods of actual deicing operations. If not practicable during active deicing, or the weather is too inclement, conduct annual site compliance evaluations when deicing operations are likely to occur and the materials and equipment for deicing are in place.
3. The permittee must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Stormwater BMPs associated with airport facilities subject to industrial stormwater permitting requirements identified in the SWMP must be observed during active operation, i.e., during a stormwater runoff event, to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.
4. When compliance evaluation schedules overlap with routine facility inspections, the annual compliance evaluation may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

SECTION E: CORRECTIVE ACTIONS, FOLLOW-UP MONITORING AND REPORTING

1. The permittee must take corrective action whenever:
 - (a) Routine facility inspections, comprehensive site compliance evaluations, or any other process, observation or event result in discovery of any deficiency; or

- (b) Following a benchmark exceedance, based on the average of 4 quarterly monitoring events, the permittee determines as a result of reviewing the permittee's SWMP that the permittee's SWMP does not meet the requirements of Part II of this permit.
2. The permittee must review their SWMP and modify it as necessary to address the deficiency(ies). Revisions to the SWMP must be completed within 14 calendar days following the discovery. When BMPs need to be modified or added, implementation must be completed before the next anticipated storm event if possible, but no later than 60 days after discovering the deficiency(ies), or as otherwise provided or approved by the Division. The amount of time taken to modify a BMP or implement additional BMPs must be documented.
 3. Any corrective actions taken as a result of inspections must be documented and retained for the 3-year period following permit expiration or termination.
 4. If at any time monitoring results indicate that the permittee's discharge exceeds a specific wasteload allocation, or the permittee becomes aware that a discharge causes or contributes to an exceedance of a water quality standard, the permittee must take immediate steps to eliminate the exceedances. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) the permittee must undertake additional monitoring to verify that the modified BMPs are effectively protecting water quality. The permittee need only conduct follow-up monitoring for pollutant(s) with prior exceedances unless the permittee has reason to believe that the modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern. If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, the permittee must submit the follow-up monitoring data to the Division no later than 30 days after the permittee receives the lab results. In this case, no additional follow-up monitoring is required.
 5. Should the follow-up monitoring indicate that the wasteload allocation, water quality standard or other relevant standard is still being exceeded, the permittee must submit an Exceedance Report no later than 30 days after the permittee received the lab results. The report must include the permit identification number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; what was done and intend to do (should corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. The permittee must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until the discharge no longer exceeds the standard, unless the requirement for additional follow-up monitoring is waived by the Division.
 6. Failure to undertake the necessary corrective actions within the stipulated time frames constitutes a violation of this permit. The underlying cause of the inadequacy or discharge standard exceedance, e.g., failure to properly implement the SWMP, may also constitute an independent violation of this permit. Failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes a violation of this permit.

PART III PROGRAM ASSESSMENT

1. Implementation of the SWMP will include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions, and other stormwater activities. If monitoring and sampling are being performed documentation of results shall be included. Documentation will be kept on-file by the permittee for a period of five years and made available to the Director or his authorized representative immediately upon request.
2. The permittee's SWMP will be reviewed and updated as necessary whenever there is a change in design, construction, operation, or maintenance which has a significant impact on the discharge, or potential for discharge, of pollutants to surface waters, routine inspection or compliance evaluation determines deficiencies in BMPs, an inspection by a local, State, or Federal official determines that modifications to the Plan are necessary, or there is a spill, leak or other release; or any time there is an unauthorized discharge.
3. All aspects of permittee's SWMP shall be reviewed and updated on an annual basis. The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three years, or the notation that no spills have occurred. The annual update shall include re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Plan modifications must be made within 30 calendar days after discovery, observation or event requiring a modification. Implementation of new or modified BMPs must be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Division. The amount of time taken to modify a BMP or implement additional BMPs must be documented. If the Plan modification is the result of a release or unauthorized discharge, the permittee must document a description of the release, the date of the release; the circumstances leading to the release and actions taken in response to the release; and measures to prevent the recurrence of such releases. Such documentation shall be kept on-site for a period of five years and made available to the Director or his authorized representative immediately upon request.
4. The Director may notify the permittee when the SWMP does not meet one or more of the requirements of the permit. Within 30 days of such notice, the permittee will submit a plan and time schedule to the Director for modifying the SWMP to meet the requirements. The Director may approve the corrective action plan, approve a plan with modifications, or reject the proposed plan. The permittee will provide certification in writing (in accordance with Part IV) to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.
5. The Division may request additional reporting information as necessary to assess the progress and results of the permittee's SWMP .
6. The permittee must retain a copy of the current Plan SWMP at the facility, and it must be immediately available at the time of an on-site inspection.

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PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

1. Annual Report. The permittee will submit a report of the program assessment to the Division on an annual basis. This information will be submitted by June 1st of each year and cover the previous year's activities from March 1st to February 28th. The permittee's reporting will include appropriate information to accurately describe the progress, status, and results of the permittee's SWMP and will include, but is not limited to, the following components:
 - (a) The permittee will give a detailed description of the status of implementation of the SWMP. This will include information on development and implementation of all components of the SWMP for the past year and schedules and plans for the year following each report.
 - (b) The permittee will adequately describe and justify any proposed changes to the SWMP. This will include descriptions and supporting information for the proposed changes and how these changes will impact the SWMP (results, effectiveness, implementation schedule, etc.).
 - (c) The permittee will document any necessary changes to programs or practices for assessment of management measures implemented through the SWMP. In addition, any changes in the cost of, or funding for, the SWMP will be documented.
 - (d) The permittee will include a summary of data accumulated as part of the SWMP throughout the year along with an assessment of what the data indicates in light of the SWMP.
 - (e) The permittee will provide information on the annual expenditures and budget anticipated for the year following each report along with an assessment of the continued financial support for the overall SWMP.
 - (f) The permittee will provide a summary of activities undertaken as part of the SWMP throughout the year. This summary will include, but is not limited to, information on the establishment of appropriate legal authorities, project assessments, inspections, enforcement actions, continued inventory and review of the storm sewer system, education, training and results of the illicit discharge detection and elimination program.
2. Compliance Evaluation Report. The permittee must generate a compliance evaluation report that includes: the date and scope of the inspection, the names of inspectors, and all observations relating to the implementation of the SWMP. The permittee must retain it for at least 3 years from the date permit coverage expires or is terminated. Observations include such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any observed incidents of noncompliance.
3. Deicing and Anti-Icing Usage: The permittee shall record daily usage rates. Annual usage rate of deicing/anti-icing chemicals and estimates of annual pollutant loadings discharged to storm sewer systems or surface waters resulting from discharges of spent deicing/anti-icing chemicals shall be reported annually to the state.

4. Records Retention. Visual monitoring shall be documented and records maintained at the facility along with the SWMP . The permittee must retain copies of the SWMP (including any modifications made during the term of this permit), all reports, monitoring data, all calibration records and certifications required by this permit for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. The administrative records of the facility must accurately reflect:
- (a) A traceable record of BMP installation, maintenance, and monitoring results;
 - (b) Revision of structural control and non-structural practices implemented; and
 - (c) The data collected to support continued maintenance of those practices or their abandonment in lieu of more effective control mechanisms.

5. Discharge Monitoring Reports. Samples analyzed in accordance with the terms of this permit shall be submitted to the Division on Discharge Monitoring Report forms provided by the Director. Submittals shall be delivered to the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.

When no discharge has occurred from the facility during the report period, the permittee is required to submit a discharge monitoring report, within 30 days of the end of the six-month sampling period, giving all required information and indicating "NO FLOW" as per NCAC T15A 02B .0506.

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division, and shall retain the completed forms on site. Visual monitoring results should not be submitted to the Division, except upon DWQ's specific written request to do so.

6. Report Submittals
- (a) Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Department of Environment and Natural Resources
Division of Water Quality
Stormwater Permitting Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617
 - (b) All applications, reports, or information submitted to DWQ shall be signed by a principal executive officer, ranking elected official or duly authorized representative. A person is a duly authorized representative only if:
 - (i) The authorization is made in writing by a principal executive officer or ranking elected official;
 - (ii) The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
 - (iii) The written authorization is submitted to the Director.

- (c) Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

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

7. Availability of Reports. Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division. 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 Act.
8. Recording Results. For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this permit, the permittee shall record the following information:
- (a) The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
 - (b) The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
 - (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.
9. Bypass
- (a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.
 - (b) Unanticipated bypass. The permittee shall submit notice within 24 hours of becoming aware of an unanticipated bypass.
10. Twenty-four Hour Reporting

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

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

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

11. Anticipated Noncompliance. The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility that may result in noncompliance with the permit requirements.
12. Spills. The permittee shall report to the local DWQ Regional Office, within 24 hours, all significant spills as defined in Part VIII of this permit. Additionally, the permittee shall report spills including: any spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any spill regardless of amount occurring within 100 feet of surface waters, and any oil spill less than 25 gallons that cannot be cleaned up within 24 hours.
13. Other Noncompliance. The permittee shall report all instances of noncompliance not reported under “24 hour reporting” at the time monitoring reports are submitted.
14. Planned Changes. 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 not specifically listed in the permit or subject to notification requirements in 40 CFR Part 122.42 (a).
15. Non-Stormwater Discharges. If the storm event monitored in accordance with this permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under the non-stormwater discharge permit and provide this information with the stormwater discharge monitoring report.
16. Annual Reporting. The permittee will submit reporting and monitoring information on an annual basis per Part III of this permit on forms provided by the DWQ.
17. Additional Reporting. The Director may request reporting information on a more frequent basis as deemed necessary either for specific portions of the permittee’s SWMP, or for the entire Program.
18. Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

1. Compliance Schedule. The permittee shall comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:
 - (a) Current Activities: The SWMP shall be developed and implemented within 12 months of the effective date of the initial permit and updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section B, Paragraph 2(f)(iv) of this permit, shall be accomplished within 12 months of the effective date of the initial permit issuance.
 - (b) Expansion: The modified SWMP for expansion shall be developed and implemented prior to the beginning of discharges from the operation of any additional industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section B, Paragraph 2(f)(iv) of this permit shall be accomplished prior to the beginning of discharges from the operation of the expanded industrial activity.

2. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.
 - (a) The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
 - (b) The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$11,000 per violation with the maximum amount not to exceed \$137,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
 - (c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
 - (d) Any person may be assessed an administrative penalty by the Administrator for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this

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

3. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
4. **Civil and Criminal Liability.** Except as provided in Part V, Section C 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 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.
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 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.
6. **Property Rights.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
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.
8. **Duty to Provide Information.** 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 coverage 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 by this permit.
9. **Penalties for Tampering.** The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10. Penalties for Falsification of Reports. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
11. Permit Actions. This 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.

SECTION B: GENERAL CONDITIONS

1. Individual Permit Expiration. 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. 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 §143-2153.6 and 33 USC 1251 et. seq.
2. Transfers. This permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirements as may be necessary under the Clean Water Act. The Permittee is required to notify the Division in writing within 90 days in the event the permitted facility is sold or closed.
3. Signatory Requirements.
 - (a) All applications, reports, or information submitted to the Director shall be signed and certified.
 - (b) All applications to be covered under this permit shall be signed as follows:
 - (1) 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 employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

- (c) All reports required by this permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
 - (2) 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
 - (3) The written authorization is submitted to the Director.
- (d). Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

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

4. Individual Permit Modification, Revocation and Reissuance, or Termination. 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.

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance. The permittee shall at all times 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. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
2. Need to Halt or Reduce Not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypassing of Stormwater Control Facilities. Bypass is prohibited and the Director may take enforcement action against a permittee for bypass unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
 - (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 as required under, Part IV, Paragraph 9 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.

SECTION D: MONITORING

1. Representative Sampling. Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this permit shall not be changed without notification to and approval of the Director.
2. Representative Outfall. 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 sampling requirements may be performed at a reduced number of outfalls.
3. Flow Measurements. 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.
4. Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 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.
5. 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.
6. Inspection and Entry. 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.

PART VI LIMITATIONS REOPENER

1. This 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 permit; or
 - (b). Controls any pollutant not limited in the permit.

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

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PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

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 a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the permit.

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PART VIII DEFINITIONS

1. Act

See Clean Water Act.

2. Arithmetic Mean

The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

3. Allowable Non-Stormwater Discharges

This permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:

- 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.
- c. Discharges resulting from fire-fighting or fire-fighting training.

4. Best Management Practice (BMP)

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

5. Built-upon Area

That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

6. Bulk Storage of Liquid Products

Liquid raw materials, 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 located in close proximity to each other having a total combined storage capacity of greater than 1,320 gallons.

7. 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.

8. Clean Water Act

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

9. Co-Permittee

A permittee to an NPDES permit that is only responsible for permit conditions relating to the discharge to which it is operator.

10. Common Plan of Development

A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:

- a. In separate stages
- b. In separate phases
- c. In combination with other construction activities

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

It can include one operator or many operators.

11. Department

Department means the North Carolina Department of Environment and Natural Resources

12. Director

The Director of the Division of Water Quality, the permit issuing authority.

13. Division (DWQ)

The Division of Water Quality, Department of Environment and Natural Resources.

14. EMC

The North Carolina Environmental Management Commission.

15. Grab Sample

An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.

16. Hazardous Substance

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

17. Illicit Discharge

Any discharge to a storm sewer system that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.

18. Impaired Waters

Impaired waters include both those with established TMDLs, and those for which TMDL development has been identified as necessary, but for which one has not yet been established.

19. Industrial Activity

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

20. 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.

21. Municipal Separate Storm Sewer System

A stormwater collection system within an incorporated area of local self-government such as a city or town.

22. 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. DWQ 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)

23. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that the permittee must address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

24. Non-structural BMP

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

25. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge of stormwater.

26. Permittee

The owner or operator issued this permit.

27. 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.

28. Rain Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.

29. Redevelopment

Means any rebuilding activity unless that rebuilding activity; results in no net increase in built-upon area, and provides equal or greater stormwater control than the previous development.

30. 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 DWQ may grant representative outfall status. Representative outfall status allows the permittee to perform analytical monitoring at a reduced number of outfalls.

31. Rinse Water Discharge

The discharge of rinse water from equipment cleaning areas associated with industrial activity. Rinse waters from vehicle and equipment cleaning areas are process wastewaters and do not include washwaters utilizing any type of detergent or cleaning agent.

32. Secondary Containment

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

33. 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

That meet at least one of the following criteria:

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

34. Severe Property Damage

Means 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.

35. 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.

36. 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 110.10 and CFR 117.21) or Section 102 of CERCLA (Ref: 40 CFR 302.4).

37. 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.

38. 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.

39. SWMP

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.

40. Stormwater Pollution Prevention Plan

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.

41. Stormwater Runoff

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

42. Storm Sewer System

means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, pipes, conduits, curbs, gutters, ditches, manmade channels, or storm drains for the primary purpose of transporting stormwater runoff.

43. Ten Year Design Storm

The maximum 24 hour precipitation event expected to be equaled or exceeded on the average once in ten years. Design storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

44. Total Flow

The flow corresponding to the time period over which the entire storm event occurs. Total flow shall be either; (a) measured continuously, (b) calculated based on the amount of area draining to the outfall, the amount of built-upon (impervious) area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20 minute intervals during the rainfall event.

45. 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 at <http://h2o.enr.state.nc.us/tmdl/>)

46. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

47. Upset

Means 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.

48. Vehicle Maintenance Activity

Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations.

49. 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.

50. 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.