

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

GENERAL PERMIT NCG530000

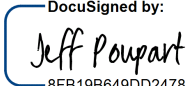
to discharge from seafood packing and rinsing, aquatic animal operations,
and similarly designated wastewaters under the

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)

in compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to all owners or operators, hereafter Permittees, covered by this permit as evidenced by receipt of a Certificate of Coverage (COC) issued by the Environmental Management Commission to allow the discharge of wastewater in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

This permit shall become effective **December 1, 2021**.

This permit shall expire at midnight on **November 30, 2026**.

DocuSigned by:
 11/9/2021
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for S. Daniel Smith
Director, Division of Water Resources
By Authority of the Environmental Management Commission

PART I**MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES****SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR COLD WATER SPECIES**

[15A NCAC 02B .0400 et seq., 02B .0500 et seq.]

Cold water species are defined as, but not limited to, the *Salmonidae* fish family. During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfalls numbered serially beginning with 001. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS ¹	LIMITS		MONITORING REQUIREMENTS		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Receiving stream condition ²			Weekly	Visual observation	100 ft downstream reach
Flow (MGD) ³			Quarterly	Instantaneous	Effluent
Temperature (°C)			Quarterly	Grab	Influent and Effluent
pH (s.u.) ⁴	See Footnote 4		Quarterly	Grab	Effluent
Settleable Solids	5.0 ml/L	10.0 ml/L	Quarterly ⁹	Composite ⁵	Effluent
Total Suspended Solids ⁶	30.0 mg/L	60.0 mg/L	Quarterly ⁹	Composite ⁵	Effluent
Total Ammonia Nitrogen (mg/L)			Quarterly ⁹	Composite ⁴	Influent and Effluent
Total Phosphorus (mg/L)			Quarterly ⁹	Composite ⁴	Influent and Effluent
Dissolved Oxygen (mg/L) ⁷			Quarterly ⁹	Grab	Effluent
Turbidity (NTU) ⁸			Quarterly ⁹	Grab	Effluent

Footnotes:

1. Additional monitoring requirements may be required if the facility discharges to 303(d) listed receiving waters, or stream impacts associated with the discharge are documented.
2. See Part I Section A. General Condition E.
3. Flow rate shall be estimated within 1-hour of collecting the effluent sample.
4. Effluent pH for classified freshwater shall not fall below 6.0 s.u. nor exceed 9.0 s.u. Effluent pH for classified saltwater shall not fall below 6.8 s.u. nor exceed 8.5 s.u.
5. Composite samples must consist of four (4) or more discrete samples taken at one hour intervals or greater in a 24-hour period. Samples are to be collected once per quarter (January-March, April-June, July-September, October-December). The sample taken during July-September shall be collected during a feeding, harvesting, or cleaning (denote activity on sampling logs) event.

Facilities with multiple effluent discharge points and/or influent points must composite samples from all points.

6. If the Permittee discharges to a stream classified as High Quality Waters (HQW), the Daily Maximum limit for Total Suspended Solids shall not exceed 20.0 mg/L. If the discharge is to waters classified as Trout (Tr), the Daily Maximum limit for Total Suspended Solids shall not exceed 10.0 mg/L [see Certificate of Coverage (COC) cover letter for receiving-stream classification].
7. Daily Average effluent concentration of Dissolved Oxygen shall not fall below 6.0 mg/L.
8. Turbidity will not be limited except for facilities that discharge to a receiving stream which is impaired for turbidity (10 NTU for trout waters, 25 NTU for saltwaters as well as lakes and reservoirs not designated as trout waters, 50 NTU for freshwaters). The discharge from this facility shall not cause turbidity in the receiving stream to exceed the appropriate NTU. If the instream turbidity exceeds the appropriate NTU due to natural background conditions, the discharge cannot cause turbidity to increase in the receiving stream.
9. See Part I Section A. General Condition F. for compliance schedule.

General Conditions:

- a. Although annual reporting to the Division is not required, routine records maintenance (see Part I Section F) is required. Each item including laboratory monitoring data is to be kept onsite for a minimum three (3) years, available for inspection upon request by the Division.
- b. The Permittee shall discharge no floating solids or foam.
- c. CAAP facilities discharging to a waterbody classified Nutrient Sensitive Waters (NSW) shall use low-phosphorus food [see Certificate of Coverage for receiving-stream classification].
- d. No fish/seafood offal or fish/seafood carcasses shall discharge from any facility covered by this General Permit.
- e. Weekly, a downstream reach of the receiving stream shall be visually inspected from the discharge point to no less than 100 feet downstream. The stream shall be visually inspected for the presence of solids, foam, sheen, algal growth, excessive aquatic vegetation, sewage worms or other indicators of pollution. Visual observations are to be recorded and retained onsite for a minimum of three (3) years. Any presence of the aforementioned conditions is required to be reported to the Division of Water Resources within 24 hours of observing (see Part I Section F).
- f. Sampling for Settleable Solids, Total Suspended Solids, Total Ammonia Nitrogen, Dissolved Oxygen, and Turbidity shall be conducted on an Annual basis for the first two (2) years of the general permit, and on a quarterly basis for the remaining three (3) years of the general permit. New Certificates of Coverage (CoCs) issued during the permit cycle shall perform quarterly sampling upon issuance of the CoC.

NOTE: Special Condition - Section F: This Certificate of Coverage (COC) requires the Permittee to submit to the Division a written plan addressing Operation and Maintenance Best Management Practices (BMPs) in accord with Part I Section F. of this permit. Compliance with Section F shall commence on the anniversary of the effective date, one (1) year from the issuance of the COC.

SECTION B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR WARM WATER SPECIES

[15A NCAC 02B .0400 et seq., 02B .0500 et seq.]

Warm water species are defined as, but not limited to, the *Ameiuride*, *Centrarchidae*, and *Cyprinidae* fish families. During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfalls numbered serially beginning with 001. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS ¹	LIMITS		MONITORING REQUIREMENTS		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow (MGD)			Quarterly	Estimate	Effluent
pH ²	See Footnote 2		Quarterly	Grab	Effluent
Total Suspended Solids	30.0 mg/L	60.0 mg/L ³	Quarterly ⁶	Grab	Effluent
Settleable Solids	5.0 ml/L	10.0 ml/L	Quarterly ⁶	Grab	Effluent
Dissolved Oxygen (mg/L) ⁴			Quarterly ⁶	Grab	Effluent
Turbidity (NTU) ⁵			Quarterly ⁶	Grab	Effluent

Footnotes:

1. Additional monitoring requirements may be required if the facility discharges to 303(d) listed receiving waters or stream impacts associated with the discharge are documented.
2. Effluent pH for classified freshwater shall not fall below 6.0 s.u. nor exceed 9.0 s.u. Effluent pH for classified saltwater shall not fall below 6.8 s.u. nor exceed 8.5 s.u.
3. If the Permittee discharges to a stream classified as High Quality Waters (HQW), the Daily Maximum limit for Total Suspended Solids shall not exceed 20.0 mg/L. If the discharge is to waters classified as Trout (Tr), the Daily Maximum limit for Total Suspended Solids shall not exceed 10.0 mg/L [see Certificate of Coverage (COC) cover letter for receiving-stream classification].
4. Daily Average effluent concentration of Dissolved Oxygen shall not fall below 6.0 mg/L.
5. Turbidity will not be limited except for facilities that discharge to a receiving stream which is impaired for turbidity (10 NTU for trout waters, 25 NTU for saltwaters as well as lakes and reservoirs not designated as trout waters, 50 NTU for freshwaters). The discharge from this facility shall not cause turbidity in the receiving stream to exceed the appropriate NTU. If the instream turbidity exceeds the appropriate NTU due to natural background conditions, the discharge cannot cause turbidity to increase in the receiving stream.
6. See Part I Section A. General Condition E. for compliance schedule.

General Conditions:

- a. Although annual reporting to the Division is not required, routine records maintenance (see Section F) is required. Each item including laboratory monitoring data is to be kept onsite for a minimum three (3) years, available for inspection upon request by the Division.
- b. The Permittee shall discharge no floating solids or foam.
- c. CAAP facilities discharging to a waterbody classified Nutrient Sensitive Waters (NSW) shall use low-phosphorus food [see Certificate of Coverage for receiving-stream classification].
- d. No fish/seafood offal or fish/seafood carcasses shall discharge from any facility covered by this General Permit.

- e. Sampling for Total Suspended Solids, Settleable Solids, Dissolved Oxygen, and Turbidity shall be conducted on an Annual basis for the first two (2) years of the general permit, and on a quarterly basis for the remaining three (3) years of the general permit. New Certificates of Coverage (CoCs) issued during the permit cycle shall perform quarterly sampling upon issuance of the CoC.

NOTE: Special Condition - Section F: This Certificate of Coverage (COC) requires the Permittee to submit to the Division a written plan addressing Operation and Maintenance Best Management Practices (BMPs) in accord with Part I Section F. of this permit. Compliance with Section F shall commence on the anniversary of the effective date, one (1) year from the issuance of the COC.

SECTION C. SCHEDULE OF COMPLIANCE

[NCGS 143-215.1(b)]

1. The Permittee shall comply with Final Effluent Limitations by the effective date of the Certificate of Coverage.
2. Permittee shall at all times provide the planning, scheduling and maintenance necessary to operate the existing facilities in accordance with Part I Section F and Part II. Section C. 2 of this permit.
3. The permittee shall at all times manage accumulated solids produced by the facility in such a manner that accumulated solids are not discharged to the receiving stream. Sweeping, raking or otherwise intentionally discharging accumulated solids from raceways or ponds to the receiving stream is prohibited. The facility shall make every effort to avoid discharge of accumulated solids and material from upstream bedload.

SECTION D. APPLICABILITY

[40 CFR Part 122; NCGS 143-215]

1. This General Permit covers point-source discharges from Concentrated Aquatic Animal Production (CAAP) facilities, seafood/fish packing and rinsing operations, and any other discharge deemed by the Division to be similar.
2. A CAAP facility, subject to the NPDES program is defined, but not limited to, a hatchery, fish farm, pond, raceway, net pen, submerged cage system, recirculating system, flow-through system, or similarly structured facility that meets Cold- or Warm-Water definitions and criteria.
 - a. **Cold-Water** species facilities that meet or exceed all three (3) of the following:
 - (1) produce a minimum 20,000 lbs (9,072 kilos) harvest-weight of aquatic animals per year, and
 - (2) feed more than 5,000 lbs (2,268 kilos) of fish food per calendar month, and
 - (3) discharge more than **30 days per year.**
 - b. **Warm-Water** species facilities that meet or exceed both of the following:
 - (1) produce a minimum 100,000 lbs (45,359 kilos) harvest-weight of aquatic animals per year, and
 - (2) discharge more than **30 days per year.**

- c. The Director may designate **any** cold or warm water aquatic animal production facility a CAAP facility, or may require an individual NPDES permit, upon determining that it is a significant contributor of pollution to the surface waters of North Carolina.
3. This General Permit **does not** apply to seafood/fish processing (requiring regulation under Federal Guidelines), and/or to CAAP facilities deemed to require an individual NPDES permit. Facilities not meeting the minimum requirements of CAAP, as herein defined, are exempt from monitoring and reporting under this permit.

SECTION E. DISCHARGE CHARACTERISTICS

[40 CFR Part 122.41; NCGS 143-215]

1. Activities Covered by This General Permit

This General Permit covers point source discharges originating from seafood packing & rinsing operations as defined by 15A NCAC 02H .0103 (19), and from fish farms and hatcheries defined as CAAP facilities with production levels above specified minimums (see Part I Section D. Applicability), and any other discharges deemed similar by the Director.

This General Permit **specifically excludes** seafood/fish processing deemed process-contact waste-generating activities (including but not limited to, gutting, cutting, picking, shucking, cooking, steaming, rendering) requiring an individual NPDES permit under 40 CFR 408 Subparts A through AG, or other facility deemed by the Division to require an individual NPDES permit.

2. Geographic Area(s) Covered by This General Permit

This General Permit covers discharges located within the political boundary of the State of North Carolina. (Exception: Discharges located on the Cherokee Indian Tribal Reservation are subject to permitting by the U.S. Environmental Protection Agency.)

3. Receiving Waters

Receiving waters include all surface waters of the State of North Carolina including separate municipal storm sewer systems conveying water to these surface waters.

4. Wastewater Characteristics

Discharges consist of seafood/fish rinse water or wash-down water only, or effluents from CAAP facilities, as defined by this permit. These wastewaters may contain solids as mud, sand or vegetation, fish food and drugs, accumulated during or after the hatchery and recovery of fish or seafood.

5. Prohibited Discharges

- a. Discharges from aquaculture facilities must not cause or contribute to a violation of North Carolina's surface water and wetland standards (15A NCAC subchapter 2B).
- b. The permittee must not discharge into the receiving water body:
 - i. Any fish parts, floating solids, or visible foam beyond trace amounts;
 - ii. Any substance that causes a visible sheen;
 - iii. Any sludge, grit, and accumulated solid residues;

- iv. Any floating, suspended or submerged matter, including dead fish, in amounts causing nuisance or objectionable condition or that may impair designated uses or violate water quality standards; and
- v. Any toxic substances, including drugs, pesticides, INADs, or other chemicals, in concentrations that impair designated uses or violate water quality standards.

6. Prohibited Practices

- a. Practices that allow accumulated solids in excess of the limits to be discharged to tribal waters (e.g., the removal of dam boards in raceways or ponds, the cleaning of settling basins, etc.); and
- b. Sweeping, raking, or otherwise intentionally discharging accumulated solids from raceways, ponds, or settling basins into waters of the state.

SECTION F. SPECIAL CONDITION – BEST MANAGEMENT PRACTICES (BMP) PLAN

[NCGS 143-215.1(b)]

Fish food-production facilities defined by this permit as CAAP facilities (see Part I Section D. Applicability) shall develop and maintain a written BMP plan describing how to achieve compliance with EPA 40 CFR Sec. 451.11(a) through (e) or Sec. 451.21(a) through (h). Subject to this Part, the Permittee shall certify in writing to the Division that a BMP Plan has been developed and implemented, and make the plan available to the Division.

This permit also defines narrative conditions to address the potential for CAAP wastewaters to impact the environment such as equipment/component failure and spilled materials (drugs, pesticides, fish carcasses, viscera, excess feed, feed bags, packaging materials, netting and/or other wastes). The following summarizes these narrative limitations to be addressed or referenced in the BMP Plan. More information about BMPs can be found at:
http://water.epa.gov/scitech/wastetech/guide/aquaculture/upload/2006_05_03_guide_aquaculture_guidance_full-final.pdf.

Operation and Maintenance BMP Plan: Within one (1) year of the COC effective date, the CAAP facility owner or designated operator must develop and implement an Operations and Maintenance BMP Plan, as defined herein (in accord with 40 CFR 451.3). Within 90 days of the end of year one (1), certify in writing by submitting a copy of this plan to the Division. The BMP plan can be submitted electronically via email to the Division or via mail to:

Division of Water Resources
 Wastewater Branch
 1617 Mail Service Center
 Raleigh, North Carolina 27699-1617

The BMP Plan shall include regular records keeping; each sample, analysis, measurement, report, or application to remain onsite for a minimum of three (3) years, available for Division inspection. The BMP Plan shall be updated annually and a copy dated and signed by the facility manager, shall be kept onsite and be available for inspection. This BMP Plan shall address, at a minimum, the following:

1. Solids Control

The permittee must ensure adequate solids control procedures to control the discharge of solids and other materials.

- a. The plan should use efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth.
- b. The plan must identify and implement procedures for routine cleaning of rearing units and offline settling basins.
- c. The plan should identify procedures for inventorying, grading, and harvesting aquatic animals that minimize discharge of accumulated solids.
- d. The permittee must identify procedures to remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to the Receiving water body.

2. Material Storage

The permittee must ensure proper storage of drugs, feed, pesticides and hazardous materials. This plan shall include information and procedures related to the prevention of spills and unplanned discharges of chemicals and other hazardous materials.

- a. The plan shall provide a complete and up-to-date list of all chemicals and other hazardous materials stored at the facility.
- b. The plan shall include descriptions of the procedures used to properly prevent, control, and/or treat spills and unplanned discharges of chemicals and other hazardous materials.
- c. The plan shall include a description of the supplies and equipment which prevent, control, and/or treat spills and unplanned discharges and a compliance schedule to install any necessary items.
- d. The plan shall include the description of the reporting system which shall be used to alert responsible facility management and appropriate legal and regulatory authorities.
- e. All members of the facilities staff shall have an operational familiarity with the plan.

3. Structural Maintenance

The permittee must ensure that all equipment is operational by:

- a. Routinely inspect rearing and holding units, waste collection and containment systems, and waste collection and containment structures, to identify and promptly repair damage.
- b. Regularly conduct maintenance of rearing and holding units, waste collection and containment systems, and waste collection and containment structures, to ensure their proper function.

4. Training Requirements

The BMP should include procedures to:

- a. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.
- b. Train personnel on proper operation and cleaning of all equipment and treatment systems.

5. Operational Requirements

The BMP must ensure that:

- a. Water used in the rearing and holding units or hauling trucks that is disinfected with chlorine or other chemicals is treated before it is discharged to the receiving water body.
- b. Treatment equipment used to control the discharge of floating, suspended or submerged matter is cleaned and maintained at a frequency sufficient to prevent overflow or bypass of the treatment unit by floating, suspended, or submerged matter.
- c. Procedures are implemented to prevent fish from entering quiescent zones, full-flow and off-line settling basins. Fish that have entered quiescent zones or basins must be removed as soon as possible.

- d. Procedures are identified and implemented to collect, store, and dispose of wastes, including biological wastes, such as fish mortalities and other solid processing aquaculture wastes.
- e. All drugs and pesticides are administered in accordance with applicable label directions [Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or Food and Drug Administration (FDA)], except under the following conditions, both of which must be reported to the EPA in accordance with Part II. A. 1 – Use of Drugs, Pesticides, and Other Chemicals:
 - i. Participation in Investigational New Animal Drug (INAD) studies, using established protocols; or
 - ii. Extra-Label drug use, as prescribed by a veterinarian in writing.

6. Reporting Requirements

As a means to prevent adverse impacts in the receiving stream, the Division requires reporting of facility damage, material spills, voluntary or involuntary drug testing, and drug use. The Division expects facilities to implement proper storage for these products, and implement procedures for containing, cleaning and disposing of spilled material. CAAP facilities shall make oral and written reports to the Division (See 40 CFR 451.3), as follows.

- a. **Spills** – the Permittee shall alert the Division to any loss of hazardous materials such as drugs, pesticides, or feed with potential impact to the environment. The Permittee shall make an oral report to the Division within 24 hours of the spill's occurrence followed by a written report within 5 days. The report shall identify the material spilled and estimate the amount (40 CFR 451.3). Upon receiving the oral report, the Division may on a case-by-case basis defer the requirement for a written report.
- b. **Damage or Breach of Containment Structures** – the Permittee shall alert the Division to any damage to containment structures such as berms, containers, ponds, or nets that results in a loss of materials hazardous to the receiving stream. The Permittee shall make an oral report to the Division within 24 hours of the spill's occurrence followed by a written report within 5 days. The report shall identify the material spilled and estimate the amount spilled (40 CFR 451.3). Upon receiving the oral report, the Division may on a case-by-case basis defer the requirement for a written report.
- c. **Participation in INAD Testing and the Use of Extralabel Drugs** – CAAP facilities must notify the Division in writing within 5 days of volunteering to participate in investigational new animal drug (INAD) testing, in accordance with 40 CFR 451.3. The Permittee shall report the intended use of INADs and any extralabel drugs both orally and in writing. Based on the oral report, the Division may implement site-specific action, as warranted. The written report shall identify and confirm the use of the drug and provide more complete data for future analysis and measures control.
- d. **Impact to receiving waters** – the Permittee shall make an oral report to the Division as soon as, but no later than 24 hours after, observing any impact to receiving waters, including but not limited to: visible impacts monitored under Part I Section A. General Condition E. Upon receiving the oral report, the Division may on a case-by-case basis defer the requirement for a written report. Additional monitoring, review of operational conditions, implementation of remedial measures, and auditing of BMPs may be required.

INAD or Extralabel Drug Reporting Exception: If the Division has already approved a Permittee's use of a specific INAD or extralabel drug, additional approval to treat another species, or to treat another disease using this INAD or extra label drug, is not necessary provided that the

Permittee maintain similar treatment conditions and restrict the dosage not-to-exceed the approved dosage (See 40 CFR 451.3).

SECTION G. NOTICE OF INTENT

[40 CFR Part 122.41(b)]

Individuals intending to obtain coverage under this General Permit shall submit a Notice of Intent (NOI) and an Application for Certificate of Coverage (COC). A current version of these documents can be obtained by contacting the Water Quality Permitting Section at 919-707-9000 or may be downloaded from the internet at <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/npdes-permitting-process-1>. NOIs must be signed and submitted to:

Division of Water Resources
Water Quality Permitting Section-NPDES
1617 Mail Service Center
Raleigh, NC 27699-1617

Applicants who have submitted an NOI are not authorized to discharge until the Division issues a Certificate of Coverage. In general, the NOI shall include the following information:

1. The mailing address and telephone number for the owner and/or operator.
2. The facility name, address, and telephone number where the discharge will occur.
3. The permit number of any NPDES permit(s) for any discharge(s) from the site.
4. A description of the discharge, including the number of discharge points, the volume of discharge, the frequency of discharge and any treatment methods applied prior to discharge.
5. The name of the receiving waters and the stream classification (if known).
6. An analysis of non-discharge alternatives, including connection to a regional sewer collection system, subsurface disposal, and spray irrigation.
7. A 7.5-minute series USGS topographic map clearly indicating the discharge location.
8. Final plans and specifications for the treatment system including all major components (if applicable).
9. Certification that the information contained in the NOI is true, complete, and accurate.

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 < 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. For pollutants expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (40 CFR 122.2; see also "Composite Sample," above.)

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).

DWR or "the Division"

The Division of Water Resources, Department of Environmental Quality.

Effluent

Wastewater discharged following all treatment processes from a water pollution control facility or other point source whether treated or untreated.

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

The flow measured during the minimum time required for the flow measuring device or method to produce a result in that instance. To the extent practical, instantaneous flow measurements coincide with the collection of any grab samples required for the same sampling period so that together the samples and flow are representative of the discharge during that sampling period.

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 or other bacterial parameters or indicators, the geometric mean of such discharges.

Permit Issuing Authority

The Director of the Division of Water Resources.

Quarterly Average (concentration limit)

The arithmetic mean 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 or other bacterial parameters or indicators, the geometric mean of such discharges.

Section B. General Conditions**1. 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 1319(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 USG 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 unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) [40 CFR 122.21(d)] 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 02H .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 02H .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

Owners of classified water pollution control systems must designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each classification must [15A NCAC 08G .0201]:

- a. designate one Operator In Responsible Charge (ORC) who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;
- b. designate one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no backup operator in responsible charge is required for systems whose minimum visitation requirements are twice per year; and
- c. submit a signed completed "Water Pollution Control System Operator Designation Form" to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the Operator in Responsible Charge (ORC) and the Back-up Operator in Responsible Charge (Back-up ORC):
 - (1) 60 calendar days prior to wastewater or residuals being introduced into a new system; or
 - (2) within 120 calendar days following:
 - receiving notification of a change in the classification of the system requiring the designation of a new Operator in Responsible Charge (ORC) and Back-up Operator in Responsible Charge (Back-up ORC) of the proper type and grade; or
 - a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC).

- (3) within seven calendar days of vacancies in both ORC and Back-up ORC positions replacing or designating at least one of the responsibilities.

The ORC of each Class I facility (or the Back-up ORC, when acting as surrogate for the ORC) 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 08G .0204.

The ORC of each Class II, III and IV facility (or the Back-up ORC, when acting as surrogate for the ORC) 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 08G .0204.

2. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this 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 except as permitted by the Commission. The Permittee shall comply with all applicable state and Federal regulations governing the disposal of sewage sludge, including 40 CFR 503, Standards for the Use and Disposal of Sewage Sludge; 40 CFR Part 258, Criteria For Municipal Solid Waste Landfills; and 15A NCAC Subchapter 2T, Waste Not Discharged To Surface Waters. 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 02H .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 representative of the permitted discharge. Samples collected at a frequency less than daily shall be taken on a day and time that is representative of the discharge for the 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 DEQ / Division of Water Resources / Water Quality Permitting 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 visit <https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/laboratory-certification-branch> for information regarding laboratory certifications.

Facilities whose personnel are conducting testing of field-certified parameters only must hold the appropriate field parameter laboratory 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, at reasonable times, 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)(1); or
- 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 prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in

particular NCGS 143-215.1(b)(4)b.2., and may require modification or revocation and reissuance of the permit, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute.

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 using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this permit or other appropriate instrument governing the discharge, 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) 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. Also see reporting requirements for municipalities in Part IV.C.2.c. of this permit.

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 primarily collect or treat municipal or domestic wastewater and have an average annual flow greater than 200,000 gallons per day 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 DEQ / Division of Water Resources / Water Quality Permitting Section
ATTENTION: Central Files
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

PART III OTHER REQUIREMENTS

Section A. Construction

- a. 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 (1) the Division has issued an Authorization to Construct (AtC) permit or (2) the Permittee is exempted from such AtC permit requirements under Item b. of this Section.
- b. In accordance with NCGS 143-215.1(a5) [SL 2011-394], no permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment work or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's principle function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation.
- c. 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. 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 (i) and (j) and 15A NCAC 02H .0903(b)(11)]

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 Permittee's (or any satellite POTW's if different from the Permittee) NPDES, collection system, or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. [15A NCAC 02H .0903(b)(14)]

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 Permittee's (or any satellite POTW's, if different from the Permittee) NPDES, collection system, or non-discharge permit. [15A NCAC 02H .0903(b)(23)]

Publicly Owned Treatment Works (POTW)

A treatment works as defined by Section 212 of the CWA, which is owned by a State or local government organization. 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 the collection system, as defined in 15A NCAC 2T .0402, only if it conveys wastewater to a POTW treatment plant. The term also means the local government organization, 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. In this context, the organization may be the owner of the POTW treatment plant or the owner of the collection system into which an indirect discharger discharges. This second type of POTW may be referred to as a "satellite POTW organization." [15A NCAC 02H .0903(b)(26)]

"Significant Industrial User" or "SIU"

An Industrial User that discharges wastewater into a publicly owned treatment works and that [15A NCAC 02H .0903(b)(33)]:

1. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or
2. Contributes process wastewater which makes up five percent or more of the NPDES or non-discharge permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS and ammonia; or
3. Is subject to categorical standards under 40 CFR Part 403.6 and 40 CFR Parts 405-471; or
4. Is designated as such by the Permittee on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, or the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or to limit the POTW's sludge disposal options;
5. Subject to approval under 15A NCAC 02H .0907(b), the Permittee may determine that an Industrial User meeting the criteria in paragraphs 1 or 2 of this definition above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or to limit the POTW's sludge disposal options, and thus is not a Significant Industrial User (SIU); or
6. Subject to approval under 15A NCAC 02H .0907(b), the Permittee may determine that an Industrial User meeting the criteria in paragraph 3 of this definition above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a non-significant categorical Industrial User.

Section B. Publicly Owned Treatment Works (POTWs)

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, regardless of the means of transport, 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 Industrial Users discharging to the POTW 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. The Permittee shall develop and enforce their Pretreatment Program to implement the prohibition against the 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 02H .0900 and 40 CFR 403. [40 CFR 403.5(a)(1)]
 - b. The Permittee shall develop and enforce their Pretreatment Program to implement the prohibitions against the 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 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, non-biodegradable 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; or
 - (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 POTW, 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 POTW.

The Permittee shall report such discharges into the POTW 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; 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 User (IU) discharging to the POTW to meet Federal Pretreatment Standards developed under Section 307(b) of the Act as amended (which includes categorical standards and specific local limits, best management practices and narrative requirements). Prior to accepting wastewater from any Significant Industrial User (SIU), the Permittee shall either develop and submit to the Division a new Pretreatment Program or, as necessary, a modification of an existing Pretreatment Program, for approval as required under section D below as well as 15A NCAC 02H .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 02H .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 02H .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 02H .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 02H .0903(b)(32), .0905 and .0906(b)(1); 40 CFR 403.8(f)(1) and 403.9(b)(1) and (2)]

2. **Industrial Waste Survey (IWS)**

The Permittee shall implement an IWS consisting of the survey of users of the POTW collection system or treatment plant, as required by 40 CFR 403.8(f)(2)(i-iii) and 15A NCAC 02H .0905 [also 40 CFR 122.44(j)(1)], including identification of all Industrial Users that may have an impact on the POTW 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. Where the Permittee accepts wastewater from one or more satellite POTWs, the IWS for the Permittee shall address all satellite POTW service areas, unless the pretreatment program in those satellite service areas is administered by a separate Permittee with an approved Pretreatment Program. 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 C.2.c. of this Part. [15A NCAC 02H .0903(b)(13), .0905 and .0906(b)(2); 40 CFR 403.8(f)(2) and 403.9]

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 Parts II.D and II.E.5.). [15A NCAC 02H .0903(b)(16), .0906(b)(3) 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 02H .0909, specific Local Limits to implement the prohibitions listed in 40 CFR 403.5(a) and (b) and 15A NCAC 02H .0909. Pursuant to 40 CFR 403.5, local limits are

enforceable Pretreatment Standards as defined by 40 CFR 403.3(1). [15A NCAC 02H .0903(b)(10), .0905, and .0906(b)(4)]

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 collection system or 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 02H .0906(b)(6), .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 02H .0906(b)(7) 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 02H .0908(e); 40 CFR 403.8(f)(2)(v)] The Permittee must:

- a. Inspect all Significant Industrial Users (SIUs) at least once per calendar year;
- b. Sample all Significant Industrial Users (SIUs) at least once per calendar year for all SIU permit-limited parameters including flow except as allowed under 15A NCAC .0908(e); and
- c. At least once per year, document an evaluation of any non-significant categorical Industrial User for compliance with the requirements in 40 CFR 403.3(v)(2), and either continue or revoke the designation as non-significant.

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 02H .0908. [15A NCAC 02H .0906(b)(5) and .0905; 40 CFR 403.8(f)(1)(v) and (2)(iii); 40 CFR 122.44(j)(2) and 40 CFR 403.12]

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 CWA (40 CFR 405 et. seq.), prohibitive discharge standards as set forth in 40 CFR 403.5 and 15A NCAC 02H .0909, specific local limitations, and other pretreatment requirements. All remedies, enforcement actions and other, shall be consistent with the Enforcement Response Plan (ERP) approved by the Division. [15A NCAC 02H .0903(b)(7), .0906(b)(8) 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 02H .0908. In lieu of submitting annual reports, Modified Pretreatment Programs developed under 15A NCAC 02H .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 calendar year to the Division at the following address:

NC DEQ / Division of Water Resources / Water Quality Permitting Section
Pretreatment, Emergency Response, and Collection Systems (PERCS) Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

These reports shall be submitted by March 1 of each year and shall contain the following:

- a. Narrative
A narrative summary detailing actions taken, or proposed, by the Permittee to correct significant non-compliance and to ensure compliance with pretreatment requirements;
 - b. Pretreatment Program Summary (PPS)
A pretreatment program summary (PPS) on forms or in a format provided by the Division;
 - c. Significant Non-Compliance Report (SNCR)
A list of Industrial Users (IUs) in significant noncompliance (SNC) with pretreatment requirements, and the nature of the violations on forms or in a format provided by the Division;
 - d. Industrial Data Summary Forms (IDSF)
Monitoring data from samples collected by both the POTW and the Significant Industrial Users (SIUs). These analytical results must be reported on Industrial Data Summary Forms (IDSF) or on other forms or in a format provided 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, a summary of data or other information related to significant noncompliance determinations for IUs that are not considered SIUs, 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 noncompliance (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 02H .0903(b)(34), .0908(b)(5) and .0905 and 40 CFR 403.8(f)(2)(viii)]
 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 and shall retain all other Pretreatment Program records as required by 15A NCAC 02H .0908(f). [15A NCAC 02H .0908(f); 40 CFR 403.12(o)]
 13. Pretreatment Program Resources
The Permittee shall maintain adequate funding and qualified personnel to accomplish the objectives of its approved pretreatment program. and retain a written description of those current levels of inspection. [15A NCAC 02H .0906(b)(9) and (10) 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 40 CFR 403.18, 15 NCAC 02H .0114 and 15A NCAC 02H .0907.