

Report to the North Carolina General Assembly's Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division



Status Report on Permitted Discharging Systems

October 1, 2022

**Division of Water Resources
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Pursuant to G.S. 143-215.9A(a)

Status Report on Individually Permitted Discharging Systems For the Period Beginning July 1, 2021 and Ending June 30, 2022.

Summary

North Carolina General Statute (N.C.G.S.) 143-215.9A requires the Department of Environmental Quality to report to the Environmental Review Commission and the Fiscal Research Division on the status of facilities discharging into surface waters during the previous fiscal year. Facilities discharging into surface waters are required by N.C.G.S. 143-215.1 to first apply for and secure a permit from the Environmental Management Commission. As a result, the data provided within this fiscal report is captured for those facilities individually permitted with National Pollutant Discharge Elimination System (NPDES) permits.

The attached report details the inspections completed and the enforcement actions taken in North Carolina during fiscal year 2021-2022 by the Division of Water Resources. In addition, information on Special Orders by Consent is included. The report also includes a table showing the number of permits issued by region and the names and locations of the individually permitted discharging facilities.

The attached tables list totals for each of the Department's regional offices as well as State totals. The regional offices are noted as follows:

- ◆ ARO – Asheville Regional Office
- ◆ FRO – Fayetteville Regional Office
- ◆ MRO – Mooresville Regional Office
- ◆ RRO – Raleigh Regional Office
- ◆ WARO – Washington Regional Office
- ◆ WIRO – Wilmington Regional Office
- ◆ WSRO – Winston-Salem Regional Office

If any additional information or clarification is needed, please contact Emily Richards via email at emily.richards@ncdenr.gov or by phone at (984) 272-9429.

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Table 1	Enforcement actions taken, Civil Penalties assessed and collected, and Remissions Requested from July 1, 2021 through June 30, 2022.
Table 2	Permits Issued and Inspections completed from July 1, 2021 through June 30, 2022.
Table 3	Special Orders by Consent (SOCs) active and pending from July 1, 2021 through June 30, 2022.
Table 4	Names and locations of individually permitted discharging facilities as of August 1, 2022.
Table 5	Violation information for each inspection completed from July 1, 2021 through June 30, 2022.
Addendum	Support information

ADDENDUM

The following is provided to support the information in the above status report.

- The Division of Water Resources does not have the data or management system in place to currently track information on the number of violations found during each inspection, the date of the violation, or the nature of the violation. Therefore, at this time, the Division is unable to provide such information as requested in the amended G.S. 143-215.9A(a)(3).
- As found in Table 2, “Other Inspections” include:
 - ❑ **Audit Inspections**, a comprehensive review of all elements of a municipal’s pretreatment program including a records review & an inspection of an industrial facility conducted once every 5 years;
 - ❑ **Bioassay Compliance Inspections**, evaluates the biological effect of a permittee’s effluent discharge on test organisms using acute and chronic toxicity testing;
 - ❑ **Compliance Sampling Inspections**, a sampling inspection designed to verify the permittee’s compliance with applicable permit self-monitoring requirements -- analytical results from representative samples collected during the inspection are used to evaluate the permittee’s compliance;
 - ❑ **Diagnostic Inspections**, focuses on Publicly Owned Treatment Works that have not achieved permit compliance – the purpose is to identify the causes of noncompliance, suggest immediate remedies, and support current or future enforcement action;
 - ❑ **Operation & Maintenance Inspections**, focuses on the operation and maintenance aspect of a facility;
 - ❑ **Performance Audit Inspections**, inspections that include actual observation of the permittee performing the self-monitoring process from sample collection and flow measurements through laboratory analyses, data work-up and reporting;
 - ❑ **Pre-Treatment Inspections**, an annual inspection of a municipal’s pretreatment program; and
 - ❑ **Toxicity Sampling Inspections**, same as CSI – however, increased emphasis is placed on toxic substances regulated by the NPDES Permit.
- Effective July 1, 1998, the Director of the Division of Water Quality delegated each Regional Water Quality Supervisor the authority to sign all Civil Penalty Assessments for fast-track enforcement actions for violations of NPDES Permit effluent limits and/or monitoring frequencies in accordance with NCGS 143-215.6A.
- As found in Table 1, “Other Permit Condition Violations” may include
 - ❑ discharge violations (resulting from collection system overflows);
 - ❑ submitting late Discharge Monitoring Reports;
 - ❑ submitting late Toxicity Tests; and
 - ❑ permit condition violations (examples, violations of pre-treatment program, improper operation & maintenance of treatment works, or by-pass of treatment works)
- Due to the length of the post assessment process, total civil penalties assessed and total civil penalties collected will not coincide.