NCDENR
North Carolina Department of Environment and Natural Resources
Division of Water Quality

Pat McCrory
Governor

Charles Wakild, P. E.
Director

John Skvarla
Secretary

April 24, 2013

Marvin G. Williams
Director of Public Works
City of Durham
101 City Hall Plaza
Durham, NC 27701

Subject: NPDES Permit Number NCS000249
City of Durham

Dear Mr. Williams;

In accordance with your request to make minor changes to your NPDES Permit, NCS000249, we are forwarding herewith the revised NPDES permit. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215 .1 and the Memorandum of Agreement between North Carolina and the US Environmental Protection Agency dated May 9, 1994 (or as subsequently amended).

This permit does not affect the legal requirements to obtain other permits which may be required by the by the Division of Energy, Mineral, and Land Resources or any other Federal or Local governmental permit that may be required.

If you have any questions concerning this permit, please contact Mike Randall at mike.randall@ncdenr.gov or by telephone number 919-807-6374.

Sincerely,

for Charles Wakild, P. E.
Director

cc: Central Files
Stormwater and General Permit Unit Files
DWQ Regional Office

Wetlands and Stormwater Branch
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STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
DIVISION of WATER QUALITY

PERMIT NO. NCS000249
TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

City of Durham

is hereby authorized to discharge stormwater from their municipal separate storm sewer system located within the City of Durham 's corporate limits to receiving waters of the State, within the Cape Fear and Neuse River basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII and VIII hereof.

This permit shall become effective March 1, 2013.

This permit and the authorization to discharge shall expire at midnight on February 28, 2018.

Revised April 24, 2013, and signed this day April 24, 2013.

for Charles Wakild, P.E., Director
Division of Water Quality
By the Authority of the Environmental Management Commission

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TABLE OF CONTENTS

PART I PERMIT COVERAGE

PART II FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES

SECTION A: PROGRAM IMPLEMENTATION

SECTION B: PUBLIC EDUCATION AND OUTREACH

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

SECTION E: CONSTRUCTION SITE RUNOFF CONTROLS

SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROLS

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

SECTION H: PROGRAM TO MONITOR AND CONTROL POLLUTANTS IN STORM WATER DISCHARGES TO MUNICIPAL SYSTEMS.

SECTION I: WATER QUALITY ASSESSMENT AND MONITORING

SECTION J: TOTAL MAXIMUM DAILY LOADS (TMDLS)

PART III PROGRAM ASSESSMENT

PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

SECTION B: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

SECTION C: MONITORING AND RECORDS

PART VI LIMITATIONS REOPENER

PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

PART VIII DEFINITIONS

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PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the permit and lasting until expiration, the City of Durham is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) to receiving waters of the State within the Cape Fear and Neuse River Basin. Such discharge will be controlled, limited and monitored in accordance with this permit and the permittee's Stormwater Quality Management Program, herein referred to as the Stormwater Plan. The Stormwater Plan shall detail the permittee's stormwater management program for the five-year term of the stormwater permit.

2. All discharges authorized herein shall be managed in accordance with the terms and conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval.

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

4. This permit covers activities associated with the discharge of stormwater from the MS4 that are under the permittee's authority to control as described in the Division approved permittee's Stormwater Plan. The permit also applies to areas that seek coverage under this permit through inter-local or other similar agreements with permittee. Agreements for coverage under this permit must be approved by the Division of Water Quality, herein referred to as the Division.

5. The Division may deny or revoke coverage under this permit for separate entities and require independent permit coverage as deemed necessary. In addition, the permittee may petition the Division to revoke or deny coverage under this permit for specific entities.

6. All provisions contained and referenced in the Stormwater Plan along with all provisions and approved modifications of the Stormwater Plan are incorporated by reference and are enforceable parts of this permit.

7. To the extent allowable under State and local law, the permittee must develop and implement a Stormwater Plan in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act. The purpose of the Stormwater Plan is to establish the means by which the permittee will achieve compliance with the provisions of the Clean Water Act. The specific requirements of Section 402(p)(3)(B)(iii) of the Clean Water Act require, to the extent allowable under State or local law, to effectively prohibit non-storm water discharges into the storm sewers and controls to reduce pollutant discharges to the maximum extent practicable (MEP).

8. Compliance with this permit constitutes compliance with the requirements of the Clean Water Act and 15 N.C. Administrative Code 2H .0126, .0150 - .0154 (NPDES) and 15A N.C. Administrative Code 2H Section .1000 (e.g., Session Law 2006-246) to reduce the discharge of pollutants from the MS4 to maximum extent practicable (MEP).

9. The permit authorizes the point source discharge of stormwater runoff from the MS4. In addition, discharges of non-stormwater are also authorized through the MS4 of the permittee if such discharges are:

   (a) Permitted by, and in compliance with, another NPDES discharge permit including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or

   (b) Determined to be incidental non-stormwater flows that do not significantly impact water quality and may include:

   - water line flushing;
   - landscape irrigation;
   - diverted stream flows;
   - rising groundwaters;
   - uncontaminated groundwater infiltration;
   - uncontaminated pumped groundwater;
   - discharges from potable water sources;
   - foundation drains;
   - air conditioning condensate (commercial/residential);
   - irrigation waters;
   - springs;
   - water from crawl space pumps;
   - footing drains;
   - lawn watering;
   - residential and charity car washing;
   - flows from riparian habitats and wetlands;
   - dechlorinated swimming pool discharges;
   - street wash water;
   - flows from emergency fire fighting.

   The Division may require that non-stormwater flows of this type be controlled by the permittee's Stormwater Plan if it is documented that the non-stormwater flow has been determined to be a significant impact.

10. Unless otherwise stated, full compliance with the requirements of the permit is expected upon the effective date of the permit. Should permit conditions change for any reason, due to annexations or otherwise, the permittee must notify DWQ and modify the Stormwater Plan within the time frame provided with the notice.

11. Until the Division approves any revisions to the Stormwater Plan, the permittee shall continue to implement provisions of their current Stormwater Plan. The Stormwater Plan shall detail the Permittee's stormwater management program for the five-year term of the stormwater permit including, for each of the measures identified in the permit, a narrative description of the program, a table that identifies each best management practice (BMP), the measurable goals for each BMP, the implementation schedule and/or frequency of the BMP, and the person or position responsible for implementation.

PART II FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES

SECTION A: PROGRAM IMPLEMENTATION

The permittee will implement, manage and oversee all provisions of its Stormwater Plan to control to the maximum extent practical the discharge of pollutants from its municipal storm sewer system associated with stormwater runoff and illicit discharges, including spills and illegal dumping. The overall program implementation, however, will be subject to, at a minimum, annual review by the Division to determine implementation status and progression toward meeting the pollutant control intent of the Stormwater Plan and the Permit. This includes, but is not limited to, the following areas:

1. The permittee will maintain adequate legal mechanism, such as regulations, ordinances, policies and procedures to implement all provisions of the Stormwater Plan. If major modifications are proposed in the time line for development of these authorities, the Division must be notified of the changes, the reasons for the changes, and justifications for the changes. The Division may comment on the modifications and require changes as allowed by Federal and State and as deemed necessary to assure appropriate implementation of the Stormwater Plan. The Permittee shall require prior approval of changes to the Stormwater Plan that eliminates any program or measure in an approved Plan, weakens protection of water quality, or substantially alters how a measure is implemented.

2. The permittee will implement provisions of the Stormwater Plan and evaluate the performance and effectiveness of the program components

3. The permittee is required to keep the Stormwater Plan up to date. The permittee is required to make available its Stormwater Plan to the Division upon request. At a minimum, the permittee shall include ordinances, or other regulatory mechanisms or a list identifying the ordinances, or other regulatory mechanisms providing the legal authority necessary to implement and enforce the requirements of the permit. The Division may review reports submitted by the permittee to assure that the Stormwater Plan is implemented appropriately to address the requirements of the permit. The Division may require modifications to any part of the permittee's Stormwater Plan where deficiencies are found. If modifications to the Stormwater Plan are necessary then the Division will notify the permittee of the need to modify the Stormwater Plan to be consistent with the permit and will establish a deadline to finalize such changes to the program.

4. The permittee shall maintain, and make available to the Division upon request, written procedures for implementing the six minimum control measures. Written procedures shall identify specific action steps, schedules, frequency of inspections, inspection checklist, resources and responsibilities for implementing the six minimum measures. Written procedures can be free standing, or where appropriate, integrated into the Stormwater Plan.

SECTION B: PUBLIC EDUCATION AND OUTREACH

1. Objectives for Public Education and Outreach

(a) Distribute educational materials to the community.

(b) Conduct public outreach activities.

(c) Raise public awareness on the causes and impacts of stormwater pollution.

(d) Inform the public on steps they can take to reduce or prevent stormwater pollution.

2. BMPs for Public Education and Outreach

The permittee shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program.

BMP	Measurable Goals
(a) Describe target pollutants and target pollutant sources	Describe the target pollutants and target pollutant sources the permittee's public education program is designed to address and why they are an issue.
(b) Describe target audiences	Describe the target audiences likely to have significant storm water impacts and why they were selected.
(c) Informational Web Site	The permittee shall promote and maintain, an internet web site designed to convey the program's message.
(d) Distribute public education materials to identified user groups.	Distribute general stormwater educational material to appropriate target groups as likely to have a significant stormwater impact. Instead of developing its own materials, the permittee may rely on state-supplied Public Education and Outreach materials, as available, when implementing its own program.
(e) Promote and maintain Hotline/Help line	Promote and maintain a stormwater hotline/helpline.
(f) Implement a Public Education and Outreach Program.	The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, shall include a combination of approaches designed to reach the target audiences. For each media, event or activity, including those elements implemented locally or through a cooperative agreement the permittee shall estimate and record the extent of exposure.

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION

1. Objectives for Public Involvement and Participation

Provide opportunities for the public, including major economic and ethnic groups, to participate in program development and implementation.

2. BMPs for Public Involvement and Participation

The permittee shall implement the following BMPs to meet the objectives of the Public Involvement and Participation Program.

BMP	Measurable Goals
(a) Volunteer community involvement program	The permittee shall include and promote volunteer opportunities designed to promote ongoing citizen participation.
(b) Establish a Mechanism for Public involvement	The permittee shall provide and promote a mechanism for public involvement that provides for input on stormwater issues and the stormwater program.
(c) Establish Hotline/Help line	The permittee shall promote and maintain a hotline/helpline for the purpose of public involvement and participation.
(d) Public Review and Comment	The permittee shall make copies of their most recent Stormwater Plans available for public review and comment.
(a) Public Notice	Pursuant to 122.34 the permittee must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

1. Objectives for Illicit Discharge Detection and Elimination

(a) Detect and eliminate illicit discharges and connections, including preventable spills and illegal dumping to the Permittee's MS4.

(b) Implement appropriate enforcement procedures and actions.

(c) Maintain a map showing the permittee's major MS4 outfalls to state waters receiving discharges.

(d) Inform employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

(e) Prohibit illicit discharges and connection(s)

2. BMPs for Illicit Discharge Detection and Elimination

The permittee shall implement the following BMPs, to the extent authorized by law, to meet the objectives of the Illicit Discharge Detection and Elimination Program.

BMP	Measurable Goals
(a) Maintain appropriate legal authorities	Maintain adequate ordinances or other legal authorities to prohibit illicit discharges and illicit connections to the extent allowable under State law, and enforce the approved IDDE Program.
(b) Maintain a Storm Sewer System Base Map.	The permittee shall maintain a current map showing major outfalls and receiving streams.
(c) Inspection/detection program to detect dry weather flows at MS4 outfalls in targeted areas	Maintain written procedures and/or Standard Operating Procedures (SOPs) for detecting and tracing the sources of illicit discharges and for removing the sources or reporting the sources to the State to be properly permitted. Written procedures and/or SOPs shall specify a timeframe for monitoring and how many outfalls and the areas that are to be targeted for inspections.
(d) Employee Training	Conduct training for municipal staff involved with detecting and reporting illicit discharges. Identify municipal employees likely to encounter illicit discharges and provide training on identifying and reporting illicit discharges.
(e) Maintain a public reporting mechanism	Maintain and publicize reporting mechanism for the public to report illicit discharges. Establish citizen request response procedures.
(f) Documentation	The permittee shall document the date of investigations, any enforcement action(s) or remediation that occurred.

SECTION E: CONSTRUCTION SITE RUNOFF CONTROLS

1. Objectives for Construction Site Runoff Controls

a. Reduce pollutants in stormwater runoff from construction activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development.

b. Provide procedures for public input, sanctions to ensure compliance, requirements for construction site operators to implement appropriate erosion and sediment control practices, review of site plans which incorporates consideration of potential water quality impacts, and procedures for site inspection and enforcement of control measures.

c. A locally delegated program, that meets the state requirements and that covers the jurisdictional area of the permittee complies with the required minimum measures of this permit.

2. Construction Site Runoff Controls

a. Pursuant to 40 CFR 122.35(b), the permittee may rely on the Durham County Erosion and Sediment Control Program to comply with this minimum measure. The Durham County Erosion and Sediment Control Program effectively meets the maximum extent practicable (MEP) standard for Construction Site Runoff Controls by permitting and controlling development activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development as authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. The Durham County Erosion and Sediment Control Program continues to be monitored by the State to ensure the County effectively meets the MEP standard established by the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code.

b. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

c. The permittee shall provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems. The permittee may implement a plan promoting the existence of the NCDENR, Division of Land Resources "Stop Mud" hotline to meet the requirements of this paragraph.

d. For new development and redevelopment projects to be built within the permittee's planning jurisdiction by entities with eminent domain authority, the permittee shall, to the maximum extent practicable, coordinate the approval of the construction site runoff control with the Division of Land Resources of NCDENR.

SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROLS

1. Objectives for Post-Construction Site Runoff Controls

(a) Manage stormwater runoff from new development / redevelopment that drains to the MS4 and disturbs an acre or more of land surface, including projects less than an acre that are part of a larger common plan of development or sale.

(b) Provide a mechanism to require long-term operation and maintenance of BMPs.

(c) Ensure controls are in place to minimize water quality impacts.

(d) Permittee shall not be required to apply post-construction site runoff controls to entities that are exempt from permittee's jurisdiction, including entities exempted under N.C.G.S. 113A-56.

2. BMPs for Post-Construction Site Runoff Controls

The permittee shall implement the following BMPs to meet the objectives of the Post-Construction Stormwater Management Program.

BMP	Measurable Goals
(a) Post-Construction Stormwater Management Program	Maintain an ordinance (or similar regulatory mechanism) a program to address stormwater runoff from new development and redevelopment to the extent allowable under State law. Continue to implement and enforce the program.
(b) Strategies which include BMPs appropriate for the MS4	Maintain strategies that include a combination of structural and/or non-structural BMPs implemented in concurrence with (a) above. Provide a mechanism to require long-term operation and maintenance of structural BMPs. Require annual inspection reports of permitted structural BMPs performed by a qualified professional. A qualified professional means an individual trained and/or certified in the design, operation, inspection and maintenance aspects of the BMPs being inspected, for example, someone trained and certified by NC State for BMP Inspection & Maintenance.
(c) Establish nutrient sensitive waters (NSW) protection measures (for programs with development or redevelopment draining to NSW waters)	Develop, adopt, and implement an ordinance (or similar regulatory mechanism) to ensure that the best management practices reduce nutrient loading to the maximum extent practicable. In areas where the Environmental Management Commission has approved a Nutrient Sensitive Water Urban Stormwater Management Program, the provisions of that program fulfill the nutrient NSW protection measures requirement.
(d) Deed Restrictions and Protective Covenants	The permittee shall provide mechanisms such as recorded deed restrictions and protective covenants or equivalent measures (i.e., recorded plats and recorded operation and maintenance agreements) so that development activities maintain the project consistent with approved plans.
(e) Operation and	The developer shall provide the permittee with an operation and

BMP	Measurable Goals
Maintenance Plan	maintenance plan for the stormwater system, indicating the operation and maintenance actions that shall be taken, specific quantitative criteria used for determining when those actions shall be taken, and who is responsible for those actions. The plan must clearly indicate the steps that shall be taken and who shall be responsible for restoring a stormwater system to design specifications if a failure occurs and must include an acknowledgment by the responsible party. Development must be maintained consistent with the requirements in the approved plans and any modifications to those plans must be approved by the Permittee.
(f) Setbacks for Built-upon Areas	Require built-upon areas to be located at least 30 feet landward of all perennial and intermittent surface waters except as provided for in the Permittee's approved Post-Construction Stormwater Ordinance. For purposes of this section, a surface water shall be present if the feature is shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). Relief from this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 02B .0233(3)(a). The following is deemed to comply with this requirement: • Requiring development projects in the Neuse Basin that seek to impact 50 foot riparian buffer to obtain DWQ approval. • Local adoption of buffer protection similar to the Neuse and Jordan buffer regulations.
(g) Educational materials and training for developers	Provide educational materials and training for developers. New materials may be developed by the permittee, or the permittee may use materials adopted from other programs and adapted to the permittee's new development and redevelopment program.

3. To meet the Post-construction Stormwater Runoff control requirements within the non-coastal counties, the Permittee must comply with the stormwater management and water-quality-protection requirements of Session Law 2006-246, as promulgated in 15 N.C. Admin. Code 2H .0126, .0150 - .0154 (NPDES) and at 15A N.C. Admin. Code 2H Section .1000 (Stormwater Management).

4. Additional requirements for development in the Jordan Watershed.

Compliance with the stormwater management and water quality protection promulgated in Rule 15A NCAC 02B .0265, Stormwater Management for New Development, .0267 Protection of Existing Riparian Buffers, .0268 Mitigation for Riparian Buffers and, .0269 Riparian Buffer Mitigation Fees effectively meets the Post-construction Stormwater Runoff control requirements within the Jordan Lake Water Supply.

5. Additional requirements for development in the Falls Watershed

Compliance with the stormwater management and water quality protection promulgated in Rules15A NCAC 02B.0277 Stormwater Management for New Development, and .0282 Options for Offsetting Nutrient Loads effectively meets the Post-construction Stormwater Runoff control requirements within the Falls Lake Watershed.

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

1. Objective for Pollution Prevention and Good Housekeeping for Municipal Operations

a. Prevent or reduce stormwater pollution from municipal operations.
b. Train employees on how to incorporate Pollution Prevention and Good Housekeeping techniques into municipal operations

2. BMPs for the Pollution Prevention and Good Housekeeping for Municipal Operations

The permittee shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping Program.

BMP	Measurable Goals
(a) Operation and maintenance program for municipal facilities and operations.	Maintain and implement an operation and maintenance program for municipal facilities owned and operated by the permittee that have been determined by the permittee to have significant potential for generating polluted stormwater runoff that has the ultimate goal of preventing or reducing pollutant runoff.
(b) Site Pollution Prevention Plans for municipal facilities and operations.	Maintain and implement Site Pollution Prevention Plans for municipal facilities owned and operated by the permittee that have been determined by the permittee to have significant potential for generating polluted stormwater runoff that has the ultimate goal of preventing or reducing pollutant runoff.
(c) Inspection and evaluation of municipal facilities and operations.	Maintain an inventory of municipal facilities and operations owned and operated by the permittee that have been determined by the permittee to have significant potential for generating polluted stormwater runoff, including the MS4 system and associated structural BMPs, conduct inspections at facilities and operations owned and operated by the permittee for potential sources of polluted runoff, the stormwater controls, and conveyance systems, and evaluate the sources, document deficiencies, plan corrective actions, implement appropriate controls, and document the accomplishment of corrective actions.
(d) Spill Response Procedures municipal facilities and operations.	Maintain spill response procedures for municipal facilities and operations owned and operated by the permittee that have been determined by the permittee to have significant potential for generating polluted stormwater runoff.

BMP	Measurable Goals
(e) Prevent or Minimize Contamination of Stormwater Runoff from all areas used for Vehicle and Equipment Cleaning	Describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning, including fire stations that serve more than three fire trucks and ambulances. Perform all cleaning operations indoors, cover the cleaning operations, ensure wash water drains to the sanitary sewer system, collect stormwater runoff from the cleaning area and providing treatment or recycling, or other equivalent measures. If sanitary sewer is not available to the facility and cleaning operations take place outdoors, the cleaning operations shall take place on grassed or graveled areas to prevent point source discharges of the wash water into the storm drains or surface waters. Where cleaning operations cannot be performed as described above and when operations are performed in the vicinity of a storm drainage collection system, the drain is to be covered with a portable drain cover during cleaning activities. Any excess standing water shall be removed and properly handled prior to removing the drain cover. Facilities that serve three or fewer fire trucks and ambulances and that cannot comply with these requirements shall incorporate structural measures during facility renovation.
(f) Streets, roads, and public parking lots maintenance	The permittee shall evaluate BMPs to reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within the corporate limits. Within 12 months of permit issuance, the permittee must update its Stormwater Plan to include the BMPs selected.
(g) Streets, roads, and public parking lots maintenance	Within 24 months of permit issuance, the permitee must implement BMPs selected to reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots identified by the permittee in the Stormwater Plan.
(h) Operation and Maintenance (O&M) for municipally-owned or maintained structural stormwater BMPs and the storm sewer system (including catch basins, the conveyance system, and structural stormwater controls).	Within 12 months of permit issuance, the permittee shall develop and implement an operation and maintenance program for structural stormwater BMPs and the storm sewer system (including catch basins, the conveyance system, and structural stormwater controls).
(i) Staff training	Maintain and implement a training plan that indicates when, how often, who is required to be trained and what they are to be trained on.

SECTION H: PROGRAM TO MONITOR AND EVALUATE STORM WATER DISCHARGES TO MUNICIPAL SYSTEMS.

1. Objective

Evaluate pollutants in storm water discharges to the permittee's MS4 from hazardous waste treatment, disposal, and recovery facilities, industrial facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the Permittee determines are contributing or have a potential to contribute a substantial pollutant loading to the municipal storm sewer system.

2. BMPs

The permittee shall implement the following BMPs to meet the objective.

BMP	Measurable Goals
(a) Maintain an Inventory of Industrial Facilities	Maintain an inventory of permitted hazardous waste treatment, disposal, and recovery facilities, industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), industrial facilities identified with an industrial activity permitted to discharge storm water to the permittee's MS4, or as identified as an illicit discharge under the IDDE Program. For the purposes of this permit, industrial activities shall mean all permitted industrial activities as defined in 40 CFR 122.26.
(b) Inspection Program	Identify priorities and inspection procedures. At a minimum, priority facilities include those identified above in subsection II.H.2.a.
(c) Evaluate Industrial Facilities discharging stormwater to the City's MS4	The Permittee is required to evaluate control measures implemented at permitted hazardous waste treatment, disposal, and recovery facilities, industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), industrial facilities identified with an industrial activity permitted to discharge storm water to the permittee's MS4, or as identified as an illicit discharge under the IDDE Program. For permitted facilities, the municipality shall establish procedures for reporting deficiencies and non-compliance to the permitting agency. Where compliance with an existing industrial stormwater permit does not result in adequate control of pollutants to the MS4, municipality will recommend and document the need for permit modifications or additions to the permit issuing authority. For the purposes of this permit, industrial activities shall mean all permitted industrial activities as defined in 40 CFR 122.26. For the purpose if this permit, the Permittee is authorized to inspect the permitted hazardous waste treatment, disposal, and recovery facilities as an authorized representative of the Director.

SECTION I: WATER QUALITY ASSESSMENT AND MONITORING

1. Objective for Water Quality Assessment and Monitoring

Evaluate the impacts on water quality.

2. BMPs for Water Quality Assessment and Monitoring

The permittee shall implement the following BMPs to meet the objectives of the Water Quality Assessment and Monitoring Program.

BMP		Measurable Goals
(a)	Water Quality Assessment and Monitoring Plan	Maintain a Water Quality Assessment and Monitoring Plan. The Plan shall include a schedule for implementing the proposed assessment and monitoring activities.
(b)	Water Quality Monitoring	Maintain and implement the Water Quality Assessment and Monitoring Plan submitted to DWQ.

3. Waiver

Upon request, the requirement to maintain and implement a Water Quality Assessment and Monitoring Plan may be waived by the Division if stormwater control measures (SCM) are determined to be adequate to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act.

SECTION J: TOTAL MAXIMUM DAILY LOADS (TMDLs)

1. Objective

a. Determine whether a TMDL has been developed and approved or established by EPA for the receiving water(s) of the permittee's MS4 NPDES stormwater discharge.

b. The permittee will utilize BMPs within the six minimum measures to address the permittee's assigned NPDES regulated stormwater waste load allocation (WLA) identified in the approved TMDL to the maximum extent practicable and to the extent authorized by law.

c. If subject to an approved TMDL with a NPDES regulated WLA assigned to the permittee, the permittee will be considered in compliance with the TMDL if the permittee complies with the conditions of this permit, including developing and implementing appropriate BMPs within the six minimum measures to address the MS4s NPDES regulated WLA to the maximum extent practicable (MEP). While improved water quality is the expected outcome, the permittee's obligation is to implement BMP's designed to address the NPDES regulated waste load allocation assigned to the permittee to the maximum extent practicable (MEP). The permittee is not responsible for attaining water quality standards (WQS). The Division expects attaining WQS will only be achieved through reduction from all point and nonpoint source contributors identified in the approved TMDL.

2. Best Management Practices (BMPs)

At any time during the effective dates of this permit, if the permittee is or becomes subject to an approved TMDL with an approved Waste Load Allocation (WLAs) assigned to stormwater, the permittee shall implement the following BMPs to reduce the permittee's MS4's NPDES regulated waste load allocation to the maximum extent practicable (MEP):

BMP	Measurable Goals
a. Identify, describe and map watershed, outfalls, and streams	Within 24 months the permittee shall prepare a plan that: • Identifies the watershed(s) subject to an approved TMDL with an approved Waste Load Allocation (WLAs) assigned to the permittee, • Includes a description of the watershed(s), • Includes a map of watershed(s) showing streams & outfalls • Identifies the locations of currently known major outfalls within its corporate limits with the potential of contributing to the cause(s) of the impairment to the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments and • Includes a schedule to discover and locate other major outfalls within its corporate limits that may be contributing to the cause of the impairment to the impaired stream segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.
b. Existing measures	Within 24 months the Permittee's plan :

BMP	Measurable Goals
	• Shall describe existing measures being implemented by the Permittee designed to achieve the MS4's NPDES WLA and to reduce the TMDL pollutant of concern to the MEP within the watershed to which the TMDL applies; and • Provide an explanation as to how those measures are designed to reduce the TMDL pollutant of concern. • The Permittee shall continue to implement the existing measures until notified by DWQ.
c. Assessment of available monitoring data	Within 24 months the permittee's plan shall include an assessment of available monitoring data. Where long-term data is available, this assessment should include an analysis of the data to show trends.
d. Monitoring Plan	Within 36 months the permittee shall develop and submit to the Division a Monitoring Plan for the permittee's assigned NPDES regulated WLA as specified in the TMDL. The permittee shall maintain and implement the Monitoring Plan as additional outfalls are identified and as accumulating data may suggest. Following any review and comment by the Division the permittee shall incorporate any necessary changes to monitoring plan and initiate the plan within 6 months. Modifications to the monitoring plan shall be approved by the Division. Upon request, the requirement to develop a Monitoring Plan may be waived by the Division if the existing and proposed measures are determined to be adequate to achieve the MS4's NPDES WLA to MEP within the watershed to which the TMDL applies.
e. Additional Measures	Within 36 months the permittee's plan shall: • Describe additional measures to be implemented by the permittee designed to achieve the permittee's MS4's NPDES WLA and to reduce the TMDL pollutant of concern to the MEP within the watershed to which the TMDL applies; and • Provide an explanation as to how those measures are designed to achieve the permittee's MS4's NPDES regulated WLA to the MEP within the watershed to which the TMDL applies.
f. Implementation Plan	Within 48 months the permittee's plan shall: • Describe the measures to be implemented within the remainder of the permit term designed to achieve the MS4's NPDES WLA and to reduce the TMDL pollutant of concern to the MEP and • Identify a schedule, subject to DWQ approval, for completing the activities.
g. Incremental Success	The permittee's plan must outline ways to track and report successes designed to achieve the MS4's NPDES regulated WLA and to reduce the TMDL pollutant of concern to MEP within the watershed to which the TMDL applies.
h. Reporting	The permittee shall conduct and submit to the Division an annual assessment of the program designed to achieve the MS4's NPDES WLA

BMP	Measurable Goals
	and to reduce the TMDL pollutant of concern to the MEP within the watershed to which the TMDL applies. Any monitoring data and information generated from the previous year are to be submitted with each annual report.

3. If no storm water waste load allocation is specified in the TMDL

At any time during the effective dates of this permit, if a TMDL has been approved that does not assign a waste load allocation for the pollutant of concern to the municipal stormwater system, if there was no waste load allocation specified for the pollutant of concern in the TMDL assigned to the municipal stormwater system, in lieu of developing a plan within this permit section, within 24 months the Permittee shall evaluate strategies and tailor BMP's within the scope of the six minimum permit measures to address the pollutant of concern in the watershed(s) to which the TMDL applies. The Permittee shall describe the strategies and tailored BMP's in their Stormwater Management Plan and annual reports.

4. Information regarding North Carolina TMDLs

Information regarding North Carolina TMDLs is available at:

http://portal.ncdenr.org/web/wq/ps/mtu/tmdl/tmdls

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PART III PROGRAM ASSESSMENT

The permittee's annual reporting and monitoring activities in support of this permit will be sufficient to document and indicate progress in the implementation of the Stormwater Plan and individual components of the program. The Division may request additional reporting and monitoring information as necessary to assess the progress and results of the Permittee's Stormwater Plan.

1. Implementation of the Stormwater Plan will include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, monitoring and sampling, implementation of BMPs, enforcement actions, and other stormwater activities. Documentation will be kept on-file by the permittee for a period of five years and made available to the Director or his authorized representative immediately upon request.

2. The permittee's Stormwater Plan will be reviewed and updated as necessary, but at least on an annual basis. The permittee will submit a report of this evaluation and monitoring information to the Division on an annual basis. This information will be submitted by January 15 of each year and cover the previous year's activities from October 1 to September 30. The permittee's reporting and monitoring program will include appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Plan and will include, but is not limited to, the following components:

   (a) The permittee will give a detailed description of the status of implementation of the Stormwater Plan. This will include information on development and implementation of all components of the Stormwater Plan for the past year and schedules and plans for the year following each report.

   (b) The permittee will adequately describe and justify any proposed changes to the Stormwater Plan. This will include descriptions and supporting information for the proposed changes and how these changes will impact the Stormwater Plan (results, effectiveness, implementation schedule, etc.).

   (c) The permittee will document any necessary changes to programs or practices for assessment of management measures implemented through the Stormwater Plan.

   (d) The permittee will include a summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Plan.

   (e) The permittee will provide a summary of activities undertaken as part of the Stormwater Plan throughout the year. This summary will include, but is not limited to, information on the establishment of appropriate legal authorities, project assessments, inspections, enforcement actions, continued inventory and review of the storm sewer system, education, training and results of the illicit discharge detection and elimination program.

   (f) The annual report shall include an assessment of compliance with the permit, information on the establishment of appropriate legal authorities, inspections, and enforcement actions.

3. The Director may notify the permittee when the Stormwater Plan does not meet one or more of the requirements of the permit. Within 90 days of such notice, the permittee will submit a plan

and time schedule to the Director for modifying the Stormwater Plan to meet the requirements. The Director may approve the plan, approve a plan with modifications, or reject the proposed plan. The permittee will provide certification in writing in accordance with Part IV, Paragraph 2 to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.

4. The Division may request additional reporting information as necessary to assess the progress and results of the permittee's Stormwater Plan.

PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

1. Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director.

2. Annual Reporting

Completion and submittal of the reporting information contained within the online BIMS Stormwater Management Program Assessment (SMPA) meets the annual reporting requirements of this permit.

3. Additional Reporting

The Director may request reporting information on a more frequent basis as deemed necessary either for specific portions of the permittee's Stormwater Plan, or for the entire Program.

4. Other Information

For discharges not required to be reported by condition of other permits, the Permittee shall maintain a record of any illicit discharge that reaches waters of the state and may cause or contribute to a violation of the water quality standards or constitute an imminent threat to health or the environment. The record shall include dates, identification of possible responsible parties, causes, and any action taken by the permittee or the responsible party. All discharges that constitute an imminent threat to health or the environment shall be reported within 24 hours by phone or e-mail to the Division Regional Office during business hours, or to the NC Division of Emergency Management State Operations Center hotline outside of business hours. Upon request, the Permittee shall submit a written report to the Division Regional Office.

The Permittees shall give advance notice to the Director of any planned changes that may result in noncompliance with the permit requirements.

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

5. Report Submittals

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

Department of Environment and Natural Resources
Division of Water Quality
Stormwater Permitting Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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

(i) The authorization is made in writing by a principal executive officer or ranking elected official;

(ii) The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and

(iii) The written authorization is submitted to the Director.

(c) Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

1. Duty to Comply

The permittee must comply with all conditions of this permit to the extent authorized by law. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.

(a) The permittee shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(b) The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $37,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed $16,000 per violation with the maximum amount not to exceed $177,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]

(c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars ($25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]

(d) Any person may be assessed an administrative penalty by the Administrator for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $137,500).

2. Duty to Mitigate

The permittee shall take reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-2l5.3, l43-2l5.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

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 l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

6. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required by this permit.

8. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $l0,000 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 that $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both.

10. 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.

11. Duty to Reapply

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit a permit renewal application and fees as are required no later than 180 days prior to the expiration date of this permit (date). Any permittee that has not requested renewal at least 180 days prior to expiration, or any discharge that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq. The renewal application shall include a review of the Stormwater Program development and implementation over the life of this permit, the status of programs and a description of further program development to be implemented over the future permitting time period.

SECTION B: OPERATION AND MAINTENANCE of POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

2. 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.

SECTION C: MONITORING AND RECORDS

l. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken at the monitoring points specified in the Stormwater Plan or suitable representative sites and, unless otherwise specified, before the discharge joins or is diluted by any waste stream, body of water, or substance. The Director may request information justifying changes to sampling locations and sampling methods. At a minimum, information on such changes shall be reported in the permittee's annual report. The Director may require that certain changes in the sampling program be submitted for approval prior to implementation of the changes.

2. Flow Measurements

Where required, 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.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

4. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

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

(b) Have access to and copy, at reasonable times, any records of the permittee 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 of the permittee regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location under the control of the permittee.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical 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 143-215.6B or in Section 309 of the Federal Act.

PART VI LIMITATIONS REOPENER

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

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PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the permit.

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PART VIII DEFINITIONS

1. Act

See Clean Water Act.

2. Best Management Practice (BMP)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP).

3. Built-upon Area

That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

4. Calculation of Means

(a) Arithmetic Mean: The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

(b) Geometric Mean: The geometric mean of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (l).

(c) Weighted by Flow Value: Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

5. Clean Water Act

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

6. Common Plan of Development

A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:

- In separate stages
- In separate phases
- In combination with other construction activities

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

It can include one operator or many operators.

7. Department

Department means the North Carolina Department of Environment and Natural Resources

8. Division (DWQ)

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

9. Director

The Director of the Division of Water Quality, the permit issuing authority.

10. EMC

The North Carolina Environmental Management Commission.

11. Illicit Discharge

Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.

12. Industrial Activity

For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.

13. Large or Medium Municipal Separate Storm Sewer System

All municipal separate storm sewers that are either:

(a) Located in an incorporated place with a population of 100,000 or more as determined by the Decennial Census by the Bureau of Census; or

(b) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

(c) Owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the Director as part of the large or medium separate storm sewer system.

14. Major municipal separate storm sewer outfall (or ``major outfall")

Major municipal separate storm sewer outfall (or ``major outfall") means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

15. Municipal Separate Storm Sewer System (MS4)

Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by the city, or town, (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State.

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer; and

(d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

16. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that the permittee must address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

17. Non-structural BMP

Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

18. Outfall

Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

19. Permittee

The owner or operator issued this permit.

20. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

21. Redevelopment

Means any rebuilding activity unless that rebuilding activity;

(a) Results in no net increase in built-upon area, and

(b) Provides equal or greater stormwater control than the previous development.

22. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.

23. Storm Sewer System

Is a conveyance or system of conveyances which are designed or used to collect or convey stormwater runoff that is not part of a combined sewer system or treatment works. This can include, but is not limited to, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff.

24. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

25. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

26. Total Maximum Daily Load (TMDL)

A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is a detailed water quality assessment that provides the scientific foundation for an implementation plan. The implementation plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain water quality standards in all seasons. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.