

North Carolina Stormwater Program's Response to Comments and Summary of Final Changes to NPDES Stormwater General Permits NCG050000, NCG070000, NCG110000, and NCG130000 (2018 Renewal)

Background

NPDES Stormwater General Permits NCG050000, NCG070000, NCG110000, and NCG130000 each expire on May 31, 2018. The North Carolina Division of Energy, Mineral, and Land Resources' (DEMLR's) Stormwater Program announced in selected newspapers across the State on or about April 16, 2018 that the draft of the proposed renewal general permits would be posted on our website for public comment. This notice also ran in the North Carolina Register and was posted on the Department of Environmental Quality's (DEQ's) Public Notice Calendar on April 16, 2018.

The draft general permits and fact sheets were available on the Stormwater Program's website on April 16, 2018. The public comment period closed on May 16, 2018. During this time, DEMLR staff received no public comments on any of the proposed general permits. Some comments were received from regional offices.

The Stormwater Program sent the proposed general permits to EPA Region IV in Atlanta on March 1, 2018. On April 10, 2018, EPA Region IV responded that the agency concurred with no comments on NCG070000 or NCG110000. EPA Region IV's concurrence with NCG050000 and NCG130000 was received on May 17, 2018. EPA's additional review and approval would be necessary if the proposed final general permits incorporated significant changes from the draft or if significant public comments objecting to the permits were received. DEMLR concluded that neither of these criteria was met and that further EPA review before final issuance was not required.

Comments and Responses

DEMLR received no written comments on the proposed General Permit NCG050000, NCG110000, or NCG130000 during the announced public comment period. Some regional DEQ staff provided comments on draft General Permit NCG070000, specifically to consider analytical monitoring for some sites and to add pH benchmarks into the permit. Based on these comments, DEMLR added pH benchmarks into Part II, Section B, Table 3 to address situations where site conditions prompt an inspector to require additional analytical monitoring (as proposed in the draft permit in Part II, Section B.1.). DEMLR concluded that the draft language in Part II, Section B.1. was sufficient and did not make any changes to that section before finalizing the general permit.

Summary of Changes to the Permits

DEMLR revised permit language and other requirements to be consistent with more recently issued NPDES General Permit templates. **Changes from the previous general permits include, but are not limited to:**

1. Revised references to previous Agency/Division names and revised website links throughout.
2. Part I, Section B now includes language that specifies the permittee's Certificate of Coverage is incorporated by reference, and that any violation of the COC is a violation of the General Permit. Language was also added to this section to reference applicable wetland standards and water quality certification requirements.
3. Part II, Section A, 2.(b), Secondary Containment Requirements, was revised to reflect language in current permits (addresses mobile refuelers).
4. Part II, Section B, Table 1. includes a column for parameter code (needed for future electronic DMR reporting).
5. Part II, Section B, Tier Response language was revised to be consistent with current permits.
6. Part II, Section D was added to address electronic DMR reporting requirements.
7. Part III, Section A, 2.(g) was revised to reference current penalty amount limits.
8. The definition of *Bulk Storage of Liquid Materials* was revised in Part IV Definitions to omit the language "located in close proximity to each other" as it applies to multiple above ground storage containers having a combined storage of 1,320 gallons.
9. The definition of *Vehicle Maintenance Activity* in Part IV Definitions was broadened to include equipment maintenance that uses hydraulic oil and that is stored or used outside, or otherwise exposed to stormwater.

DEMLR made these **minor changes to the draft general permits before finalizing:**

1. Part II, Section D. Special Conditions: Removed A(1.) because no other sections follow.
2. In NCG070000, added benchmarks for pH in Part II, Section B, Table 3.
3. Corrected some website links in Part IV.