



Nuclear Regulatory Commission  
Exhibit # - NRC043-00-BD01  
Docket # - 07007016  
Identified : 7/11/2012

Admitted: 7/11/2012

Withdrawn:

Rejected:

Stricken:



NRC043

Michael F. Easley, Governor  
State of North Carolina

William G. Ross, Jr., Secretary  
Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director  
Division of Water Quality

April 2, 2007

RECEIVED  
APR 04 2007

BY:.....

Mr. T. Mark Leik  
Manager, Environmental C.O.E.  
EHS  
P.O. Box 780-M/C G-26  
Wilmington, NC 28401

Subject: NPDES Stormwater Permit  
Permit No. NCS000022  
General Electric Company  
New Hanover County

Dear Mr. Leik:

In accordance with your application for a discharge permit received on July 9, 2004 we are forwarding herewith the subject permit to discharge under the subject state NPDES permit. 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).

Please take notice that this certificate of coverage is not transferable except after notice to the Division of Water Quality. The Division of Water Quality may require modification or revocation and reissuance of the certificate of coverage. Please also note the requirement to have a Stormwater Pollution Prevention Plan and to comply with the benchmarks listed in the permit.

This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Water Quality 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.

This permit addresses many of the comments on the draft permit that you raised in your February 9, 2007 letter. The following changes have been made:

- The representative outfalls have been corrected from numbers 9, 12, and 13 to 9, 13 and 14.
- The pH range has been modified from 6-9 standard units to 4.3-9 standard units, as the receiving water is classified as SW.
- The uranium benchmark has been removed. At this time the Division feels that the USNRC license is appropriate for identifying and addressing potential sources of radiation pollution that may contribute to stormwater contamination from the facility. This issue will be re-evaluated when this permit is renewed in 2012.

Additionally, the following minor changes have been made:

- The receiving streams have been specified in Part I Page 2. On the same page, north and west have been specified for the latitude and longitude, respectively.
- Lead analytical monitoring has been further specified as Total Recoverable Lead. See Tables 1 and 3.
- This permit specifies that you are responsible all monitoring until the renewal permit is issued. See Footnote 1 of Tables 1, 4, and 5.

• Mr. T. Mark Leik  
Manager, Environmental C.O.E.  
Permit No. NCS000022  
Page 2

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.

If you have any questions or comments concerning this draft permit, contact me at (919) 733-5083 x 376 or [kelly.p.johnson@ncmail.net](mailto:kelly.p.johnson@ncmail.net).

Sincerely,

A handwritten signature in black ink that reads "Bradley Bennett". The signature is written in a cursive, slightly slanted style.

For Alan Klimek, P.E., Director

enc: Permit

cc: Wilmington Regional Office, Ed Beck  
Central Files  
Stormwater Permitting Unit

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY

RECEIVED  
APR 04 2007

PERMIT NO. NCS000022

TO DISCHARGE STORMWATER UNDER THE BY:.....

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

**General Electric Company**

is hereby authorized to discharge stormwater from a facility located at


General Electric - Wilmington  
3901 Castle Hayne Road  
Wilmington, NC  
New Hanover County

to receiving waters designated as Northeast Cape Fear River and Prince George Creek, class C, SW streams in the Cape Fear River Basin, in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V and VI hereof.

This permit shall become effective March 30<sup>th</sup>, 2007.

This permit and the authorization to discharge shall expire at midnight on March 29, 2012.

Signed this 30<sup>th</sup> day of March 2007.

  
\_\_\_\_\_  
for Alan W. Klimek, P.E., Director  
Division of Water Quality  
By the Authority of the Environmental Management Commission

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## **PART I INTRODUCTION**

### **SECTION A: INDIVIDUAL PERMIT COVERAGE**

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater associated with industrial activity. Such discharges shall be controlled, limited and monitored as specified in this permit.

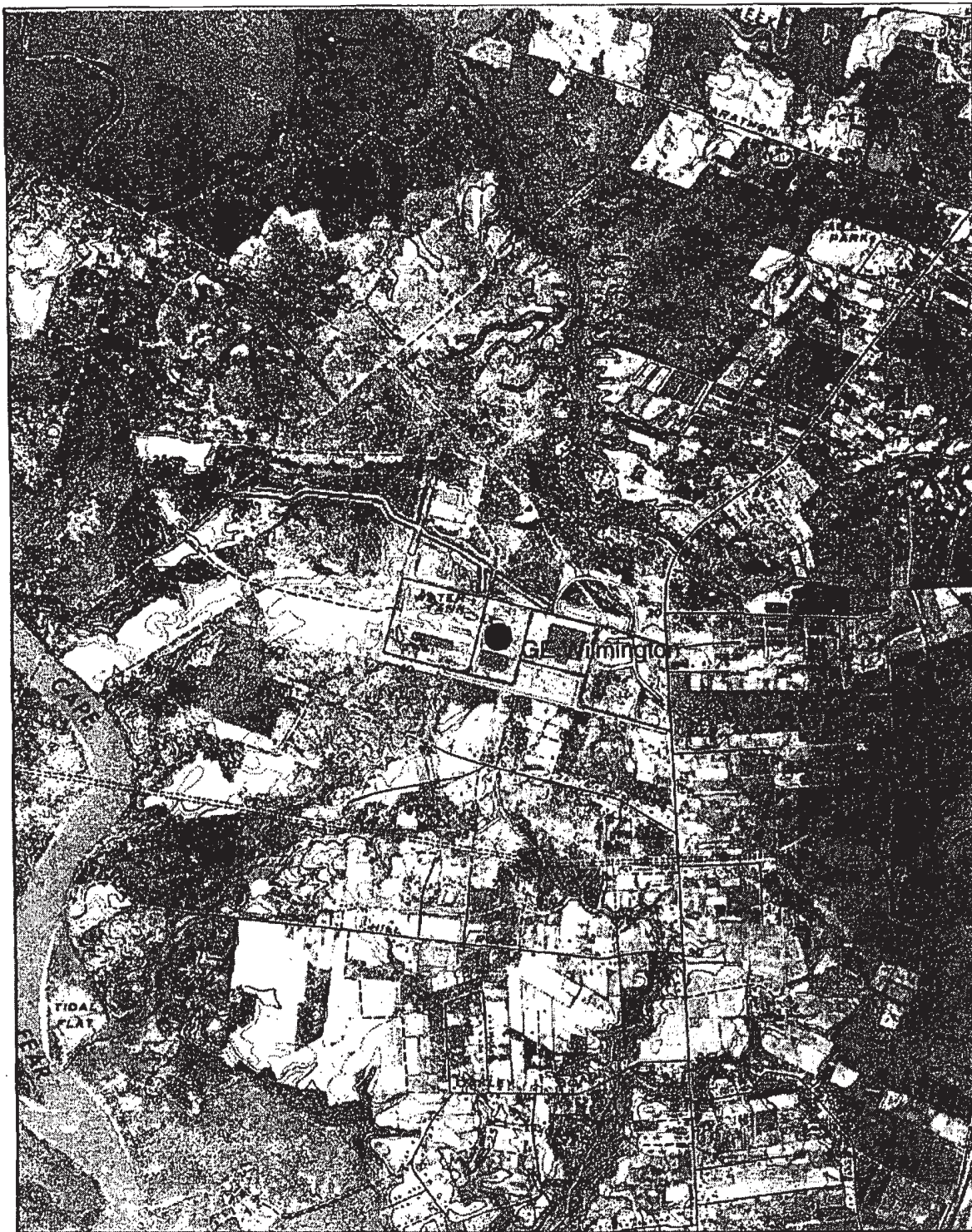
### **SECTION B: PERMITTED ACTIVITIES**

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or separate storm sewer system which has been adequately treated and managed in accordance with the terms and conditions of this individual permit. All discharges shall be in accordance with the 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.

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.





Latitude: 34°19'20" N  
Longitude: 77°55'55" W  
County: New Hanover

Stream Class: C, Sw (both streams)

Receiving Stream: Prince George Creek & NE Cape Fear River

Sub-basin: 03-06-23 (Cape Fear River Basin)

**NCS000022**

**General Electric -  
Wilmington**



*North*

Facility  
Location



**SCALE 1:24,000**

## **PART II MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES**

### **SECTION A: STORMWATER POLLUTION PREVENTION PLAN**

The permittee shall develop a Stormwater Pollution Prevention Plan, herein after referred to as the Plan. This Plan shall be considered public information in accordance with Part III, Standard Conditions, Section E, Paragraph 3 of this individual permit. The Plan shall include, at a minimum, the following items:

1. **Site Plan.** The site plan shall provide a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:
  - a. A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters; and accurate latitude and longitude of the point(s) of discharge.
  - b. A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices.
  - c. A site map drawn to scale with the following items:
    - (1) Distance legend and north arrow
    - (2) Location of industrial activities (including storage of materials, disposal areas, process areas and loading and unloading areas)
    - (3) Drainage structures
    - (4) Delineated drainage areas for each outfall
    - (5) Drainage area for each outfall in acres and percentage of each drainage area that is impervious
    - (6) Building locations
    - (7) Existing BMPs and impervious surfaces
    - (8) For each outfall, a narrative description of the potential pollutants that could be expected to be present in the stormwater discharge.
  - d. A list of significant spills or leaks of pollutants that have occurred at the facility during the 3 previous years and any corrective actions taken to mitigate spill impacts.
  - e. Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. The certification statement will be signed in accordance with the requirements found in Part III, Standard Conditions, Section B, Paragraph 3.



2. **Stormwater Management Plan.** The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:
  - a. **Feasibility Study.** A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical, the permittee shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of exposure is not practical, the stormwater management plan shall document the feasibility of diverting the stormwater runoff away from areas of potential contamination.
  - b. **Secondary Containment Schedule.** A schedule to provide secondary containment for bulk storage of liquid materials, storage of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals, or storage of hazardous substances to prevent leaks and spills from contaminating stormwater runoff. 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 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. Records documenting the individual making the observation, the description of the accumulated stormwater and the date and time of the release shall be kept for a period of five years.
  - c. **BMP Summary.** A narrative description shall be provided of Best Management Practices (BMPs) to be considered such as, but not limited to, oil and grease separation, debris control, vegetative filter strips, infiltration and stormwater detention or retention, where necessary. The need for structural BMPs shall be based on the assessment of potential of sources to contribute significant quantities of pollutants to stormwater discharges and data collected through monitoring of stormwater discharges.
3. **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 team) responsible for implementing the SPRP shall be identified. 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, a SPCC plan 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.

4. **Preventative Maintenance and Good Housekeeping Program.** A preventative maintenance program shall be developed. The program shall document schedules of inspections and maintenance activities of stormwater control systems, plant equipment and systems. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program.
5. **Employee Training.** Training schedules shall be developed and training provided at a minimum on an annual basis on proper spill response and cleanup procedures and preventative maintenance activities for all personnel involved in any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified.
6. **Responsible Party.** The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position assignments provided.
7. **Plan Amendment.** The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. The Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis.

The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part III, Standard Conditions, Section B, Paragraph 3) to the Director that the changes have been made.

8. **Facility Inspection Program.** Facilities are required to inspect all stormwater systems on at least a semiannual schedule, once in the fall (September-November) and once in the spring (April - June). The inspection and any subsequent maintenance activities performed shall be documented, recording date and time of inspection, individual(s) making the inspection and a narrative description of the facility's stormwater control systems, plant equipment and systems. Records of these inspections shall be incorporated into the Stormwater Pollution Prevention Plan.

Stormwater discharge characteristic monitoring as required in Part II of this permit shall be performed in addition to facility inspections.

9. **Implementation.** The permittee shall document all monitoring, measurements, inspections and maintenance activities and training provided to employees, including the log of the sampling data and of activities taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. 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.

## SECTION B: ANALYTICAL MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater subject to the provisions of this permit.

Analytical monitoring of stormwater discharges shall be performed as specified below in **Table 1**.

All analytical monitoring shall be performed during a representative storm event. The required monitoring will result in a minimum of nine analytical samplings being conducted over the term of the permit at each stormwater discharge outfall (SDO). The permittee shall complete the minimum nine analytical samplings in accordance with the schedule specified below in **Table 2**.

Monitoring results shall be compared to the benchmark values in **Table 3**. The benchmark values in **Table 3** are not permit limits but should be used as guidelines for the permittee's Stormwater Pollution Prevention Plan (SPPP). The permittee shall evaluate the sources of any benchmark exceedances and evaluate the effectiveness of any site BMPs. The permittee shall review and/or update the SPPP and document any efforts to address stormwater contamination.

**Table 1. Analytical Monitoring Requirements**

Discharge Characteristics	Units	Measurement Frequency <sup>1</sup>	Sample Type <sup>2</sup>	Sample Location
Lead, total recoverable	mg/L	Semi-annually	Grab	9
Oil and Grease	mg/L	Semi-annually	Grab	9, 13, 14
pH	standard	Semi-annually	Grab	9, 13, 14
Total Suspended Solids	mg/L	Semi-annually	Grab	9, 13, 14
Total Rainfall	inches	Semi-annually	-	-
Rainfall Event Duration	minutes	Semi-annually	-	-

**Footnotes:**

- <sup>1</sup> Measurement Frequency: All analytical monitoring will be performed two times per year for each year until either another permit is issued for this facility or until this permit is revoked or rescinded. If at the end of this permitting cycle, the permittee has submitted the appropriate paperwork for a renewal application before the submittal deadline, the permittee will be considered for a renewal application. The applicant must continue semi-annual analytical monitoring until the renewed permit is issued. See Table 2 for schedule of monitoring periods through the end of this permitting cycle.
- <sup>2</sup> If the stormwater runoff is controlled by a stormwater detention pond, a grab sample of the discharge from the pond shall be collected within the first 30 minutes of discharge. If the detention pond discharges only in response to a storm event exceeding a ten year design storm, then no analytical monitoring is required and only qualitative monitoring shall be performed.

**Table 2. Monitoring Schedule**

Monitoring period <sup>1</sup>	Sample Number	Start	End
Year 1 – Spring	1	April 1, 2007	June 30, 2007
Year 1 – Fall	2	September 1, 2007	November 30, 2007
Year 2 – Spring	3	April 1, 2008	June 30, 2008
Year 2 – Fall	4	September 1, 2008	November 30, 2008
Year 3 – Spring	5	April 1, 2009	June 30, 2009
Year 3 – Fall	6	September 1, 2009	November 30, 2009
Year 4 – Spring	7	April 1, 2010	June 30, 2010
Year 4 – Fall	8	September 1, 2010	November 30, 2010
Year 5 – Spring	9	April 1, 2011	June 30, 2011

**Footnote**

<sup>1</sup> Maintain semi-annual monitoring during permit renewal process.

**Table 3. Benchmark Values for Analytical Monitoring**

Discharge Characteristics	Units	Benchmark
Lead, total recoverable	mg/L	0.0338
Oil and Grease	mg/L	30
pH	standard	4.3-9
Total Suspended Solids	mg/L	100

**SECTION C: QUALITATIVE MONITORING REQUIREMENTS**

Qualitative monitoring requires a visual inspection of each stormwater outfall regardless of representative outfall status and shall be performed as specified below in **Table 4**. Qualitative monitoring is for the purpose of evaluating the effectiveness of the Stormwater Pollution Prevention Plan (SPPP) and assessing new sources of stormwater pollution. No analytical tests are required. Qualitative monitoring of stormwater outfalls is performed when stormwater discharge occurs but does not need to be performed during a representative storm event.

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 Stormwater Pollution Prevention Plan.

All qualitative monitoring will be performed twice per year, once in the spring (April - June) and once in the fall (September - November).

**Table 4. Qualitative Monitoring Requirements**

<b>Discharge Characteristics</b>	<b>Frequency<sup>1</sup></b>	<b>Monitoring Location<sup>2</sup></b>
Color	Semi-Annual	SDO
Odor	Semi-Annual	SDO
Clarity	Semi-Annual	SDO
Floating Solids	Semi-Annual	SDO
Suspended Solids	Semi-Annual	SDO
Foam	Semi-Annual	SDO
Oil Sheen	Semi-Annual	SDO
Other obvious indicators of stormwater pollution	Semi-Annual	SDO

**Footnotes:**

- 1 Measurement Frequency: All analytical monitoring will be performed two times per year for each year until either another permit is issued for this facility or until this permit is revoked or rescinded. If at the end of this permitting cycle, the permittee has submitted the appropriate paperwork for a renewal application before the submittal deadline, the permittee will be considered for a renewal application. The applicant must continue semi-annual analytical monitoring until the renewed permit is issued. See Table 2 for schedule of monitoring periods through the end of this permitting cycle.
- 2 Monitoring Location: Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status.

**SECTION D: ON-SITE VEHICLE MAINTENANCE MONITORING REQUIREMENTS**

Facilities which have any vehicle maintenance activity occurring on-site which uses more than 55 gallons of new motor oil per month when averaged over the calendar year shall perform analytical monitoring as specified below in Table 5. This monitoring shall be performed at all outfalls which discharge stormwater runoff from vehicle maintenance areas.

All analytical monitoring shall be performed during a representative storm event. The required monitoring will result in a minimum of nine analytical samplings being conducted over the term of the permit at each stormwater discharge outfall (SDO) which discharges stormwater runoff from vehicle maintenance areas. The permittee shall complete the minimum nine analytical samplings in accordance with the schedule specified in Table 2 (Section B).

Monitoring results shall be compared to the benchmark values in Table 6. The benchmark values in Table 6 are not permit limits but should be used as guidelines for the permittee's Stormwater Pollution Prevention Plan (SPPP). The permittee shall evaluate the sources of any benchmark exceedances and evaluate the effectiveness of any site BMPs. The permittee shall review and/or update the SPPP and document any efforts to address stormwater contamination.



**Table 5. Analytical Monitoring Requirements for On-Site Vehicle Maintenance**

Discharge Characteristics	Units	Measurement Frequency <sup>1</sup>	Sample Type <sup>2</sup>	Sample Location <sup>3</sup>
pH	standard	Semi-annually	Grab	SDO
Oil and Grease	mg/l	Semi-annually	Grab	SDO
Total suspended Solids	mg/l	Semi-annually	Grab	SDO
New Motor Oil Usage	gallons/month	Semi-annually	Estimate	-
Total Rainfall	inches	Semi-annually	-	-
Rainfall Event Duration	minutes	Semi-annually	-	-

**Footnotes:**

- <sup>1</sup> Measurement Frequency: All analytical monitoring will be performed two times per year for each year until either another permit is issued for this facility or until this permit is revoked or rescinded. If at the end of this permitting cycle, the permittee has submitted the appropriate paperwork for a renewal application before the submittal deadline, the permittee will be considered for a renewal application. The applicant must continue semi-annual analytical monitoring until the renewed permit is issued. See Table 2 for schedule of monitoring periods through the end of this permitting cycle.
- <sup>2</sup> If the stormwater runoff is controlled by a stormwater detention pond, a grab sample of the discharge from the pond shall be collected within the first 30 minutes of discharge. If the detention pond discharges only in response to a storm event exceeding a ten year design storm, then no analytical monitoring is required and only qualitative monitoring shall be performed.
- <sup>3</sup> Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) that discharges stormwater runoff from area(s) where vehicle maintenance activities occur.

**Table 6. Benchmark Values for Vehicle Maintenance Analytical Monitoring**

Discharge Characteristics	Units	Benchmark
Total Suspended Solids	mg/L	100
Oil and Grease	mg/L	30
pH	standard	4.3 - 9

### PART III STANDARD CONDITIONS FOR NPDES STORMWATER INDIVIDUAL PERMITS

#### 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:

**Existing Facilities:** The Stormwater Pollution Prevention Plan 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 A, Paragraph 2(b) of this permit, shall be accomplished within 12 months of the effective date of the initial permit issuance.

**Proposed Facilities:** The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

##### 2. Duty to Comply

The permittee must comply with all conditions of this individual 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 a permit 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 \$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 Director for violating section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act. Administrative penalties for Class I violations are not to exceed \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500. Penalties for Class II violations are not to exceed \$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 individual permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Civil and Criminal Liability

Except as provided in Part III, Section C of this permit regarding bypassing of stormwater control facilities, nothing in this individual 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 individual 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 individual 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 individual permit are severable, and if any provision of this individual permit, or the application of any provision of this individual permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this individual 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 permit issued pursuant to this individual permit or to determine compliance with this individual permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this individual 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 individual 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 individual

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.

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

### 3. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified.

a. All applications to be covered under this individual 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.

b. All reports required by the individual 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.

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."

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

The issuance of this individual permit does not prohibit the Director from reopening and modifying the individual permit, revoking and reissuing the individual permit, or terminating the individual 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.

5. Permit Actions

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

**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 individual 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 which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this individual 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 individual 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 III, Section E 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 AND RECORDS

### 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. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this individual 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.

### 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

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.

To meet the intent of the monitoring required by this individual 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.

5. 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.

6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this individual 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.

7. 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 individual permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this individual permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this individual permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring individual permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**SECTION E: REPORTING REQUIREMENTS**1. 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 received by the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.

2. Submitting Reports

Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Water Quality  
Water Quality Section  
ATTENTION: Central Files  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

3. 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 shall be available for public inspection at the offices of the Division of Water Quality. 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.

4. Non-Stormwater Discharges

If the storm event monitored in accordance with this individual 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.

5. 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 which are not specifically listed in the individual permit or subject to notification requirements under 40 CFR Part 122.42 (a).

6. Anticipated Noncompliance

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which may result in noncompliance with the individual permit requirements.

7. 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.

8. Twenty-four Hour Reporting

The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger 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.

9. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted.

10. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in an application for an individual permit or in any report to the Director, it shall promptly submit such facts or information.

#### **PART IV      LIMITATIONS REOPENER**

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

- a.      Contains different conditions or is otherwise more stringent than any effluent limitation in the individual permit; or
- b.      Controls any pollutant not limited in the individual permit.

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

#### **PART V                      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 timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the Individual Permit.

#### **PART VI      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 Practices (BMPs)  
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.



5. 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.

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. Clean Water Act

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

8. Division or DWQ

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

9. Director

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

10. EMC

The North Carolina Environmental Management Commission.

11. 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.

12. Hazardous Substance

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

13. 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.

14. Municipal Separate Storm Sewer System

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

15. Overburden

Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.

16. Permittee

The owner or operator issued a permit pursuant to this individual permit.

17. 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.

18. Representative Storm 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.

19. 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.

20. 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.

21. 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.

22. Section 313 Water Priority Chemical

A chemical or chemical category which:

- a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- c. That meet at least one of the following criteria:
  - (1) 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);
  - (2) Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
  - (3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

23. 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.

24. 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.

25. 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).

26. Stormwater Runoff

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

27. 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.

28. 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.

29. 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.

30. 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.

31. Total Maximum Daily Load (TMDL)

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

32. Toxic Pollutant

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

33. 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.

34. Vehicle Maintenance Activity

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

35. 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.

36. 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.