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North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 23, 2010

RECEIVED
JUL 26 2010

Mr. Kris Edmondson, Manager
Lee Steam Plant
1677 Old Smithfield Road
Goldsboro, North Carolina 27530

Subject: Modification of NPDES Permit
NC0003417
Lee Steam Plant
Wayne County

Dear Mr. Edmondson:

Division personnel have reviewed and approved your application for modification of the subject permit. This modification acknowledges the future retirement of the existing coal-fired generation units at the site, and adds outfall 003 to accommodate the construction of a natural gas-fired combined cycle generation facility. Accordingly, we are forwarding the attached NPDES discharge 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 U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

This final permit contains the following changes from the draft sent to you for review on May 26, 2010:

- The location of outfall 003 was corrected on the permit map.
- Condition A (3) was modified to clarify that the limits table would be effective after the commencement of the discharge.
- The TRC monitoring requirement at outfall 003 was removed. Cooling water from the new unit will be returned to the cooling water lake, which already has TRC monitoring in effect at outfall 002.
- The acute toxicity monitoring frequency in the limits table for outfall 003 was changed to agree with the requirement in special condition A (5). The word "episodic" was also removed from condition A (5).

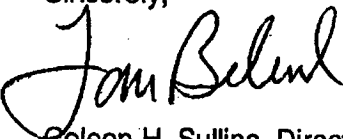
We have noted your request for the Division to confirm that, after the retirement of the coal-fired units, the only nitrogen in your discharge would be "pass-through" from the river withdrawal. This request is reasonable. However, you will be responsible for any excess nitrogen allocations until the Division indicates that they are no longer required.

The NC Division of Environmental Health has noted that there are two drinking water supply systems located downstream of this facility. These are the City of Goldsboro and the Neuse Regional Water & Sewer Authority. These entities must be notified as quickly as possible if there is a failure of the ash pond or any containment facilities which would affect downstream water supplies. This is to ensure that they may be able to make adjustments to their raw water pumping and treatment systems.

If any parts, measurement frequencies or sampling requirements contained in this permit modification 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 (6714 Mail Service Center, Raleigh, North Carolina 27699-6714). Unless such demand is made, this decision shall be final and binding.

Please note that this permit is not transferable except after notice to the Division. The Division may require modification or revocation and reissuance of 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, the Coastal Area Management Act or any other Federal or Local governmental permit that may be required. If you have any questions concerning this permit, please contact Gil Vinzani at telephone number (919) 807-6395.

Sincerely,


for Coleen H. Sullins, Director
Division of Water Quality

cc: Central Files
Washington Regional Office/Surface Water Protection
EPA Region IV/Marshall Hyatt *via e-mail*
Aquatic Toxicology *via e-mail*
NPDES Files
Mr. Shannon Langley/ Progress Energy Carolinas, Inc. *via e-mail*

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

PERMIT

TO DISCHARGE WASTEWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision 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,

Carolina Power and Light Company d/b/a Progress Energy Carolinas, Inc.

is hereby authorized to discharge wastewater from a facility located at

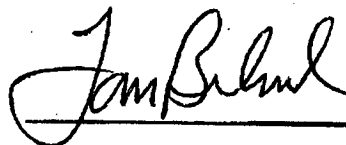
H.F. Lee Steam Electric Plant
1677 Old Smithfield Road
Goldsboro, North Carolina
Wayne County

to receiving waters designated as the Neuse River in the Neuse River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

The permit shall become effective September 1, 2010.

This permit and the authorization to discharge shall expire at midnight on May 31, 2013

Signed this day July 23, 2010:



CS
Coleen H. Sullins, Director
Division of Water Quality
By Authority of the Environmental Management Commission

SUPPLEMENT TO PERMIT COVER SHEET

All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked. As of this permit issuance, any previously issued permit bearing this number is no longer effective. Therefore, the exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions included herein.

Carolina Power and Light Company d/b/a Progress Energy Carolinas, Inc.

is hereby authorized to:

1. Continue to discharge the following treated wastestreams from Carolina Power and Light Company d/b/a Progress Energy Carolinas, Inc. H. F. Lee Steam Electric Plant located at 1677 Smithfield Road, Goldsboro, Wayne County:

Ash Pond (Outfall 001)

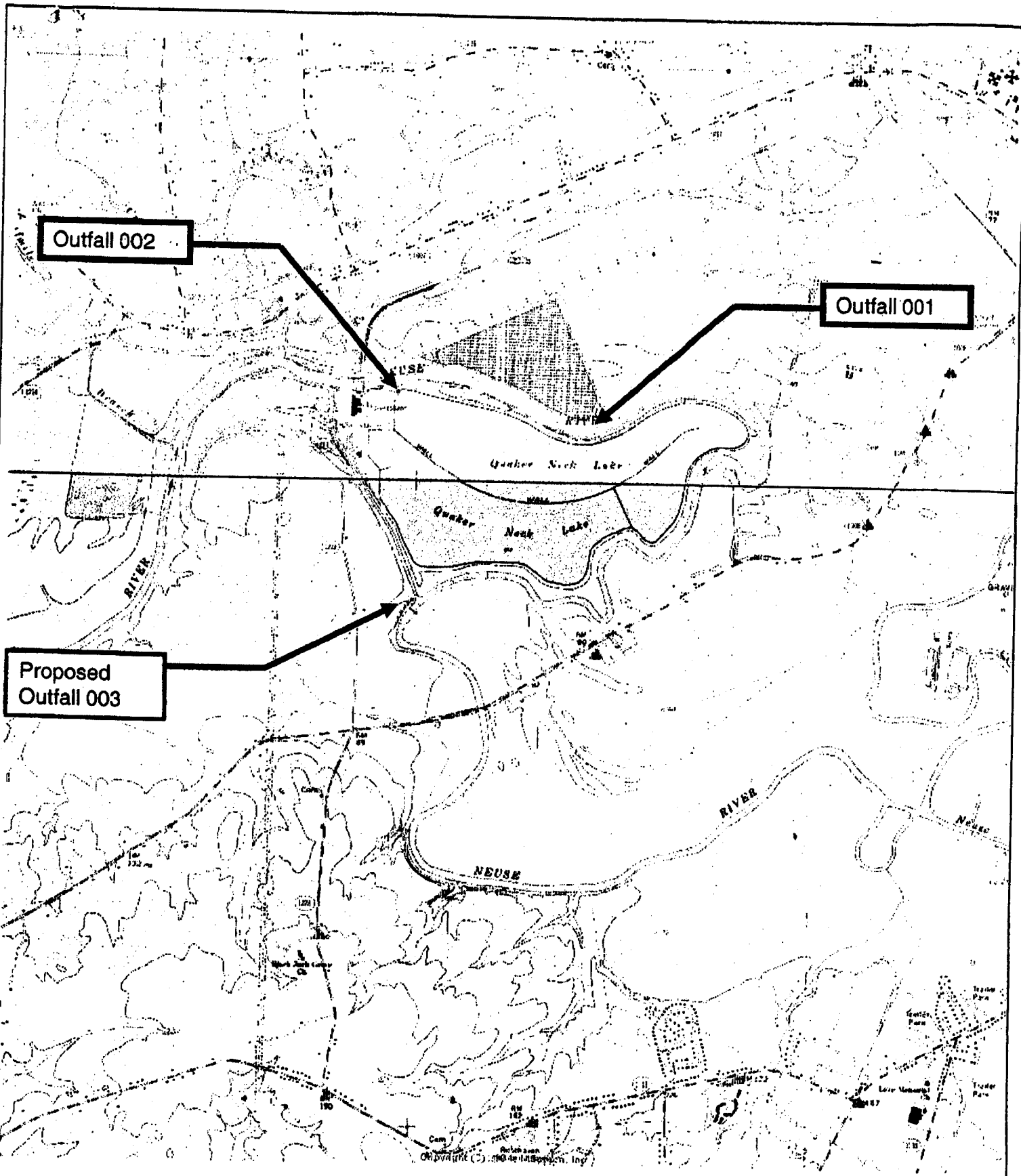
- ash transport wastewater, including effluent from a Rotamix System
- precipitator and air pre-heater wash water
- combustion turbine wash water
- filter plant blowdown and wash water
- stormwater from ash line trench

Cooling Water Pond (Outfall 002)

- recirculated condenser cooling water
 - non-contact cooling water (service water)
 - coal pile runoff
 - low volume wastes
 - sanitary wastes
 - stormwater runoff
 - evaporative cooler wastewater and containment stormwater from the combustion turbine site
2. After receiving approval for the construction and operation of a natural gas fired combined cycle generation facility, commence discharge from new Outfall 003 as follows:

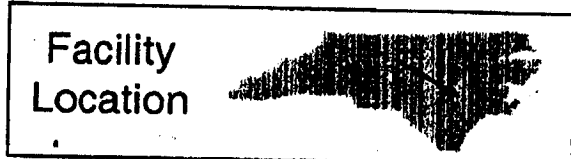
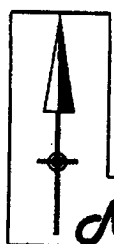
Combined Cycle Plant Processes (Outfall 003)

- filter plant wastewaters
 - equipment and containment drains
 - reverse osmosis reject and filter backwash
 - quenched heat recovery steam generator blowdown
3. Discharge from said treatment works (via Outfalls 001, 002 and 003) into the Neuse River, a Class WS-IV NSW water in the Neuse River Basin, at the locations specified on the attached map.



Latitude: 35°22'16" [001]
 35°22'09" [002]
 35°22'02" [003]
 Longitude: 78°04'09" [001]
 78°05'06" [002]
 78°05'00" [002]
 Quad: Northwest Goldsboro, N.C.
 Stream Class: WS-IV, NSW

NC0003417
 H.F. Lee Steam Electric Plant
 Subbasin: 03-04-12
 Receiving Stream: Neuse River



North

Wayne County

A (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge treated wastewater from Outfall 001 (Ash Pond). Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location ¹
Flow				Daily	Pump logs or similar reading	I or E
Oil and Grease	15.0 mg/L		20.0 mg/L	2/Month	Grab	E
Total Suspended Solids	30.0 mg/L		100.0 mg/L	2/Month	Grab	E
Total Arsenic				Quarterly	Grab	E
Total Selenium ²				Quarterly	Grab	E
pH	6.0 ≤ pH ≤ 9.0			Weekly	Grab	E
TKN (mg/L)	Monitor and Report			Weekly	Grab	E
NO ₃ -N + NO ₂ -N (mg/L)	Monitor and Report			Weekly	Grab	E
TN (mg/L)	Monitor and Report			Weekly	Grab	E
TN Load ³	Monitor & Report (pounds/month)			Monthly	Calculated	E
	Monitor & Report (pounds/year)			Annually	Calculated	E
Total Phosphorus mg/L				Monthly	Grab	E
Chronic Toxicity ⁴				Quarterly	Grab	E

Notes:

1. Sample locations: E- Effluent, I- Influent
2. See Special Condition A (10).
3. See Special Condition A (6) Total Nitrogen Calculations.
4. Chronic Toxicity (*Ceriodaphnia*) at 2.1%; January - March, April - June, July - September, October - December; see Special Condition A (4).

There shall be no discharge of polychlorinated biphenyls (PCBs).

There shall be no discharge of floating solids or foam.

A (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge treated wastewater from Outfall 002 (Cooling Water Pond) under specified conditions ¹. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Sample Location ²
Flow				Each Event	Estimate	OS
Oil and Grease	15.0 mg/L		20.0 mg/L	Each Event	Grab	OS
Total Suspended Solids	30.0 mg/L		100.0 mg/L	Each Event	Grab	OS
Total Arsenic				Each Event	Grab	OS
Total Copper				Each Event	Grab	OS
Total Iron				Each Event	Grab	OS
Total Selenium				Each Event	Grab	OS
Total Residual Chlorine ³				Each Event	Grab	OS
pH	6.0 ≤ pH ≤ 9.0			Each Event	Grab	OS
Temperature ⁴				Each Event	Grab	OS
Acute Episodic Toxicity ⁵				Each Event	Grab	OS

Notes:

- This discharge is permitted only in the following cases: a) caused by extreme rainfall; b) where unavoidable to prevent loss of life, severe property damage, or damage to the cooling pond structure; or c) for necessary maintenance activities. In the event that a discharge occurs, the permittee shall inform the Washington Regional Office (252-946-6481) by telephone as soon as possible, but in no case later than 48 hours after the discharge occurs. The permittee shall also provide the following information, in writing, to the Division within 10 days of the discharge: a) a description and cause of the discharge; b) the duration of the discharge, including time and dates, anticipated time the discharge is expected to continue, and steps being taken to reduce, prevent, and eliminate reoccurrence of the discharge. The permittee shall take all reasonable steps necessary to minimize any adverse impact to navigable waters resulting from the discharge, including such monitoring as necessary to determine the environmental impact of the discharge.
- Sample locations: OS - Outfall structure.
- Monitoring requirement for total residual chlorine (TRC) applies only when chlorine is added to the treatment system. Neither free available chlorine (FAC) nor TRC may be discharged from any single generating unit for more than two hours in any single day, and not more than one unit in the plant may discharge FAC or TRC, unless the discharger demonstrates to the Division that the unit(s) cannot operate at or below this level of chlorination.
- As a result of this discharge, the temperature of the receiving water shall not be increased by more than 2.8°C above ambient water temperature and in no case exceed 32°C.
- Acute Episodic Toxicity (Fathead Minnow 24-hr); LC50; see Special Condition A (5).

There shall be no discharge of polychlorinated biphenyls (PCBs).

There shall be no discharge of floating solids or foam.

A (3) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning with the with the commencement of this discharge and lasting until expiration, the Permittee is authorized to discharge treated wastewater from Outfall 003 (Combined Cycle Plant) Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location 1
Flow				Daily	Instantaneous	I or E
Oil and Grease	15.0 mg/L		20.0 mg/L	2/Month	Grab	E
Total Suspended Solids	30.0 mg/L		100.0 mg/L	2/Month	Grab	E
pH	6.0 ≤ pH ≤ 9.0			2/Month	Grab	E
Temperature ²				2/Month	Grab	E
Total Copper				Monthly	Grab	E
Total Zinc				Monthly	Grab	E
Acute Toxicity ³				Annual, see A (5)	Grab	E

Notes:

1. Sample locations: E – Effluent; I - Influent
2. As a result of this discharge, the temperature of the receiving water shall not be increased by more than 2.8°C above ambient water temperature and in no case exceed 32°C.
3. Acute Toxicity (Fathead Minnow 24-hr); LC50; see Special Condition A (5).

There shall be no discharge of polychlorinated biphenyls (PCBs).

There shall be no discharge of floating solids or foam.

**SUPPLEMENT TO EFFLUENT LIMITATIONS
AND MONITORING REQUIREMENTS
SPECIAL CONDITIONS**

A (4) CHRONIC TOXICITY PERMIT LIMIT (QUARTERLY) - Outfall 001 (Ash Pond)

The effluent discharge shall at no time exhibit observable inhibition of reproduction or significant mortality to *Ceriodaphnia dubia* at an effluent concentration of 2.1%.

The permit holder shall perform at a minimum, quarterly monitoring using test procedures outlined in the "North Carolina *Ceriodaphnia* Chronic Effluent Bioassay Procedure," Revised February 1998, or subsequent versions or "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions. The tests will be performed once during each calendar quarter (January - March, April - June, July - September, and October - December). Effluent sampling for this testing shall be performed at the NPDES permitted final effluent discharge below all treatment processes.

If the test procedure performed as the first test of any single quarter results in a failure or ChV below the permit limit, then multiple-concentration testing shall be performed at a minimum, in each of the two following months as described in "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions.

The chronic value for multiple concentration tests will be determined using the geometric mean of the highest concentration having no detectable impairment of reproduction or survival and the lowest concentration that does have a detectable impairment of reproduction or survival. The definition of "detectable impairment," collection methods, exposure regimes, and further statistical methods are specified in the "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions.

All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Monitoring Form (MR-1) for the months in which tests were performed, using the parameter code TGP3B for the pass/fail results and THP3B for the Chronic Value. Additionally, DWQ Form AT-3 (original) is to be sent to the following address:

Attention: Environmental Sciences Section
North Carolina Division of Water Quality
1621 Mail Service Center
Raleigh, North Carolina 27699-1621

Completed Aquatic Toxicity Test Forms shall be filed with the Environmental Sciences Section no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete, accurate, include all supporting chemical/physical measurements and all concentration/response data, and be certified by laboratory supervisor and ORC or approved designate signature. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should there be no discharge of flow from the facility during a month in which toxicity monitoring is required, the permittee will complete the information located at the top of the aquatic toxicity (AT) test form indicating the facility name, permit number, pipe number, county, and the month/year of the report

with the notation of "No Flow" in the comment area of the form. The report shall be submitted to the Environmental Sciences Section at the address cited above.

Should the permittee fail to monitor during a month in which toxicity monitoring is required, monitoring will be required during the following month. Should any test data from this monitoring requirement or tests performed by the North Carolina Division of Water Quality indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

If the Permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the DMR and all AT Forms submitted.

NOTE: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival, minimum control organism reproduction, and appropriate environmental controls, shall constitute an invalid test and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.

A (5) ACUTE TOXICITY MONITORING - Outfall 002 and Outfall 003

The permittee shall conduct FIVE acute toxicity tests using protocols defined as definitive in EPA Document EPA/600/4-90/027 entitled "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms." The monitoring shall be performed as a Fathead Minnow (*Pimephales promelas*) 24 hour static test. Effluent samples for self-monitoring purposes must be obtained below all waste treatment. For Outfall 002, sampling and subsequent testing will occur during the first five discrete discharge events after November 1, 2009. For Outfall 003, the five tests must be done during the first three months after startup of the combined cycle unit. After monitoring of the first five toxicity tests, the permittee will conduct one test annually, with the annual period beginning in January of the next calendar year. The annual test requirement must be performed and reported by June 30. If no discharge occurs by June 30, verbal notification shall be made to the Division within two weeks of this date by contacting the Aquatic Toxicology Unit at 919-733-2136. Verbal notification shall be followed by the Aquatic Toxicity Test Form indicating "No Discharge through June 30th" within 30 days following the reporting period. Toxicity testing will be performed on the next discharge event for the annual test requirement.

The parameter code for this test is TAE6C. All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Form (MR-1) for the month in which it was performed, using the appropriate parameter code. Additionally, DWQ Form AT-1 (original) is to be sent to the following address:

Attention: North Carolina Division of Water Quality
Environmental Sciences Section
1621 Mail Service Center
Raleigh, North Carolina 27699-1621

Completed Aquatic Toxicity Test Forms shall be filed with the Environmental Sciences Section no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete and accurate and include all supporting chemical/physical measurements performed in association with the toxicity tests, as well as all dose/response data. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should any test data from either these monitoring requirements or tests performed by the North Carolina Division of Water Quality indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

NOTE: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival and appropriate environmental controls, shall constitute an invalid test and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.

A (6) TOTAL NITROGEN CALCULATIONS - Outfall 001 (Ash Pond)

The Permittee shall calculate the annual mass loading of total nitrogen as the sum of monthly loadings, according to the following equations:

$$(1) \text{ Monthly Mass Loading (lb/mo)} = TN \times Q \times 8.34$$

where:

TN = the average total nitrogen concentration (mg/L) of the grab samples collected during the month

Q = the total wastewater flow discharged during the month (MG/month)

8.34 = Conversion factor

$$(2) \text{ Annual Mass Loading (lb/yr)} = \sum (\text{Monthly Mass Loadings}) \text{ for the calendar year}$$

The Permittee shall report the total nitrogen concentration for each sample and the monthly mass loading in the appropriate discharge monitoring report. The annual mass loading of total nitrogen shall be reported in the December discharge monitoring report, which is due in January of the following year.

Note: TN concentrations reported as "less than detection level" shall be treated as one-half of the detection level for purposes of TN mass loading calculations.

A (7) ANNUAL LIMITS FOR TOTAL NITROGEN

- a. Total Nitrogen (TN) allocations and TN Load limits for NPDES dischargers in the Neuse River basin are annual limits and are applied for the calendar year.
- b. For any given calendar year, the Permittee shall be in compliance with the annual TN Load limit in this Permit if:
 - i. the Permittee's annual TN Load is less than or equal to said limit, or
 - ii. the Permittee is a Co-Permittee Member of a compliance association.
- c. The TN Load limit in this Permit (if any) may be modified as the result of allowable changes in the Permittee's TN allocation.
 - i. Allowable changes include those resulting from purchase of TN allocation from the Ecosystem Enhancement Program (EEP); purchase, sale, trade, or lease of allocation between the Permittee and other dischargers; regionalization; and other transactions approved by the Division.
 - ii. The Permittee may request a modification of the TN Load limit in this Permit to reflect allowable changes in its TN allocation. Upon receipt of timely and proper application, the Division will modify the permit as appropriate and in accordance with state and

federal program requirements. Changes in TN limits become effective on January 1 of the year following permit modification. The Division must receive application no later than August 31 for changes proposed for the following calendar year.

iii. Application shall be sent to:

NCDWQ / NPDES Unit
Attn: Neuse River Basin Coordinator
Mail Service Center
Raleigh, NC 27699-1617

- d. If the Permittee is a member and co-permittee of an approved compliance association, its TN discharge during that year is governed by that association's group NPDES permit and the TN limits therein.
- i. The Permittee shall be considered a Co-Permittee Member for any given calendar year in which it is identified as such in Appendix A of the association's group NPDES permit.
 - ii. Association roster(s) and members' TN allocations will be updated annually and in accordance with state and federal program requirements.
 - iii. If the Permittee intends to join or leave a compliance association, the Division must be notified of the proposed action in accordance with the procedures defined in the association's NPDES permit.
 - (1) Upon receipt of timely and proper notification, the Division will modify the permit as appropriate and in accordance with state and federal program requirements.
 - (2) Membership changes in a compliance association become effective on January 1 of the year following modification of the association's permit.
- e. The TN monitoring and reporting requirements in this Permit remain in effect until expiration of this Permit and are not affected by the Permittee's membership in a compliance association.

A (8) TOTAL NITROGEN ALLOCATIONS

- a. The following table lists the Total Nitrogen (TN) allocation(s) assigned to, acquired by, or transferred to the permittee in accordance with the Neuse River nutrient management rule (T15A NCAC 02B.0234) and the status of each as of permit issuance. For compliance purposes, this table does not supersede any TN limit(s) established elsewhere in this permit or in the NPDES permit of a compliance association of which the Permittee is a Co-Permittee Member.

Allocation Type	Source	Date	Allocation Amount (1)		Status
			Estuary (lb/year)	Discharge (lb/year)	
Base (2)					

Footnotes:

(1) Transport Factor = 70%

(2) Progress Energy's Lee Steam Plant received no TN allocation under the Neuse rule but is allowed a baseline TN load of 3,260 lb/yr at its Outfall 001 (2,282 lb/yr at the estuary), which is not part of the point source waste load allocation.

A (9) TOTAL NITROGEN REOPENER CLAUSE

Progress Energy's Lee Steam Plant received no TN allocation under the Neuse rule, but is allowed a baseline TN load of 3,260 lb/yr at its Outfall 001 (2,282 lb/yr at the estuary), which is not part of the point source wasteload allocation. Effective January 1, 2009, Progress' TN discharge is governed through NPDES permit NCC000001 for the Neuse River Compliance Association, of which it is a member; and Progress has leased additional allocation from the NRCA from 2009 through 2013 in order to ensure coverage for any TN discharges from its new Rotamix system that cause it to exceed the baseline level. This individual permit, NC0003417, does not include a TN limit for Progress' discharge and does not reflect the lease amount (9,000 lb/yr for 2009 and subject to adjustment as needed).

In the event that Progress Energy fails to maintain sufficient allocation to cover its excess TN load, that is, the load in excess of its baseline allowance, the Division may re-open this permit to establish enforceable TN limits and other necessary appropriate nutrient control requirements, subject to the standard public process afforded such permit modifications.

A (10) SELENIUM REOPENER CLAUSE

If the schedule for the retirement of the coal-fired units at the Lee Steam Plant is delayed beyond December 31, 2013, the Division of Water Quality may reopen the permit in order to add selenium limits and increase its monitoring frequency at Outfall 001.

A (11) 316(b) REQUIREMENTS

The facility shall continue to properly operate and maintain the cooling water intake structure.

A (12) BIOCIDES CONDITION

The permittee shall not discharge any biocides that have not been previously approved in conjunction with the permit application. For biocides not previously approved by the Division of Water Quality, the permittee shall notify the Director in writing prior to use of these biocides. Completion of Biocide Worksheet Form 101 is not necessary for those outfalls with toxicity testing requirements.

PART II STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

2/Month

Samples are collected twice per month with at least ten calendar days between sampling events. These samples shall be representative of the wastewater discharged during the sample period.

3/Week

Samples are collected three times per week on three separate calendar days. These samples shall be representative of the wastewater discharged during the sample period.

Act or "the Act"

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

Annual Average

The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar year. In the case of fecal coliform, the geometric mean of such discharges.

Arithmetic Mean

The summation of the individual values divided by the number of individual values.

Bypass

The known diversion of waste streams from any portion of a treatment facility including the collection system, which is not a designed or established or operating mode for the facility.

Calendar Day

The period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

Calendar Week

The period from Sunday through the following Saturday.

Calendar Quarter

One of the following distinct periods: January through March, April through June, July through September, and October through December.

Composite Sample

A sample collected over a 24-hour period by continuous sampling or combining grab samples of at least 100 ml in such a manner as to result in a total sample representative of the wastewater discharge during the sample period. The Director may designate the most appropriate method (specific number and size of aliquots necessary, the time interval between grab samples, etc.) on a case-by-case basis. Samples may be collected manually or automatically. Composite samples may be obtained by the following methods:

- (1) Continuous: a single, continuous sample collected over a 24-hour period proportional to the rate of flow.
- (2) Constant time/variable volume: a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or
- (3) Variable time/constant volume: a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and

- totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
- (4) Constant time/constant volume: a series of grab samples of equal volume collected over a 24-hour period at a constant time interval. Use of this method requires prior approval by the Director. This method may only be used in situations where effluent flow rates vary less than 15 percent. The following restrictions also apply:
- Influent and effluent grab samples shall be of equal size and of no less than 100 milliliters
 - Influent samples shall not be collected more than once per hour.
 - Permittees with wastewater treatment systems whose detention time \leq 24 hours shall collect effluent grab samples at intervals of no greater than 20 minutes apart during any 24-hour period.
 - Permittees with wastewater treatment systems whose detention time exceeds 24 hours shall collect effluent grab samples at least every six hours; there must be a minimum of four samples during a 24-hour sampling period.

Continuous flow measurement

Flow monitoring that occurs without interruption throughout the operating hours of the facility. Flow shall be monitored continually except for the infrequent times when there may be no flow or for infrequent maintenance activities on the flow device.

Daily Discharge

The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. The "daily discharge" concentration comprises the mean concentration for a 24-hour sampling period as either a composite sample concentration or the arithmetic mean of all grab samples collected during that period. (40 CFR 122.2)

Daily Maximum

The highest "daily discharge" during the calendar month.

Daily Sampling

Parameters requiring daily sampling shall be sampled 5 out of every 7 days per week unless otherwise specified in the permit. Sampling shall be conducted on weekdays except where holidays or other disruptions of normal operations prevent weekday sampling. If sampling is required for all seven days of the week for any permit parameter(s), that requirement will be so noted on the Effluent Limitations and Monitoring Page(s).

DWQ or "the Division"

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

EMC

The North Carolina Environmental Management Commission.

EPA

The United States Environmental Protection Agency

Facility Closure

Cessation of all activities that require coverage under this NPDES permit. Completion of facility closure will allow this permit to be rescinded.

Geometric Mean

The Nth root of the product of the individual values where N = the number of individual values. For purposes of calculating the geometric mean, values of "0" (or "< [detection level]") shall be considered = 1.

Grab Sample

Individual samples of at least 100 ml collected over a period of time not exceeding 15 minutes. Grab samples can be collected manually. Grab samples must be representative of the discharge (or the receiving stream, for instream samples).

Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

Instantaneous flow measurement

A measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.

Monthly Average (concentration limit)

The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar month. In the case of fecal coliform, the geometric mean of such discharges.

Permit Issuing Authority

The Director of the Division of Water Quality.

Quarterly Average (concentration limit)

The average of all samples taken over a calendar quarter.

Severe property damage

Substantial physical damage to property, damage to the treatment 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 excludes economic loss caused by delays in production.

Toxic Pollutant:

Any pollutant listed as toxic under Section 307(a)(1) of the CWA.

Upset

An incident beyond the reasonable control of the Permittee causing unintentional and temporary noncompliance with permit effluent limitations and/or monitoring requirements. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Weekly Average (concentration limit)

The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar week. In the case of fecal coliform, the geometric mean of such discharges.

Section B. General Conditions

I. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application [40 CFR 122.41].

- a. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

- b. The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402 (a) (3) or 402 (b) (8) of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. [33 USC 1319 (d) and 40 CFR 122.41 (a) (2)]
- c. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319 (c) (1) and 40 CFR 122.41 (a) (2)]
- d. Any person who *knowingly* violates such sections, or such conditions or limitations 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. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. [33 USC 1319 (c) (2) and 40 CFR 122.41 (a) (2)]
- e. Any person who knowingly violates section 301, 302, 303, 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, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [40 CFR 122.41 (a) (2)]
- f. Under state law, a civil penalty of not more than \$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. [North Carolina General Statutes § 143-215.6A]
- g. Any person may be assessed an administrative penalty by the Administrator for violating section 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. Administrative penalties for Class I violations are not to exceed \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500. Penalties for Class II violations are not to exceed \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500. [33 USC 1219 (g) (2) and 40 CFR 122.41 (a) (3)]
2. Duty to Mitigate
The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit with a reasonable likelihood of adversely affecting human health or the environment [40 CFR 122.41 (d)].
3. Civil and Criminal Liability
Except as provided in permit conditions on "Bypassing" (Part II. C. 4), "Upsets" (Part II. C. 5) and "Power Failures" (Part II. C. 7), 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, 143-215.6 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.

4. 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. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. 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 [40 CFR 122.41 (g)].

6. Onshore or Offshore Construction

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

7. Severability

The provisions of this permit are severable. 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 [NCGS 150B-23].

8. Duty to Provide Information

The Permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required by this permit [40 CFR 122.41 (h)].

9. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit [40 CFR 122.41 (b)].

10. Expiration of Permit

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 such information, 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 subject the Permittee to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et. seq.

11. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified [40 CFR 122.41 (k)].

a. **All permit applications 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long

term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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 [40 CFR 122.22].
- b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. 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 Permit Issuing Authority [40 CFR 122.22]
- c. Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative [40 CFR 122.22]
- d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:
- "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."*

12. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. 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 [40 CFR 122.41 (f)].

13. Permit Modification, Revocation and Reissuance, or Termination

The issuance of this permit does not prohibit the permit issuing authority 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.

14. Annual Administering and Compliance Monitoring Fee Requirements

The Permittee must pay the annual administering and compliance monitoring fee within 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) (2) may cause this Division to initiate action to revoke the permit.

Section C. Operation and Maintenance of Pollution Controls

1. Certified Operator

Upon classification of the permitted facility by the Certification Commission, the Permittee shall employ a certified water pollution control treatment system operator in responsible charge (ORC) of the water pollution control treatment system. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the water pollution control treatment system by the Certification Commission. The Permittee must also employ one or more certified Back-up ORCs who possess a currently valid certificate of the type of the system. Back-up ORCs must possess a grade equal to (or no more than one grade less than) the grade of the system [15A NCAC 8G.0201].

The ORC of each Class I facility must:

- Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least weekly
- Comply with all other conditions of 15A NCAC 8G.0204.

The ORC of each Class II, III and IV facility must:

- Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least five days per week, excluding holidays
- Properly manage and document daily operation and maintenance of the facility
- Comply with all other conditions of 15A NCAC 8G.0204.

Once the facility is classified, the Permittee shall submit a letter to the Certification Commission designating the operator in responsible charge:

- a. Within 60 calendar days prior to wastewater being introduced into a new system
- b. Within 120 calendar days of:
 - Receiving notification of a change in the classification of the system requiring the designation of a new ORC and back-up ORC
 - A vacancy in the position of ORC or back-up ORC.

2. Proper Operation and Maintenance

The Permittee shall at all times provide the operation and maintenance resources necessary to operate the existing facilities at optimum efficiency. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the Permittee to install and operate backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit [40 CFR 122.41 (e)].

NOTE: Properly and officially designated operators are fully responsible for all proper operation and maintenance of the facility, and all documentation required thereof, whether acting as a contract operator [subcontractor] or a member of the Permittee's staff.

3. 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 [40 CFR 122.41 (c)].

4. Bypassing of Treatment Facilities

- a. Bypass not exceeding limitations [40 CFR 122.41 (m) (2)]

The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.

b. Notice [40 CFR 122.41 (m) (3)]

- (1) 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 effect of the bypass.
- (2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part II. E. 6. (24-hour notice).

c. Prohibition of Bypass

- (1) Bypass from the treatment facility is prohibited and the Permit Issuing Authority 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;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment 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 Paragraph b. of this section.
- (2) Bypass from the collection system is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for a bypass as provided in any current or future system-wide collection system permit associated with the treatment facility.
- (3) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c. (1) of this section.

5. Upsets

- a. Effect of an upset [40 CFR 122.41 (n) (2)]: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph b. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- b. Conditions necessary for a demonstration of upset: Any Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - (2) The Permittee facility was at the time being properly operated; and
 - (3) The Permittee submitted notice of the upset as required in Part II. E. 6. (b) of this permit.
 - (4) The Permittee complied with any remedial measures required under Part II. B. 2. of this permit.
- c. Burden of proof [40 CFR 122.41 (n) (4)]: The Permittee seeking to establish the occurrence of an upset has the burden of proof in any enforcement proceeding.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials from entering waters of the State or navigable waters of the United States. The Permittee shall comply with all existing Federal regulations governing the disposal of sewage sludge. Upon promulgation of 40 CFR Part 503, any permit issued by the Permit Issuing Authority for the utilization/disposal of sludge may be

reopened and modified, or revoked and reissued, to incorporate applicable requirements at 40 CFR 503. The Permittee shall comply with applicable 40 CFR 503 Standards for the Use and Disposal of Sewage Sludge (when promulgated) within the time provided in the regulation, even if the permit is not modified to incorporate the requirement. The Permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures

The Permittee is responsible for maintaining adequate safeguards (as required by 15A NCAC 2H.0124) to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

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. Samples collected at a frequency less than daily shall be taken on a day and time that is characteristic of the discharge over the entire period the sample represents. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority [40 CFR 122.41 (j)].

2. Reporting

Monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a monthly Discharge Monitoring Report (DMR) Form (MR 1, 1.1, 2, 3) or alternative forms approved by the Director, postmarked no later than the last calendar day of the month following the completed reporting period.

The first DMR is due on the last day of the month following the issuance of the permit or in the case of a new facility, on the last day of the month following the commencement of discharge. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the following address:

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

3. Flow Measurements

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. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. Flow measurement devices shall be accurately calibrated at a minimum of once per year and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. The Director shall approve the flow measurement device and monitoring location prior to installation.

Once-through condenser cooling water flow monitored by pump logs, or pump hour meters as specified in Part I of this permit and based on the manufacturer's pump curves shall not be subject to this requirement.

4. Test Procedures

Laboratories used for sample analysis must be certified by the Division. Permittees should contact the Division's Laboratory Certification Section (919 733-3908 or <http://h2o.enr.state.nc.us/lab/cert.htm>) for information regarding laboratory certifications.

Personnel conducting testing of field-certified parameters must hold the appropriate field parameter certifications.

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 CWA (as amended), and 40 CFR 136; or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this permit [40 CFR 122.41].

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

5. Penalties for Tampering

The CWA 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 [40 CFR 122.41].

6. Records Retention

Except for records of monitoring information required by this permit related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the Permittee shall retain records of all monitoring information, including:

- all calibration and maintenance records
- all original strip chart recordings for continuous monitoring instrumentation
- copies of all reports required by this permit
- copies of all data used to complete the application for this permit

These records or copies shall be maintained for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time [40 CFR 122.41].

7. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information [40 CFR 122.41]:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- 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.

8. Inspection and Entry

The Permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location [40 CFR 122.41 (i)].

Section E Reporting Requirements

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

2. Planned Changes

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility [40 CFR 122.41 (l)]. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29 (b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42 (a) (l).
- c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3. Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes to the permitted facility or other activities that might result in noncompliance with the permit [40 CFR 122.41 (l) (2)].

4. Transfers

This permit is not transferable to any person without approval from the Director. The Director may require modification or revocation and reissuance of the permit to document the change of ownership. Any such action may incorporate other requirements as may be necessary under the CWA [40 CFR 122.41 (l) (3)].

5. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit [40 CFR 122.41 (l) (4)].

- a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II. D. 2) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.
- b. If the Permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the DMR.

6. Twenty-four Hour Reporting

- a. The Permittee shall report to the Director or the appropriate Regional Office any noncompliance that potentially threatens public 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 cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR 122.41 (l) (6)].

- b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.
- c. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

7. Other Noncompliance

The Permittee shall report all instances of noncompliance not reported under Part II. E. 5 and 6. of this permit at the time monitoring reports are submitted. The reports shall contain the information listed in Part II. E. 6. of this permit [40 CFR 122.41 (l) (7)].

8. Other Information

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information [40 CFR 122.41 (l) (8)].

9. Noncompliance Notification

The Permittee shall report by telephone to either the central office or the appropriate regional office of the Division as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:

- a. Any occurrence at the water pollution control facility which results in the discharge of significant amounts of wastes which are abnormal in quantity or characteristic, such as the dumping of the contents of a sludge digester; the known passage of a slug of hazardous substance through the facility; or any other unusual circumstances.
- b. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater treatment such as mechanical or electrical failures of pumps, aerators, compressors, etc.
- c. Any failure of a pumping station, sewer line, or treatment facility resulting in a by-pass without treatment of all or any portion of the influent to such station or facility.

Persons reporting such occurrences by telephone shall also file a written report within 5 days following first knowledge of the occurrence.

10. 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. As required by the Act, effluent 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 143-215.1 (b)(2) or in Section 309 of the Federal Act.

11. Penalties for Falsification of Reports

The CWA 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 \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

12. Annual Performance Reports

Permittees who own or operate facilities that collect or treat municipal or domestic waste shall provide an annual report to the Permit Issuing Authority and to the users/customers served by the Permittee (NCGS 143-215.1C). The report shall summarize the performance of the collection or treatment system, as well as the extent to which the facility was compliant with applicable Federal or State laws, regulations and rules pertaining to water quality.

The report shall be provided no later than sixty days after the end of the calendar or fiscal year, depending upon which annual period is used for evaluation.

The report shall be sent to:

NC DENR / DWQ / Central Files
1617 Mail Service Center
Raleigh, NC 27699-1617

PART III OTHER REQUIREMENTS

Section A. Construction

The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless the Division has issued an Authorization to Construct (AtC) permit. Issuance of an AtC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

Section B. Groundwater Monitoring

The Permittee shall, upon written notice from the Director, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

Section C. Changes in Discharges of Toxic Substances

The Permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe (40 CFR 122.42):

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
 - (1) Five hundred micrograms per liter (500 µg/L);
 - (2) One milligram per liter (1 mg/L) for antimony;
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

Section D. Evaluation of Wastewater Discharge Alternatives

The Permittee shall evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the Permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within 60 days of notification by the Division.

Section E. Facility Closure Requirements

The Permittee must notify the Division at least 90 days prior to the closure of any wastewater treatment system covered by this permit. The Division may require specific measures during deactivation of the system to prevent

adverse impacts to waters of the State. This permit cannot be rescinded while any activities requiring this permit continue at the permitted facility.

PART IV SPECIAL CONDITIONS FOR MUNICIPAL FACILITIES

Section A. Definitions

In addition to the definitions in Part II of this permit, the following definitions apply to municipal facilities:

Indirect Discharge or Industrial User

Any non-domestic source that discharges wastewater containing pollutants into a POTW regulated under section 307(b), (c) or (d) of the CWA. [40 CFR 403.3 (b) (i) and (j)]

Interference

Inhibition or disruption of the POTW treatment processes; operations; or its sludge process, use, or disposal which causes or contributes to a violation of any requirement of the POTW's NPDES Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. [15A NCAC 2H.0903 (b) (13)]

Pass Through

A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES permit, or of an instream water quality standard. [15A NCAC 2H.0903 (b) (23)]

Publicly Owned Treatment Works (POTW)

A treatment works as defined by Section 212 of the CWA, owned by a State or local government entity. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the local government entity, or municipality, as defined in section 502(4) of the CWA, which has jurisdiction over indirect discharges to and the discharges from such a treatment works. [15A NCAC 2H.0903 (b) (27)]

"Significant Industrial User" or "SIU"

An industrial user that discharges wastewater into a publicly owned treatment works and that [15A NCAC 2H.0903 (b) (34)]:

- (a) discharges an average of 25,000 gallons or more per day of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) or;
- (b) contributes more than 5 percent of the design flow of the POTW treatment plant or more than 5 percent of the maximum allowable headworks loading of the POTW treatment plant for any pollutant of concern, or;
- (c) is required to meet a national categorical pretreatment standard, or;
- (d) is, regardless of Parts (a), (b), and (c) of this definition, otherwise determined by the POTW, the Division, or the EPA to have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement or POTW's receiving stream standard, or to limit the POTW's sludge disposal options.

Section B. Publicly Owned Treatment Works (POTWs)

All POTWs are required to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge, or pass through the treatment works or otherwise be incompatible with such treatment works. [40 CFR 403.2]

All POTWs must provide adequate notice to the Director of the following [40 CFR 122.42 (b)]:

1. Any new introduction of pollutants into the POTW from an indirect discharger, including pump and hauled waste, which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced by an indirect discharger as influent to that POTW at the time of issuance of the permit.
3. For purposes of this paragraph, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impact that may result from the change of the quantity or quality of effluent to be discharged from the POTW.

Section C. Municipal Control of Pollutants from Industrial Users.

1. Effluent limitations are listed in Part I of this permit. Other pollutants attributable to inputs from industries using the municipal system may be present in the Permittee's discharge. At such time as sufficient information becomes available to establish limitations for such pollutants, this permit may be revised to specify effluent limitations for any or all of such other pollutants in accordance with best practicable technology or water quality standards.
2. Prohibited Discharges
 - a. Under no circumstances shall the Permittee allow introduction of pollutants or discharges into the waste treatment system or waste collection system which cause or contribute to Pass Through or Interference as defined in 15A NCAC 2H.0900 and 40 CFR 403. [40 CFR 403.5 (a) (1)]
 - b. Under no circumstances shall the Permittee allow introduction of the following wastes in the waste treatment or waste collection system [40 CFR 403.5 (b)]:
 1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 2. Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
 3. Solid or viscous pollutants in amounts which cause obstruction to the flow in the POTW resulting in Interference;
 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 5. Heat in amounts which will may inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Division, upon request of the POTW, approves alternate temperature limits;
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - c. The Permittee shall investigate the source of all discharges into the WWTP, including slug loads and other unusual discharges, which have the potential to adversely impact the permittee's Pretreatment Program and/or the operation of the WWTP.

The Permittee shall report such discharges into the WWTP to the Director or the appropriate Regional Office. 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 discharge, the investigation into possible sources; the period of the discharge, including exact dates

and times; and if the discharge has not ceased, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance,

3. With regard to the effluent requirements listed in Part I of this permit, it may be necessary for the Permittee to supplement the requirements of the Federal Pretreatment Standards (40 CFR, Part 403) to ensure compliance by the Permittee with all applicable effluent limitations. Such actions by the Permittee may be necessary regarding some or all of the industries discharging to the municipal system.
4. The Permittee shall require any industrial discharger sending its effluent to the permitted system to meet Federal Pretreatment Standards promulgated in response to Section 307(b) of the Act as amended (which includes categorical standards and locally derived limits and narrative requirements). Prior to accepting wastewater from any significant industrial user, the Permittee shall either develop and submit to the Division a new Pretreatment Program or a modification of an existing Pretreatment Program, for approval as required under section D below as well as 15A NCAC 2H.0907 (a) and (b). [40 CFR 122.44 (j) (2)]
5. This permit shall be modified, or alternatively, revoked and reissued, to incorporate or modify an approved POTW Pretreatment Program or to include a compliance schedule for the development of a POTW Pretreatment Program as required under Section 402.(b) (8) of the CWA and implementing regulations or by the requirements of the approved State pretreatment program, as appropriate.

Section D. Pretreatment Programs

Under authority of sections 307 (b) and (c) and 402 (b) (8) of the CWA and implementing regulations 40 CFR 403, North Carolina General Statute 143-215.3 (14) and implementing regulations 15A NCAC 2H.0900, and in accordance with the approved pretreatment program, all provisions and regulations contained and referenced in the Pretreatment Program Submittal are an enforceable part of this permit. [40 CFR 122.44 (j) (2)]

The Permittee shall operate its approved pretreatment program in accordance with Section 402 (b) (8) of the CWA, 40 CFR 403, 15A NCAC 2H.0900, and the legal authorities, policies, procedures, and financial provisions contained in its pretreatment program submission and Division approved modifications thereof. Such operation shall include but is not limited to the implementation of the following conditions and requirements. Terms not defined in Part II or Part IV of this permit are as defined in 15A NCAC 2H.0903 and 40 CFR 403.3.

1. **Sewer Use Ordinance (SUO)**
The Permittee shall maintain adequate legal authority to implement its approved pretreatment program. [15A NCAC 2H.0905 and .0906; 40 CFR 403.8 (f) (1) and 403.9 (1), (2)]
2. **Industrial Waste Survey (IWS)**
The permittee shall implement an IWS consisting of the survey of users of the POTW, as required by 40 CFR 403.8 (f) (2) (i-iii) and 15A NCAC 2H.0905 [also 40 CFR 122.44 (j) (1)], including identification of all industrial users and the character and amount of pollutants contributed to the POTW by these industrial users and identification of those industrial users meeting the definition of SIU. The Permittee shall submit a summary of its IWS activities to the Division at least once every five years, and as required by the Division. The IWS submission shall include a summary of any investigations conducted under paragraph B, 2, c, of this Part.
3. **Monitoring Plan**
The Permittee shall implement a Division-approved Monitoring Plan for the collection of facility specific data to be used in a wastewater treatment plant Headworks Analysis (HWA) for the development of specific pretreatment local limits. Effluent data from the Plan shall be reported on the DMRs (as required by Part II, Section D, and Section E.5.). [15A NCAC 2H.0906 (b) (2) and .0905]
4. **Headworks Analysis (HWA) and Local Limits**
The Permittee shall obtain Division approval of a HWA at least once every five years, and as required by the Division. Within 180 days of the effective date of this permit (or any subsequent permit modification) the

Permittee shall submit to the Division a written technical evaluation of the need to revise local limits (i.e., an updated HWA or documentation of why one is not needed) [40 CFR 122.44]. The Permittee shall develop, in accordance with 40 CFR 403.5 (c) and 15A NCAC 2H.0909, specific Local Limits to implement the prohibitions listed in 40 CFR 403.5 (a) and (b) and 15A NCAC 2H.0909.

5. Industrial User Pretreatment Permits (IUP) & Allocation Tables
In accordance with NCGS 143-215.1, the Permittee shall issue to all significant industrial users, permits for operation of pretreatment equipment and discharge to the Permittee's treatment works. These permits shall contain limitations, sampling protocols, reporting requirements, appropriate standard and special conditions, and compliance schedules as necessary for the installation of treatment and control technologies to assure that their wastewater discharge will meet all applicable pretreatment standards and requirements. The Permittee shall maintain a current Allocation Table (AT) which summarizes the results of the HWA and the limits from all IUPs. Permitted IUP loadings for each parameter cannot exceed the treatment capacity of the POTW as determined by the HWA. [15A NCAC 2H.0909, .0916, and .0917; 40 CFR 403.5, 403.8 (f) (1) (iii); NCGS 143-215.67 (a)]
6. Authorization to Construct (AtC)
The Permittee shall ensure that an Authorization to Construct permit (AtC) is issued to all applicable industrial users for the construction or modification of any pretreatment facility. Prior to the issuance of an AtC, the proposed pretreatment facility and treatment process must be evaluated for its capacity to comply with all Industrial User Pretreatment Permit (IUP) limitations. [15A NCAC 2H.0906 (b) (6) and .0905; NCGS 143-215.1 (a) (8)]
7. POTW Inspection & Monitoring of their IUs
The Permittee shall conduct inspection, surveillance, and monitoring activities as described in its Division approved pretreatment program in order to determine, independent of information supplied by industrial users, compliance with applicable pretreatment standards. [15A NCAC 2H .0908(d); 40 CFR 403.8(f)(2)(v)]. The Permittee must:
 - a. Inspect all Significant Industrial Users (SIUs) at least once per calendar year; and
 - b. Sample all Significant Industrial Users (SIUs) at least twice per calendar year for all permit-limited pollutants, once during the period from January 1 through June 30 and once during the period from July 1 through December 31, except for organic compounds which shall be sampled at least once per calendar year; For the purposes of this paragraph, "organic compounds" means the types of compounds listed in 40 CFR 136.3(a), Tables IC, ID, and IF, as amended.
8. IU Self Monitoring and Reporting
The Permittee shall require all industrial users to comply with the applicable monitoring and reporting requirements outlined in the Division-approved pretreatment program, the industry's pretreatment permit, or in 15A NCAC 2H .0908. [15A NCAC 2H .0906(b)(4) and .0905; 40 CFR 403.8(f)(1)(v) and (2)(iii); 40 CFR 122.44(j)(2)]
9. Enforcement Response Plan (ERP)
The Permittee shall enforce and obtain appropriate remedies for violations of all pretreatment standards promulgated pursuant to section 307(b) and (c) of the Clean Water Act (40 CFR 405 et. seq.), prohibitive discharge standards as set forth in 40 CFR 403.5 and 15A NCAC 2H .0909, and specific local limitations. All enforcement actions shall be consistent with the Enforcement Response Plan (ERP) approved by the Division. [15A NCAC 2H .0906(b)(7) and .0905; 40 CFR 403.8(f)(5)]
10. Pretreatment Annual Reports (PAR)
The Permittee shall report to the Division in accordance with 15A NCAC 2H .0908. In lieu of submitting annual reports, Modified Pretreatment Programs developed under 15A NCAC 2H .0904 (b) may be required to submit a partial annual report or to meet with Division personnel periodically to discuss enforcement of pretreatment requirements and other pretreatment implementation issues.

For all other active pretreatment programs, the Permittee shall submit two copies of a Pretreatment Annual Report (PAR) describing its pretreatment activities over the previous twelve months to the Division at the following address:

NC DENR / DWQ / Pretreatment, Emergency Response, and Collection Systems Unit (PERCS)
1617 Mail Service Center
Raleigh, NC 27699-1617

These reports shall be submitted according to a schedule established by the Director and shall contain the following:

- a.) Narrative
A brief discussion of reasons for, status of, and actions taken for all Industrial Users (IUs) in Significant Non-Compliance (SNC);
 - b.) Pretreatment Program Summary (PPS)
A pretreatment program summary (PPS) on specific forms approved by the Division;
 - c.) Significant Non-Compliance Report (SNCR)
The nature of the violations and the actions taken or proposed to correct the violations on specific forms approved by the Division;
 - d.) Industrial Data Summary Forms (IDSF)
Monitoring data from samples collected by both the POTW and the Significant Industrial User (SIU) and any monitoring data for other Industrial Users (IUs) in SNC. These analytical results must be reported on Industrial Data Summary Forms (IDSF) or other specific format approved by the Division;
 - e.) Other Information
Copies of the POTW's allocation table, new or modified enforcement compliance schedules, public notice of IUs in SNC, and any other information, upon request, which in the opinion of the Director is needed to determine compliance with the pretreatment implementation requirements of this permit;
11. Public Notice
The Permittee shall publish annually a list of Industrial Users (IUs) that were in Significant Non-Compliance (SNC) as defined in the Permittee's Division-approved Sewer Use Ordinance with applicable pretreatment requirements and standards during the previous twelve month period. This list shall be published within four months of the applicable twelve-month period. [15A NCAC 2H .0903(b)(35), .0908(b)(5) and .0905 and 40 CFR 403.8(f)(2)(vii)]
 12. Record Keeping
The Permittee shall retain for a minimum of three years records of monitoring activities and results, along with support information including general records, water quality records, and records of industrial impact on the POTW. [15A NCAC 2H .0908(f); 40 CFR 403.12(o)]
 13. Funding and Financial Report
The Permittee shall maintain adequate funding and staffing levels to accomplish the objectives of its approved pretreatment program. [15A NCAC 2H .0906(a) and .0905; 40 CFR 403.8(f)(3), 403.9(b)(3)]
 14. Modification to Pretreatment Programs
Modifications to the approved pretreatment program including but not limited to local limits modifications, POTW monitoring of their Significant Industrial Users (SIUs), and Monitoring Plan modifications, shall be considered a permit modification and shall be governed by 15 NCAC 2H .0114 and 15A NCAC 2H .0907.