

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

PERMIT NO. NCS000250

**TO DISCHARGE STORMWATER AND BORROW PIT WASTEWATER UNDER THE
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,

North Carolina Department of Transportation

is hereby authorized to discharge stormwater from the North Carolina Department of Transportation (NCDOT) Transportation Separate Storm Sewer System (TS4), borrow pit wastewater, industrial and construction activities located statewide in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts 1, 2, 3, 4, 5, 6, 7, and 8 hereof.

This permit shall become effective xxx.

This permit and the authorization to discharge shall expire at midnight on xxx.

Signed this day xxx.

DRAFT FINAL FOR PUBLIC COMMENT

Brian Wrenn, Director
Division of Energy, Mineral, and Land Resources
By the Authority of the Environmental Management Commission

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PART 1: PERMIT COVERAGE

1.1 Authorized Discharges

- 1.1.1 During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater from the transportation separate storm sewer system (TS4) to surface waters statewide.
- 1.1.2 All discharges authorized herein shall be 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.
- 1.1.3 Authorized discharges shall be controlled, limited, and monitored in accordance with this permit and the Permittee's TS4 Stormwater Management Plan (TS4SMP).
- 1.1.4 The permit authorizes the point source discharge of stormwater runoff from the TS4 for the following NCDOT facility types that are owned or operated by NCDOT:
- General roadways including weigh stations and tolling facilities
 - General railway
 - Construction activities disturbing one acre or more
 - Borrow pits/waste piles including mines
 - Non-roadway facilities with the following TS4 operations:
 - Road and bridge maintenance
 - Vehicle and equipment maintenance
 - Pesticide and fertilizer storage
 - Salt and deicing chemical storage
 - Traffic services
 - Material storage areas
 - Asphalt plants
 - Ferry terminals and maintenance areas
 - Rail maintenance
 - Rest areas
 - Administrative buildings
 - Non-roadway industrial activities, including:
 - NC Global TransPark (airport activities)
 - Asphalt plants owned and operated by NCDOT
 - Ferry Division shipyards

- Rail Division maintenance facilities

1.1.5 Non-stormwater discharges are authorized through the TS4 if such discharges are:

- Permitted by and in compliance with another authorization or approval, including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or
- Determined by the Permittee 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 groundwater;
 - uncontaminated groundwater infiltration;
 - uncontaminated pumped groundwater;
 - discharges from uncontaminated potable water sources;
 - foundation drains;
 - air conditioner condensate;
 - irrigation waters;
 - springs;
 - 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;
 - flows from firefighting activities.

The Division of Energy, Mineral, and Land Resources, herein referred to as the Division, may require that non-stormwater flows of this type be controlled by the Permittee's TS4SMP.

1.2 Permitted TS4 Area

This permit covers activities associated with the discharge of stormwater from the TS4 and industrial and non-industrial activities and facilities which are owned and/or operated by the Permittee.

Waste pile activities shall be covered under this permit unless the site requires a permit from the Division of Waste Management. If a Division of Waste Management permit is required, the facility also must obtain facility coverage under a separate NPDES industrial stormwater permit.

All other NCDOT owned and/or operated general roadway and railway drainage, construction and borrow pit/waste pile activities, industrial facility drainage, and non-roadway non-industrial facility drainage will receive automatic coverage under this permit. NCDOT shall maintain a current inventory of all covered projects, sites, and facilities; and shall provide the inventory to the Division upon request.

Coverage of NCDOT industrial activities under this permit supersedes the requirements to seek discharge authorization under separate industrial stormwater permits, unless specifically stated in this permit or required in writing by the Division. Specific requirements for the Permittee's industrial facilities subject to NPDES stormwater permitting are provided in section 3.7.1(e) of this permit.

1.3 Shared Responsibility

1.3.1 Pursuant to 40 CFR 122.35, an operator of a regulated MS4 may share the responsibility to implement the minimum control measures with other entities provided:

- a) The other entity, in fact, implements the control measure(s);
- b) The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and
- c) There is a legal agreement for the other entity to implement the control measure(s) on behalf of the Permittee.

1.3.2 The Permittee remains responsible for compliance if the other entity fails to perform any permit obligation; and may be subject to enforcement action if neither the Permittee nor the other entity fully performs the permit obligation.

1.4 Annual Administering and Compliance Monitoring Fee

The Permittee shall 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 the Division to initiate action to revoke this permit and/or deny permit renewal.

1.5 Duty to Reapply

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 a permit renewal application and fees, as are required, no later than 180 days prior to the expiration date of this permit.

Any Permittee that has not requested renewal at least 180 days prior to expiration, or any discharge for which there is no permit after the expiration or for which permit renewal has not been requested at least 180 days prior to expiration, shall be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq.

1.6 Permit Actions and Limitations

The issuance of this permit does not prohibit the Division 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.

The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

This permit does not relieve the Permittee from responsibility for compliance with any applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

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PART 2 STORMWATER MANAGEMENT PROGRAM

2.1 Program Implementation

The Permittee shall implement and manage the provisions of this permit and the TS4SMP to control, to the maximum extent practicable, the discharge of pollutants associated with stormwater runoff. This includes, but is not limited to, the following areas:

- 2.1.1 The Permittee shall maintain adequate funding and staffing to implement and manage the provisions of the TS4SMP and meet the requirements of this permit.
- 2.1.2 The Permittee shall evaluate the performance and effectiveness of the program components at least annually. Results shall be used by the Permittee to modify the program components as necessary to accomplish the intent of the permit.
- 2.1.3 If discharges are determined by the Division to cause or contribute to non-attainment of an applicable water quality standard, the Permittee will be notified in writing and shall expand or better tailor its BMPs to address the discharges to the maximum extent practicable within the scope of this permit.
- 2.1.4 The Permittee shall notify the Division in writing of any planned major modifications to the TS4SMP. The Division will inform the Permittee within 30 days if approval of the modified TS4SMP is required.
- 2.1.5 In order to properly characterize the Permittee's stormwater discharges or to assess compliance with this permit, the Division may request reporting information on a more frequent basis as deemed necessary for specific portions of this permit.
- 2.1.6 The Permittee shall maintain an up-to-date version of this permit and the TS4SMP online in a manner that is accessible by the Division and the public.

2.2 Minimum Control Measures

- 2.2.1 Compliance with the six minimum control measures (MCMs) in 40 CFR §122.34(b) and the requirements of this permit constitute compliance with the Clean Water Act to reduce the discharge of pollutants from the TS4 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 (BMPs) consistent with the provisions of the permit and the TS4SMP constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.
- 2.2.2 The Permittee shall maintain, and make available to the Division upon request, written procedures for implementing the MCMs, permit requirements, and TS4SMP. Written procedures shall identify specific action steps, schedules, resources, and responsibilities for implementing the MCMs. Written procedures can be free standing or, where appropriate, integrated into the TS4SMP.

2.3 Reliance on Qualifying Alternative Programs to Meet Permit Requirements

- 2.3.1 The Permittee shall clearly identify in the TS4SMP any qualifying alternative program components that will be utilized to meet specific permit requirements.
- 2.3.2 Any qualifying alternative program components utilized to meet the requirements of this permit shall become an enforceable part of this permit.
- 2.3.3 Qualifying alternative programs include those programs that comply with the North Carolina Sediment Pollution Control Act of 1973, Chapter 4 of Title 15A of the North Carolina Administrative Code, and/or Title 15A NCAC 02H .1017 of the North Carolina Administrative Code.

2.4 Notification to Modify Program

- 2.4.1 When specific changes to the program or TS4SMP are required by the Division in writing, the Permittee shall provide certification in writing to the Division that the changes have been made.
- 2.4.2 The Division may notify the Permittee when the TS4SMP does not meet one or more of the requirements of the permit. Within ninety (90) days of such notice, the Permittee shall submit a plan and time schedule to the Division for modifying the TS4SMP to meet the requirements. The Division may approve the plan, approve a plan with modifications, or reject the proposed plan. Nothing in this paragraph shall be construed to limit the Division's ability to conduct enforcement actions for violations of this permit.

PART 3 TS4 STORMWATER MANAGEMENT PLAN

This permit requires the full and proper implementation of a comprehensive stormwater management program to address and manage pollutants associated with stormwater runoff from the TS4 and covered facilities. To the extent allowable under State and local law, the Permittee must develop and implement a TS4SMP in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act. The purpose of the TS4SMP is to establish and define the means by which the Permittee will comply with this permit and with the applicable provisions of the Clean Water Act.

3.1 General Requirements

- 3.1.1 The TS4SMP shall include, at a minimum, specific and measurable goals that define program elements to fully implement each of the six MCMs outlined herein: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site runoff control, post-construction controls, and pollution prevention and good housekeeping for TS4 operations, as well as any required Total Maximum Daily Load (TMDL) and/or Research Program requirements.
- 3.1.2 The Permittee shall maintain a list of positions responsible for implementing the provisions of this permit and the TS4SMP, including central office staff and division staff. The list shall include specific positions and a brief description of stormwater responsibilities and/or duties for each listed position.
- 3.1.3 The TS4SMP shall detail the Permittee's Stormwater Management Program for the five-year term of the stormwater permit, including funding, a narrative description of the program, specific and measurable goals for each program component, implementation schedule(s) and reporting metrics.
- 3.1.4 The TS4SMP shall be submitted to the Division within ninety (90) days of permit issuance for Division review and approval. The TS4SMP is deemed approved if no response is received from the Division within 90 days of receipt by the Division.

3.2 Public Education and Outreach Program

The TS4SMP shall identify the specific elements and implementation of a Public Education and Outreach Program to provide educational materials to the traveling public, or conduct equivalent outreach activities, about the impacts of stormwater discharges on water bodies and how the traveling public can reduce TS4 pollutants in stormwater runoff. The Permittee shall document the extent of exposure of each media, event or activity, including those elements implemented locally or through a cooperative agreement and, at a minimum, shall:

- 3.2.1 Evaluate the target pollutants, likely sources, and associated target audiences likely to have significant stormwater impacts to the TS4 and receiving waters. The traveling public and school-aged children shall be included as target audiences. Litter and pollutants resulting from vehicle operation and maintenance issues shall be included as target pollutants.
- 3.2.2 Provide stormwater educational information to identified audiences to reduce the potential for discharge of target pollutants through the TS4.

- 3.2.3 Provide and maintain a website designed to convey the TS4 stormwater program's purpose and educational message(s). The website shall include information on stormwater, water quality, TS4 pollutants, NCDOT stormwater projects and activities, and how to report stormwater issues.
- 3.2.4 Maintain and promote a reporting mechanism for the travelling public to identify and report littering, illicit discharges, illegal dumping.

3.3 Public Involvement and Participation Program

The TS4SMP shall identify the specific elements for implementing, documenting and tracking a Public Involvement and Participation Program that complies with State and local public notice requirements and, at a minimum, shall:

- 3.3.1 Provide mechanisms for public input on stormwater issues and the stormwater program.
- 3.3.2 Provide volunteer opportunities to ongoing citizen participation, such as the Adopt-A-Highway and Litter Sweep Programs.

3.4 Illicit Discharge Detection and Elimination Program

The TS4SMP shall identify the specific elements to develop and implement an Illicit Discharge Detection and Elimination (IDDE) Program to reduce the discharge of pollutants, including aquatic trash, to surface waters. At a minimum, the Permittee shall:

- 3.4.1 Maintain a GIS-based implicit stormwater outfall inventory which includes implicit outfalls from primary and secondary roadways.
- 3.4.2 Develop and maintain a statewide base map of Permittee owned and operated primary routes, secondary roads, surface waters, and bridge and roadway crossings of surface waters.
- 3.4.3 Develop and implement a program for mapping TS4 conveyances and outfalls associated with primary routes which are located within municipal MS4 permitted areas. The Permittee shall set forth in the TS4SMP a process for initiating the TS4 Mapping Program, beginning with the Phase I MS4 permitted areas.
- 3.4.4 Establish a statewide TS4 mapping inventory to, at a minimum, include major outfalls and bridge outfalls discharging directly to surface waters, and associated inlets, catch basins, conveyances, and flow directions.
- 3.4.5 Upon completion of TS4 mapping in Phase I MS4 permitted areas, the Permittee shall expand the process to map municipal Phase II MS4 permitted areas.
- 3.4.6 Maintain and implement standardized procedures and documentation for reporting illicit discharges and illegal dumping to the appropriate NCDOT staff, NCDEQ Regional Office and/or local government(s) having jurisdictional authority. Reporting shall be performed in a timely manner to facilitate enforcement by others, or other action to eliminate the illicit discharge or illegal dumping event.

- 3.4.7 Maintain and implement a written IDDE Plan to detect and address illicit discharges, illegal dumping and any non-stormwater discharges identified as significant contributors of pollutants to the TS4. The plan shall provide standard procedures and documentation to:
- a) Locate priority areas likely to have illicit discharges and illegal dumping that may impact surface waters or result in aquatic trash.
 - b) Identify illicit discharges and sources within the Permittee's jurisdictional area.
 - c) Eliminate the source(s) of illicit discharge(s) resulting from NCDOT activities and non-roadway facilities.
- 3.4.8 Provide a standardized mechanism for tracking and documenting each verified illicit discharge or illegal dumping event including date observed / reported, reporting source (staff, public, contractor, etc.), the results of the investigation / verification, and the date any verified event was reported to appropriate NCDOT staff, NCDEQ and/or local government having authority to resolve the event.
- 3.4.9 Train NCDOT staff and contractors who, as part of their normal job responsibilities, may observe an illicit discharge or illegal dumping. Training shall include how to identify, report, and document illicit discharges and illegal dumping. Each NCDOT staff training event shall be documented, including the agenda/materials, date, and staff participating. Contractor training may include making training materials available to contractors and integrating training requirements into NCDOT contracts. Each contractor training event shall be documented, including the agenda/materials, date and staff participating.
- 3.4.10 Provide a mechanism for the traveling public, NCDOT staff, and contractors to report illicit discharges and illegal dumping. The mechanism shall be publicized to facilitate reporting and shall be managed to provide rapid response by appropriately trained personnel.

3.5 Construction Site Runoff Control Program (Construction Program)

The TS4SMP shall identify the specific elements to develop, implement, and enforce a Construction Program to reduce pollutants in stormwater runoff from construction activities that result in land disturbance of greater than or equal to one acre, and any construction activity that is part of a larger common plan of development or sale that would disturb one acre or more.

At a minimum, the Permittee shall:

- 3.5.1 Implement the NCDEQ Erosion and Sediment Control Program as delegated to NCDOT by the Sedimentation Control Commission in February 1991, and as may be subsequently amended. This program is authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code.
- 3.5.2 Implement the requirements of General Permit No. NCG010000, as issued April 1, 2019 and as may be subsequently amended. This condition supersedes the requirement to obtain a Certificate of Coverage under General Permit No. NCG010000 for each subject construction activity.
- 3.5.3 Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site.

- 3.5.4 Provide and promote a means for staff, contractors, and the public to notify the appropriate authorities of observed erosion, sedimentation, or construction waste issues.
- 3.5.5 Implement sediment and erosion control measures in keeping with the sediment and erosion control program delegated by the North Carolina Sediment Control Commission for borrow pit and waste pile projects, including activities at NCDOT ferry terminals associated with dredging activities and contractor owned or leased borrow pits associated with NCDOT projects.
- 3.5.6 Implement Reclamation Plans in keeping with the Reclamation Program established by the North Carolina Mining and Energy Commission for borrow pit and waste pile projects, including activities at NCDOT ferry terminals associated with dredging activities and contractor owned or leased borrow pits associated with NCDOT projects.
- 3.5.7 Implement borrow pit discharge management including appropriate measures to treat borrow pit wastewater, inspections and maintenance, training field personnel overseeing borrow pit operations, and evaluating and implementing appropriate new/innovative technologies.
- 3.5.8 Maintain a current list of construction projects, borrow pits, wastepiles, and dredge spoil piles subject to the delegated Erosion and Sediment Control Program and General Permit No. NCG010000 requirements.
- 3.5.9 Provide or require equivalent stormwater pollution awareness training for appropriate NCDOT personnel and contractors involved in construction activities. Training shall include general stormwater awareness, NPDES stormwater permit NCG010000 implementation, construction site waste management protocols, identification of stormwater pollution potential, appropriate spill response actions and contacts for reporting spills and illicit discharges/illegal dumping.

3.6 Post-Construction Controls

The permittee shall implement post-construction controls to manage stormwater from new NCDOT development, and redevelopment with new built upon area, by requiring structural and non-structural BMPs to protect water quality, reduce pollutant loading, and minimize post-construction impacts to water quality. At a minimum, the permittee shall maintain and implement the following programs.

3.6.1 BMP Retrofit Program

Maintain a BMP Retrofit Program to address pollutant loading from existing NCDOT roadway and non-roadway facilities. NCDOT will not be credited under this permit with retrofits implemented to address other NCDEQ regulations, unless otherwise allowed by NCDEQ or regulations. The Permittee may partner with other entities to implement new retrofits outside of NCDOT owned and operated property. The Permittee shall:

- a) Complete a total of seventy (70) retrofits over the 5-year term of this permit.
- b) Maintain a retrofit inventory tracking system.
- c) Implement a replacement retrofit for any retrofit completed after the effective date of this permit and subsequently removed from service.

- d) Maintain approved construction drawings and as-built plans for each structural retrofit established under this permit.

3.6.2 BMP Toolbox

- a) The permittee shall maintain and implement the April 2014 NCDOT Stormwater BMP Toolbox and subsequent approved revisions to provide design guidance for post-construction stormwater control measures that are appropriate for linear roadway system application.
- b) The BMP Toolbox shall include appropriate uses/anticipated applications, design criteria, and shall aid in the siting and construction of stormwater quality BMPs.
- c) The permittee shall review, and update if appropriate, the NCDOT Stormwater BMP Toolbox once per permit term to include new BMP types, design components and guidance.
- d) The permittee shall obtain Division approval of any proposed revisions to the NCDOT Stormwater BMP Toolbox prior to implementation.

3.6.3 Post-Construction Stormwater Program

Maintain a Post-Construction Stormwater Program (PCSP) to manage stormwater from new NCDOT development and redevelopment for new built upon area by requiring structural and non-structural BMPs to protect water quality, reduce pollutant loading, and minimize post-construction impacts to water quality. The Permittee shall:

- a) Define implementation of the approved NCDOT BMP Toolbox in the PCSP Manual.
- b) Make relevant guidance, post-construction requirements, design standards/guidance, checklists, and/or other materials available to staff and contractors.
- c) Submit proposed updates to the PCSP to the Division for approval prior to implementation.
- d) Define and implement a standard policy for preparing and maintaining structural SCM construction drawings and as-built plans on file.

3.7 Pollution Prevention and Good Housekeeping Programs

A comprehensive collection of pollution prevention and good housekeeping programs shall be implemented to prevent and minimize pollutant runoff from the TS4 and NCDOT facilities and operations. At a minimum, the Permittee shall maintain and implement the following pollution prevention and good housekeeping programs.

3.7.1 Facilities Operation and Maintenance Program

The Permittee shall manage and operate facilities with stormwater pollution potential to minimize the potential for polluted stormwater discharges. The Permittee shall:

- a) Maintain a current inventory of non-roadway facilities that are owned and operated by the Permittee and have the potential for generating polluted stormwater runoff. The inventory shall also specifically identify and include each facility that is subject to NPDES industrial stormwater permitting.
- b) Establish and implement specific frequencies, schedules, and standard documentation for facility inspections and routine maintenance.
- c) Provide annual staff training for facility staff on general stormwater awareness, implementing pollution prevention and good housekeeping practices, and identifying and reporting illicit discharges and illegal dumping.
- d) NCDOT non-roadway facilities with TS4 operations will maintain and implement site-specific Stormwater Pollution Prevention Plan (SPPP) to address good housekeeping and pollution prevention from their operations.
- e) Develop, maintain, and implement requirements in accordance with the current NPDES industrial stormwater general permit applicable to each facility which is subject to NPDES industrial stormwater permitting. This condition supersedes the requirement to obtain an NPDES industrial stormwater general permit Certificate of Coverage for each subject facility.

3.7.2 Spill Response Program

The Permittee shall implement a spill response program for non-roadway NCDOT facilities that are owned and operated by the Permittee. The Permittee shall:

- a) Evaluate facilities to determine the potential for spills and associated impacts to the TS4 and surface waters.
- b) Maintain a current inventory of facilities that store and/or use materials that have the potential to contaminate stormwater runoff or surface waters if spilled.
- c) Maintain and implement written spill response procedures.
- d) Provide annual spill response training for facility staff.

3.7.3 TS4 Operation and Maintenance Program

The operation and maintenance of the roadway stormwater collection system shall include a program for reducing or eliminating the discharge of stormwater pollutants including particulates, sediment, litter, and debris. The Permittee shall:

- a) Develop and implement standard protocols for identifying and addressing high priority areas which have potential for discharge of pollutants to surface waters.
- b) Implement BMPs to reduce or eliminate the discharge of pollutants from high priority areas. BMPs may include capture technologies; storm drain inlet grate

design to minimize the entry of pollutants into the storm sewer system; roadway sweeping; litter and debris removal; catch basin and inlet inspections and cleaning, or other appropriate practices.

- c) Establish, maintain and implement specific frequencies, schedules, and standard documentation for inspection, operation, and maintenance of the TS4.
- d) Train maintenance staff and contractors on stormwater awareness and pollution prevention, performing TS4 inspections, identifying and reporting issues, and maintaining the collection system including catch basins, inlets, outfalls and conveyances.

3.7.4 SCM Inspection and Maintenance Program

The Permittee shall maintain and implement a stormwater control measure (SCM) Inspection and Maintenance program to manage NCDOT owned, operated, and/or maintained SCMs. The permittee shall:

- a) Maintain a current inventory of SCMs.
- b) Inspect and maintain each SCM in accordance with appropriate operation & maintenance criteria for the device, which shall include specific frequencies, schedules and standard documentation.
- c) Train SCM inspection and maintenance staff and contractors on inspection, operation and maintenance of SCMs.

3.7.5 Vegetation, Pesticide and Fertilizer Management Program

The Permittee shall manage landscape chemical usage to minimize the potential for polluted stormwater discharges. The Permittee shall:

- a) Provide annual training for vegetation management personnel, and train or require equivalent training for vegetation management contractors. Training shall consist of appropriate uses and applications of pest control products (chemical agents) and shall also cover proper mowing techniques; appropriate spill response and reporting; label-specific uses, storage and handling of landscape products, tools and equipment; and the potential for water quality impacts.
- b) Use biological control measures as sanctioned by North Carolina Department of Agriculture & Consumer Services (NCDQ&CS).
- c) Utilize only EPA and/or NCDA&CS approved pesticide and fertilizer products, and apply them in accordance with the manufacturer's directions, labels, and restrictions.
- d) Ensure compliance with applicable Pesticide Applicator licensing requirements.

3.7.6 Vehicle and Equipment Maintenance Program

The Permittee shall maintain a Vehicle and Equipment Maintenance Program to prevent and minimize contamination of stormwater runoff from TS4 vehicle and equipment maintenance and/or cleaning activities. The Permittee shall:

- a) Perform preventative maintenance of vehicles and equipment.
- b) Perform inspections of facilities, vehicles and equipment, and shall establish specific frequencies, schedules, and documentation.
- c) Provide training to staff on stormwater pollution prevention, spill response, preventative maintenance, and Stormwater Pollution Prevention Plan implementation.

3.7.7 Litter Management Program

The Permittee shall maintain a Litter Management Program to prevent and minimize aquatic trash from NCDOT right-of-way. The Permittee shall:

- a) Continue to implement litter management programs to collect litter and debris and minimize discharges to surface waters.
- b) Establish and implement standard processes for routine year-round litter inspections and removal, including identification of high priority areas, specific inspection and removal frequencies, schedules, and documentation.
- c) Utilize TS4 mapping efforts to support decisions on identification of high priority areas and implementation of BMPs to prevent the discharge of litter to surface waters.
- d) Implement BMPs to reduce or eliminate the discharge of litter and debris from high priority areas. BMPs may include capture technologies; storm drain inlet grate design to minimize the entry of litter and debris into the storm sewer system; litter and debris removal; catch basin and inlet inspections and cleaning, or other appropriate practices.

3.7.8 Fecal Coliform Reduction Program

The Permittee shall control, to the maximum extent practicable, sources of fecal coliform from NCDOT non-roadway facilities. At a minimum, the Permittee shall:

- a) Maintain pet waste management measures at NCDOT rest areas and ferry terminals.
- b) Connect on-site septic systems at NCDOT non-roadway facilities to publicly owned treatment works (POTWs) where feasible; or properly operate and maintain the on-site septic system. Proper operation and maintenance for septic systems shall include

staff training on general stormwater awareness, impacts of fecal coliform in receiving waters, and how to properly operate and maintain the septic system.

3.8 Total Maximum Daily Load Program

The Permittee shall develop and implement water quality improvement strategies for EPA-approved Total Maximum Daily Loads (TMDLs) that specifically name the Permittee as a significant contributor and assigns a unique WLA to the Permittee that is separate from other sources.

If an approved TMDL has no EPA-approved WLA which specifically assigns a unique WLA to the Permittee, then the Permittee shall evaluate strategies and tailor and/or expand BMPs within the scope of this permit to reduce the TMDL pollutant(s) of concern in the named watershed(s) to the maximum extent practicable. The Permittee shall describe any strategies and tailored and/or expanded measures in the TS4SMP.

3.9 Research Program

The Permittee shall implement a Research Program to facilitate research to enhance or improve existing practices or develop new methods or processes to meet TS4 permit requirements.

Research shall be conducted with faculty and staff at state universities or other independent institutions that result in impartial quantitative assessment of stormwater from NCDOT permitted activities and/or measure structural BMP effectiveness.

PART 4 ANNUAL PROGRAM REVIEW

Implementation of the permit conditions and TS4SMP shall include an annual review of program compliance by the Permittee and submittal of an annual report to the Division.

4.1 Annual TS4SMP Review

The Permittee shall review and update the TS4SMP as necessary, but at least on an annual basis, to identify compliance issues, necessary modifications, and improvements needed to maximize TS4SMP effectiveness.

4.2 Annual Report

The Permittee shall submit an annual report to the Division by August 31 of each year. When required, a permit renewal application may be submitted in lieu of the annual report.

The Division may request additional reporting and/or monitoring information as necessary to evaluate the progress and results of the Permittee's stormwater programs.

The annual report shall document activities over the course of the fiscal year (July 1 – June 30) and include appropriate information to accurately describe the progress, status, and results of the permitted programs. At a minimum, the annual report shall:

- a) Assess compliance with the permit.
- b) Provide information on the establishment of appropriate legal authorities, inspections, and enforcement actions.
- c) Include specific annual reporting metrics identified in the TS4SMP.

PART 5 DOCUMENTATION STANDARDS

5.1 Electronic Submittals

Beginning on December 21, 2020, and in accordance with federal reporting requirements established in the final NPDES Electronic Reporting Rule adopted and effective December 21, 2015, the Permittee shall electronically submit any required annual reports and monitoring data. All required electronic submittals shall be made in accordance with Division guidance.

5.2 Non-Electronic Submittals

All reports required herein, not submitted electronically, shall be submitted to the following address:

Department of Environmental Quality
Division of Energy, Mineral, and Land Resources - Stormwater Program
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

5.3 Signatory Authority

All applications, reports, or information, other than those submitted electronically, shall be signed by a principal executive officer, ranking elected official, or duly authorized representative. A person is a duly authorized representative only if:

- a) The authorization is made in writing by a principal executive officer or ranking elected official;
- b) 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
- c) The written authorization is submitted to the Division.

5.4 Signatory Certification

Any authorized person signing a document under these permit requirements shall, at a minimum, 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.”

5.5 Record Keeping Requirements

Documentation shall be kept on-file by the Permittee for a period of five (5) years from the date of expiration of this permit. This period may be extended in writing by the Division when provided prior to the end of the five-year period.

5.6 Supplemental or Corrected Information

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

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PART 6 COMPLIANCE AND LIABILITY

6.1 Duty to Comply

The Permittee shall 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 \$37,500 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 \$16,000 per violation with the maximum amount not to exceed \$177,500 [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).

6.2 Duty to Mitigate

The Permittee shall take 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.

6.3 Twenty-four Hour Noncompliance Reporting

The Permittee shall report to the Division 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, its causes, the period of noncompliance 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.

6.4 Civil and Criminal Liability

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.

6.5 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.

6.6 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.

6.7 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.

6.8 Duty to Provide Information

The Permittee shall furnish to the Division, within a reasonable time, any information which the Division 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 Division upon request, copies of records required by this permit.

6.9 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.

6.10 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.

6.11 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.

6.12 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 owned and/or operated by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures as necessary. 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 the permit.

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PART 7 INSPECTION, ENTRY AND AVAILABILITY OF REPORTS

7.1 Inspection and Entry

The Permittee shall allow the Division, or an authorized representative (including an authorized contractor acting as a representative of the Division), 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 shall be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records of the Permittee that shall be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations of the Permittee 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 under the control of the Permittee.

7.2 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 of Energy, Mineral, and Land Resources. 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.

PART 8 DEFINITIONS

1. Act: See Clean Water Act.
2. Annual Self-Assessment (ASA): The standard document submitted by the Permittee on an annual basis that summarizes the TS4SMP implementation and activities conducted during the previous fiscal year.
3. 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). See also stormwater control measure (SCM).
4. Borrow Pit: A borrow pit is a man-made depression in the ground created when earthen materials are removed to provide fill or materials at another site.
5. Bypass: A bypass is the known diversion of stormwater or wastewater from any portion of a control facility, including the collection system, which is not a designed or established operating mode for the facility.
6. Clean Water Act (CWA or Act): The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
7. Common Plan of Development: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels.
8. Construction Activity: The disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities.
9. Department: The North Carolina Department of Environmental Quality (NCDEQ).
10. Development: - Per NCGS 143-214.7, "development" means any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.
11. Division: The Division of Energy, Mineral, and Land Resources in the Department of Environmental Quality (DEMLR).
12. Hazardous Substance: Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

13. Illicit Discharge: Any discharge to or from the TS4 that is not composed entirely of stormwater, except allowable non-stormwater discharges or discharges covered by another permit, authorization, or approval.
14. Implicit Outfall Inventory: An implicit stormwater outfall inventory is a geospatial list of points created using an 'in-office' procedure, typically GIS-based, intended to estimate the possible locations of NCDOT point sources of stormwater discharge into waters of the United States.
15. Implicit Outfall: An implicit outfall is a geospatial point listed in the implicit stormwater outfall inventory. Implicit outfalls are not verified in the field as meeting the definition of an outfall.
16. Industrial Activity: For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26(b)(14)(i)-(xi).
17. Major Outfall: Major outfall means a separate storm sewer system outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe that is associated with a drainage area of more than 50 acres); or for separate storm sewers that receive stormwater from 1 industrial activity, an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
18. Maximum Extent Practicable (MEP): MEP is defined in the Federal Register (U.S. EPA, 1999, p. 68754). This document says that "Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard." Minimum control measures are defined in the Federal Register as (1) public education and outreach, (2) public participation/involvement, (3) illicit discharge detection and elimination, (4) construction site runoff control, (5) post-construction runoff control, and (6) pollution prevention/good housekeeping. MEP are the controls necessary for the reduction of pollutants discharged from a TS4, which consist of a combination of BMPs, control techniques, system design and such other provisions as described in the TS4SMP. Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this permit constitutes compliance with the standard of reducing pollutants to the MEP. Stormwater management programs must be assessed and adjusted, as part of an iterative process, to maximize their efficiency and make reasonable progress toward as ultimate goal of reducing the discharge of pollutants to the MEP.
19. 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 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.
20. Outfall: Outfall means a point source as defined by 40 CFR 122.2 at the point where a separate storm sewer system discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which

connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

21. Permittee: The owner or operator issued this permit.
22. 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.
23. Redevelopment: "Redevelopment" has the same meaning as in G.S. 143-214.7.
24. Retrofit: A retrofit is a structural or non-structural best management practice which provides stormwater treatment or aids NCDOT in its pollution prevention objectives, and is constructed on existing development or put into practice within existing policies and procedures. Retrofit best management practices are typically constructed or put into practice some period of time after the original development activities were completed and were not part of the original development plans.
25. Section 313 Water Priority Chemical: A chemical or chemical category which:
 - a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
 - b. Is present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and
 - c. Meets at least one of the following criteria:
 - (1) Is listed in appendix D of 40 CFR Part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - (2) Is listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - (3) Is a pollutant for which USEPA has published acute or chronic water quality criteria.
26. Significant Spills: Significant spills include, but are 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 110.3 and CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4).
27. Storm Sewer System: Is a conveyance or system of conveyances which are designed or used to collect or convey stormwater runoff that is not part of a combined sewer system or treatment works. This can include, but is not limited to, streets, catch basins, pipes, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff.
28. Stormwater Control Measure (SCM): "Stormwater Control Measure" or "SCM," also known as a structural "Best Management Practice" or "BMP," means a permanent device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or

filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

29. Stormwater Discharge 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.
30. Stormwater Discharge Point: The point of departure where stormwater leaves a NCDOT-owned property or right-of-way boundary and is not discharging directly into waters of the United States.
31. Stormwater Management Program: The term Stormwater Management Program refers to the comprehensive stormwater management program that is required to be developed and implemented by MS4/TS4 Permittees.
32. Stormwater Pollution Prevention Plan (SPPP): 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.
33. Stormwater Runoff: The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.
34. Transportation Separate Storm Sewer System (TS4): Transportation separate storm sewer system, a type of municipal separate storm sewer system (MS4), means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - (a) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
 - (b) Designed or used for collecting or conveying stormwater in a linear environment and applicable non-roadway facilities.
 - (c) Which is not a combined sewer; and
 - (d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
35. TS4 Stormwater Management Plan (TS4SMP): The TS4 Stormwater Management Plan is the written plan that is used to describe and define the various control measures and activities the Permittee will undertake to implement the stormwater management program to meet the MEP standard.
36. 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.

37. Toxic Pollutant: Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.
38. Waste Load Allocation (WLA): A WLA is a TMDL pollutant reduction target allocating a specific load reduction to specific point source discharge(s) of the pollutant.
39. Waste Pile: A Waste Pile means a stack, pile, or area of materials remaining from construction or maintenance activities. For NCDOT projects, these waste piles typically consist of earthen materials or construction material rubble.

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