NCDENR
North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

September 11, 2015

David S. Chang, Ph.D., PE
State Hydraulics Engineer
1590 Mail Service Center
Raleigh, NC 27699-1590

RECEIVED
SEP 21 2015
DIVISION OF HIGHWAYS
HYDRAULICS UNIT

Subject: Permit No. NCS000250

Dear Mr. Chang:

In accordance with your application for a stormwater discharge permit received on March 16, 2015, we are forwarding herewith the subject state - 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).

If any parts contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611 - 7447. Unless such demand is made, this decision shall be final and binding.

This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Environmental Management or permits required by the Division of Land Resources, Coastal Area Management Act or any other Federal or Local governmental permit that may be required.

We have made every effort to fully partner with the appropriate members of your Department during the development of this permit. If you have any questions concerning this permit, please contact Mike Randall at 919.807.6374 or mike.randall@ncdenr.gov.

Sincerely,

for Tracy Davis, PE

cc: Ken Pace, NCDOT
Matthew Lauffer, NCDOT
Mike Mitchell, EPA
Central Files
Stormwater and General Permit Unit Files
DWQ Regional Offices

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES
PERMIT NO. NCS000250

TO DISCHARGE STORMWATER AND BORROW PIT WASTEWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

North Carolina Department of Transportation

is hereby authorized to discharge borrow pit wastewater and stormwater from construction activities and the North Carolina Department of Transportation (NCDOT) Transportation Separate Storm Sewer System (TS4) located statewide 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 October 1, 2015.

This permit and the authorization to discharge shall expire at midnight on September 30, 2020.

Signed this day September 11, 2015.

for Tracy Davis, Director
Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission

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PART I PERMITTED ACTIVITIES

During the period beginning on the effective date of the permit and lasting until expiration, NCDOT is authorized to discharge stormwater from:

- General roadway including weigh stations and tolling facilities
- Construction activities disturbing greater than one acre
- Borrow pits/waste piles (including mines)
- Industrial facilities with the following activities
  - Ferry terminals and maintenance
  - Vehicle and equipment maintenance
  - Pesticide and fertilizer storage
  - Salt and deicing chemical storage
  - Material storage areas
  - Asphalt and concrete plants (NCDOT owned and operated only)
  - Rail maintenance
- Non-roadway non-industrial facilities (i.e., office buildings and rest areas)
- General railway

Waste pile activities shall be covered under this permit unless the site requires a permit from the Division of Waste Management. If a Division of Waste Management permit is required, the facility also must file an application with Division of Energy, Mineral and Land Resources (DEMLR) for coverage under a separate NPDES stormwater permit.

All new general roadway and railway drainage, construction and borrow pit/waste pile activities, industrial facility drainage, and non-roadway non-industrial facility drainage will receive automatic coverage under this permit. Location information for NCDOT facilities will be provided to DEMLR upon request.

All discharges authorized herein shall be adequately treated and 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.

Coverage of the following activities supersedes the requirements to seek discharge authorization under the following NCDENR general permits, unless specifically required by the Director:

- NCG020000 (applicable to stormwater point source discharge outfalls associated with mining and quarrying of nonmetallic minerals (except fuels), land disturbance, and vehicle maintenance, mine dewatering discharge outfalls, wastewater discharge outfalls from sand and/or gravel operations, nondischarging closed loop recycle systems, and process recycle wastewater discharge outfalls);
- NCG080000 for owners or operators of stormwater point source discharges associated with activities that have Vehicle Maintenance Areas; and,
- NCG560000 to discharge pesticide products.

This permit does not include water quality-based effluent limits; therefore, in the event the permittee's discharges are found by the DEMLR to cause or contribute to a violation of in stream water quality standards, DEMLR may take enforcement action or NCDOT and DEMLR shall conduct an assessment and implement the permit requirements necessary to adequately address the permittee's contribution to the water quality standards violation.

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.

PART II MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

a. Objectives

i. Implement an Illicit Discharge Detection and Elimination Program to detect illicit discharges, spills and illegal dumping into the NCDOT transportation separate storm sewer system (TS4).

ii. NCDOT shall implement appropriate procedures and actions to report illicit spills, discharges and illegal dumping for appropriate enforcement or other action by NCDENR.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Illicit Discharge Detection and Elimination Program.

Management Measures	Measurable Goals
(a) Provide illicit discharge identification training.	NCDOT shall provide annual training for appropriate staff and contractors. Training shall include identification and reporting of illicit discharges and illegal dumping.
(b) Perform illicit discharge inspections.	NCDOT shall perform inspections for illicit discharges to the stormwater drainage system and illegal dumping activities when performing other work on the NCDOT system. Inspections shall be documented when illicit discharges are verified.
(c) Maintain a standard point of contact.	NCDOT shall maintain a standard reporting format and contact for all complaints and reports of illicit discharges.
(d) Report illicit discharges.	NCDOT shall investigate all reports of illicit discharges or illegal dumping. NCDOT shall report verified illicit discharges to the appropriate NCDENR Regional Office within 30 days of verification.
(e) Maintain a tracking database.	NCDOT shall maintain a tracking database for reports of illicit discharges.

SECTION B POST-CONSTRUCTION CONTROLS

1. Stormwater Outfall Inventory and Prioritization Program

a. Objectives

i. Maintain the statewide NCDOT stormwater outfall inventory for the purpose of supporting other permit programs.
ii. Maintain a stormwater outfall geospatial information system (GIS) data layer to map and prioritize sensitive water crossings.
iii. Maintain a field inventory procedure to be used for NCDOT/DEMLR identified priority areas.

b. Management Measure

The NCDOT shall implement the following management measure to meet the objectives of the Stormwater Outfall Inventory and Prioritization Program.

Management Measure	Measurable Goals
(a) Maintain a stormwater outfall inventory of existing stormwater outfalls to sensitive waters.	NCDOT will maintain a GIS-based implicit stormwater outfall inventory to include outfalls from primary and secondary roadways.
(b) Include in the inventory implicit outfalls from newly completed construction projects.	The stormwater outfall inventory shall be updated annually to include implicit outfalls from newly completed construction projects.
(c) Include outfalls for NCDOT industrial facilities in the inventory.	The stormwater outfall inventory shall be updated annually to include changes or additions to previously inventoried NCDOT industrial facilities.
(d) Field outfall inventory procedure for priority areas.	NCDOT will maintain the field outfall inventory procedure. The annual report shall document implementation of the procedure, identify future priority areas, and define a schedule for implementing the procedure within the identified priority areas.

2. BMP Retrofits

a. Objectives

i Develop, implement and support the NCDOT program to be consistent with NPDES post-construction control measures and support development of the BMP Toolbox.

ii. Use retrofits to address pollutant loading from existing NCDOT activities.

iii. Retrofits should not be associated with meeting the requirements of any other DEMLR or DWR program, unless otherwise allowed.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the BMP Retrofit Program.

Management Measures	Measurable Goals
(a) Identify potential retrofits.	Identify a minimum of fourteen (14) potential retrofits per year.
(b) Implement Retrofits.	Maintain a program to implement retrofits. Complete a total of seventy (70) retrofits over the 5-year period of this permit. The retrofits will be appropriate for the identified pollutants of concern. Include in the annual report the number of retrofits completed.

3. BMP Toolbox for Post-Construction Stormwater Program

a. Objectives

i. Maintain and update as necessary a BMP Toolbox to aid in the siting, design, and construction of stormwater quality BMPs with guidance on the suitability of each for NCDOT applications.

ii. Evaluate BMPs for applicability to a linear highway system.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the BMP Toolbox for Post-Construction Stormwater Program (PCSP).

Management Measures	Measurable Goals
(a) Maintain a BMP Toolbox.	Maintain a stormwater BMP Toolbox to provide design guidance for post-construction stormwater control measures. The BMP Toolbox will include appropriate uses/anticipated applications and design criteria. Proprietary BMPs will be evaluated in keeping with DEMLR requirements for permitting new stormwater technologies.
(b) Update the toolbox as necessary	As necessary, evaluate new BMP types or design components for potential updates to the BMP Toolbox. If applicable to NCDOT applications, the BMP Toolbox will be updated to include this new information.
(c) Submit proposed BMP Toolbox revisions to DEMLR for approval.	New guidance on proposed BMPs will be submitted for DEMLR approval prior to implementation.

4. BMP Inspection and Maintenance Program

a. Objectives

i. Maintain a BMP Inspection and Maintenance Program to aid in the inspection, operation, and maintenance of BMPs.
ii. Maintain and update as necessary the BMP Inspection and Maintenance Manual.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the BMP Inspection and Maintenance Program.

Management Measures	Measurable Goals
(a) Evaluate new BMP inspection and maintenance needs.	Evaluate new BMPs included in the BMP Toolbox or otherwise needed for inspection and maintenance needs. The evaluation will include consideration of the BMP type, typical siting conditions, and expected function.
(b) Maintain BMP Inspection and Maintenance Manual.	Maintain written procedures outlining the inspection and maintenance requirements for various types of stormwater BMPs. Written procedures will outline the regular inspection frequency, and include an inspection checklist, "how-to" instructions for regular maintenance, evaluation and reporting procedures for non-routine maintenance, and an inspection and maintenance tracking mechanism. As modifications are needed, update the Manual to address needed changes to inspection and maintenance techniques.
(c) Implement a BMP Inspection and Maintenance Program.	Implement a BMP Inspection and Maintenance Program. The program will include annual training for appropriate NCDOT staff and contractors.
(d) BMP Inspection and Maintenance information.	BMP Inspection and Maintenance Program information will be made available upon request to DEMLR.

5. Post-Construction Stormwater Program

a. Objectives

In cooperation with DENR, implement a post-construction stormwater program to regulate stormwater from new NCDOT development and redevelopment for new built upon area (BUA) by requiring structural and non-structural best management practices to protect water quality, reduce pollutant loading, and minimize post-construction impacts to water quality.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Post-Construction Runoff Stormwater Program.

Management Measures	Measurable Goals
(a) Implement a Post-Construction Stormwater Program.	Implement a Post-Construction Stormwater Program (PCSP) to control runoff from new NCDOT development and redevelopment. The PCSP shall define implementation of the approved NCDOT BMP Toolbox and post-construction stormwater control measures.
(b) Submit revisions to the Post-Construction Stormwater Program to DEMLR for approval.	NCDOT updates and/or revisions shall be submitted to DEMLR for approval prior to implementation.

6. Vegetation Management Program

a. Objectives

i. Manage application of pesticides, fertilizers, and other vegetation management materials to minimize pollutant potential of stormwater runoff.

ii Use only approved vegetation management materials.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Vegetation Management Program.

Management Measures	Measurable Goals
(a) Implement appropriate pest control methods and practices.	Continue to consult with North Carolina Department of Agriculture and Consumer Services (NCDA&CS) and North Carolina State University (NCSU), as needed, in selecting appropriate pest control methods and implementation practices. NCDOT will maintain and update the NCDOT Roadside Vegetation Management Manual as new methods and practices are adopted by NCDOT.
(b) Use appropriate vegetation management materials as identified in the measurable goal.	Restrict pesticide and fertilizer usage to those materials approved by EPA/NCDA&CS. Pesticide and fertilizer shall be used in accordance with label restrictions.
(c) Provide training on vegetation management.	Provide annual training for vegetation management personnel and contractors, or require equivalent training for contractors. The training shall consist of appropriate uses and applications of pest control methods used by NCDOT. This training shall be designed to increase awareness of proper mowing techniques, release of biological and chemical agents, appropriate spill response, the correct use and handling of products and the potential for water quality impacts.

SECTION C CONSTRUCTION

1. Sediment and Erosion Control Program

a. Objectives

i. Continue to control development activities disturbing one or more acres of land surface including activities by NCDOT contractors.
ii. Require construction site operators to implement appropriate erosion and sediment control practices,
iii. Require site inspection and enforcement of control measures.
iv. Establish requirements for construction site operators to control waste that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site.

b. Management Measures

i. Implementation of the NCDENR Division of Energy, Mineral and Land Resources Erosion and Sediment Control Program delegated to NCDOT by the Sedimentation Control Commission in February, 1991, and as may be subsequently amended, for NCDOT construction projects and implementation of the applicable requirements of General Permit NCG010000 effectively meets the objectives above 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. This program is authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. This program includes 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. This program has been delegated to and implemented by NCDOT.

ii. NCDOT shall incorporate the applicable requirements of NCG010000, the North Carolina General Permit to Discharge Stormwater under the National Pollutant Discharge Elimination System associated with construction activities issued August 3, 2011 and as may be subsequently amended, into its delegated Erosion and Sediment Control Program, pursuant to "NCDOT Applicable Requirement from NPDES General Permit No. NCG010000 for Construction Activities and Guidance for Complying with Those Applicable Requirements" in the memorandum dated June 9, 2014 or as updated.

2. Borrow Pit and Waste Pile Activities

a. Objective

Continue to implement sediment and erosion control measures and reclamation plans on all borrow pit and waste pile projects, including activities at Ferry Terminals associated with dredging activities and contractor owned or leased borrow pits associated with NCDOT projects in keeping with the sediment and erosion control program delegated by the North Carolina Sediment Control Commission.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Borrow Pit/Waste Pile Program.

Management Measures	Measurable Goals
(a) Implement erosion and sediment control measures on all non-commercial borrow pits/waste piles.	NCDOT shall implement erosion and sediment control measures on all non-commercial borrow pit and waste pile projects. The measures utilized shall be in keeping with the erosion and sediment control program established by the North Carolina Sedimentation Control Commission.
(b) Implement approved reclamation plans on all non-commercial borrow pits/waste piles.	NCDOT shall implement the approved reclamation plan on all non-commercial borrow pit/waste pile projects. The reclamation measures utilized shall be in keeping with the reclamation program established by the North Carolina Mining and Energy Commission.
(c) Borrow Pit Discharge Management Program	NCDOT in coordination with DEMLR will implement the Borrow Pit Discharge Management Program. This process will consist of the following tasks: • Implement appropriate management measures to treat borrow pit wastewater for given conditions. • Implement an inspection and maintenance program. • Maintain training material and instruct field personnel overseeing borrow pit operations. • Evaluate and implement appropriate new/innovative technologies.

3. Construction and Borrow Pit/Waste Pile Activities

Upon request NCDOT shall provide DEMLR a list of all new and completed construction and borrow pit/waste pile activities subject to this permit.

SECTION D INDUSTRIAL ACTIVITIES

1. Develop, Maintain and Implement Stormwater Pollution Prevention Plans

a. Objective

i. Maintain and implement a Stormwater Pollution Prevention Plan (SPPP or Plan) for each facility with an industrial activity that is covered by this permit.

ii. Develop and implement a Plan prior to operation of any new industrial facilities.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Industrial Activity Program.

Management Measures	Measurable Goals
Maintain and implement a SPPP for each covered industrial activity and related facility.	NCDOT shall maintain and implement a site specific Stormwater Pollution Prevention Plan (SPPP) for each covered facility with an industrial activity. For new activities or facilities, the SPPP shall be developed and implemented prior to operation. New Activities and facilities shall be identified in the annual report and include a brief description and location information. SPPP requirements are listed below.

2. Stormwater Pollution Prevention Plan Requirements for Industrial Activities

a. The Plans shall be considered public information in accordance with the provisions of this permit.

b. The Plan shall include, at a minimum, the following items:

i. Site Plan. The site plan shall provide a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:

(a) A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) and discharge points(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate

receiving surface waters; and accurate latitude and longitude of the point(s) of discharge.

(b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices.

(c) A site map drawn to scale with the distance legend indicating location of industrial activities (including storage of materials, disposal areas, process areas and loading and unloading areas), drainage structures, drainage areas for each outfall and activities occurring in the drainage area, building locations and impervious surfaces, and the percentage of each drainage area that is impervious. For each outfall, provide a narrative description of the potential pollutants which could be expected to be present in the stormwater discharge.

(d) A list of significant spills or leaks of pollutants that have occurred at the facility during the 3 previous years and any corrective actions taken to mitigate spill impacts.

(e) Certification that the stormwater outfalls and discharge point(s) have been evaluated for the presence of non-stormwater discharges. The certification statement in Part III, Section A, Paragraph 6(c) will be signed by NCDOT Division points of contact.

ii. Stormwater Management Plan. The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:

(a) A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical the permittee shall cover all storage areas, material handling operations, and manufacturing or fueling operations to prevent materials exposure to stormwater. In areas where elimination of exposure is not practical, the stormwater management plan shall document the feasibility of diverting the stormwater runoff away from areas of potential contamination.

(b) A schedule to provide secondary containment for bulk storage of liquid materials, storage of Section 313 of Title III of the

Superfund Amendments and Reauthorization Act (SARA) water priority chemicals, or storage of hazardous substances to prevent leaks and spills from contaminating stormwater runoff. If the secondary containment devices are connected directly to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices [which shall be secured with a locking mechanism] and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated. Records documenting the individual making the observation, the description of the accumulated stormwater and the date and time of the release shall be kept for a period of five years.

(c) A narrative description shall be provided of best management practices (BMPs) to be considered such as, but not limited to, oil and grease separation, debris control, vegetative filter strips, infiltration and stormwater detention or retention, where necessary. The need for structural BMPs shall be based on the assessment of potential of sources to contribute significant quantities of pollutants to stormwater discharges and data collected through monitoring of stormwater discharges.

(d) Inspection schedules of stormwater conveyances and controls and measures to be taken to limit or prevent erosion associated with the stormwater systems.

(e) Vehicle and Equipment Cleaning Areas. The Plan must describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning. The facility shall consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwater drain to the sanitary sewer system (i.e., not the stormwater drainage system, unless permitted by another NPDES general or individual permit), collecting the 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 washwater 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 clean activities. Any excess

ponded water shall be removed and properly handled, e.g., by pump to a sanitary sewer system or other proper disposal method, prior to removing the drain cover. Detergents used outdoors shall be biodegradable and the pH adjusted to be in the range of 6 to 9 standard units. The point source discharge of vehicle and equipment wash waters, including tank cleaning operations, **are not** authorized by this permit and must be covered under a separate NPDES general or individual permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

iii Spill Prevention and Response Plan. The Spill Prevention and Response Plan shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel (or team) responsible for implementing the plan shall be identified in the plan. A responsible person shall be on-site at all times during facility operations that have the potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations.

iv. Preventative Maintenance and Good Housekeeping Program. A preventative maintenance program shall be developed. The program shall document schedules of inspections and maintenance activities of stormwater control systems, plant equipment and systems. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program.

v. Employee Training. Training schedules shall be developed and training provided at a minimum on an annual basis on proper spill response and cleanup procedures and preventative maintenance activities for all personnel involved in any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified in the Plan.

vi. Responsible Party. The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position(s) assignments provided.

vii Plan Amendment.

(a) The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. The Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis.

(b) The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part III, Section A, Paragraph 6) to the Director that the changes have been made.

viii Facility Inspections. Inspections of the facility and all stormwater systems shall occur at a minimum on a semiannual schedule, once in the fall (September-November) and once during the spring (April - June). The inspection and any subsequent maintenance activities performed shall be documented, recording date and time of inspection, individual(s) making the inspection and a narrative description of the facility's stormwater control systems, plant equipment and systems. Records of these inspections shall be incorporated into the Stormwater Pollution Prevention Plan or maintained in a retrievable electronic version.

ix. Implementation. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections and maintenance activities and training provided to employees, including the log of the sampling data and of activities taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or his authorized representative immediately upon request.

3. Qualitative Monitoring

a. Objective

(i) Evaluate the effectiveness of the industrial Stormwater Pollution Prevention Plans (SPPP) for each industrial facility.

(ii) Perform required qualitative monitoring at stormwater discharge points or outfalls identified in the SPPPs or during supplemental inspections as required in Part II.D.2.i.

b. Qualitative monitoring shall be performed at each industrial stormwater outfall or discharge point twice per year, once in the spring (April - June) and once in the fall (September - November). Qualitative monitoring requires an inspection of each stormwater outfall or discharge point for the parameters listed in paragraph (c). Qualitative monitoring is for the purpose of evaluating the effectiveness of the SPPP. No analytical tests are required. NCDOT will pursue correction of stormwater quality where qualitative monitoring indicates degradation of quality in comparison to previous monitoring events.

c. Qualitative Monitoring Requirements for Industrial Activities

Discharge Characteristics	Frequency	Monitoring Location
Color	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Odor	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Clarity	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Floating Solids	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Suspended Solids	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Foam	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Oil Sheen	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Erosion at or immediately below the stormwater discharge point or outfall	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*
Other obvious indicators of stormwater pollution	Semi-Annual	Stormwater Discharge Points or Outfalls identified in the SPPP*

* Visual observations can be performed at a location upstream of the stormwater outfall or discharge point for the purpose of improved safety or access.

SECTION E EDUCATION AND INVOLVEMENT PROGRAM

1. Internal – NCDOT Staff and Contractors

a. Objectives

i. Implement a program to train NCDOT staff and contractors about the importance of stormwater quality.
ii. The training should include topics such as spill control, chemical application, illicit discharges and illegal dumping, etc.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Public Education and Involvement Program: Internal. Additional training programs are listed under other programs.

Management Measures	Measurable Goals
(a) Provide pollution prevention awareness training for construction workers.	NCDOT shall provide annual stormwater pollution awareness training for appropriate NCDOT personnel and contractors involved in construction and maintenance activities. NCDOT may require contractors to have equivalent training in lieu of NCDOT-provided training. Training shall include general stormwater awareness, NPDES stormwater permit NCG010000 implementation, identification of stormwater pollution potential, appropriate spill response actions and contacts for reporting spills and illicit discharges/illegal dumping.
(b) Provide pollution prevention awareness training for maintenance workers.	NCDOT shall maintain a program of annual stormwater pollution awareness training for appropriate NCDOT maintenance staff. NCDOT shall also maintain an ongoing awareness program for Adopt-A-Highway volunteers and prison inmate laborers. NCDOT may require contractors to have equivalent training in lieu of NCDOT-provided training. Training shall include general stormwater awareness, identification of stormwater pollution potential and appropriate contacts for reporting spills and illicit discharges /illegal dumping.
(c) Provide pollution prevention awareness training for NCDOT staff.	NCDOT shall provide annual Stormwater Pollution Prevention Plan training for appropriate NCDOT staff. Training shall include general stormwater pollution awareness, site-specific Stormwater Pollution Prevention Plan awareness, and reporting/documentation procedures.

Management Measures	Measurable Goals
(d) BMP Implementation Training	NCDOT shall provide training to appropriate NCDOT personnel on implementation of post-construction BMPs in keeping with the Toolbox, Inspection and Maintenance Manual, and the Post-Construction Stormwater Program. NCDOT may require contractors to have equivalent training in lieu of NCDOT-provided training.
(e) Maintain Internal Education and Involvement Plan.	Maintain the Internal Education and Involvement Plan. The plan shall include the requirements for the measurable goals above.

2. External - Public

a. Objectives

i. Implement a program to educate the public about the importance of stormwater quality, and what they can do to support it
ii. Maintain diverse educational materials to engage and educate the public from different social, economic and age groups.
iii. Encourage public involvement in NCDOT stormwater quality programs.

b. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Public Education and Involvement:

Management Measures	Measurable Goals
a. External Education and Involvement Plan.	Maintain the External Education and Involvement Plan. The plan shall include the requirements for the measurable goals below.
b. Provide pollution prevention awareness educational materials to general public.	Provide stormwater pollution prevention awareness information to the general public.
c. Maintain a public education website.	Maintain a public education website to document NCDOT pollution prevention programs and promote stormwater quality. The website will include information on stormwater, water quality, stormwater projects and activities, and ways to contact stormwater management program staff.

Management Measures	Measurable Goals
d. Develop educational partnerships.	Work with DENR and other agencies to promote and distribute public education materials
e. Continue public involvement programs.	Continue the Adopt-a-Highway program. Additional programs may also be developed.

SECTION F RESEARCH PROGRAM

1. Objectives

a. Conduct research with faculty and staff at state universities or other designated institutions that result in independent quantitative assessment of stormwater from NCDOT permitted activities and/or measure structural BMP effectiveness.

b. Conduct research to enhance or improve existing practices or develop new methods or processes to meet permit requirements.

2. Management Measures

The NCDOT shall implement the following management measures to meet the objectives of the Research Program and shall notify DEMLR prior to modification of any goals.

Management Measures	Measurable Goals
a. Research Plan	Maintain a Research Plan. The Plan shall be in keeping with the guidelines established by the Federal Highway Administration (FHWA) Evaluation and Management of Highway Runoff Water Quality Manual (FHWA-PD-96-032) and FHWA's National Highway Runoff and Data Methodology Synthesis (FHWA-EP-03-054, or any updates. The Research Plan will include: 1) A description of the Research Program and process for requesting funding. 2) A process that identifies research needs in order to improve program areas.
b. Submit the Research Plan to DEMLR	Modifications to the NCDOT Research Plan shall be submitted to DEMLR.
c. Implement the Research Plan	NCDOT shall continue to perform and sponsor research to fulfill the Research Plan.

PART III OTHER REQUIREMENTS

SECTION A REPORTING AND RECORD KEEPING REQUIREMENTS

1. Program Assessment

a. NCDOT shall provide DEMLR with an annual report consisting of a program summary and assessment. The report shall include the status of each component in Part II of this permit, proposed changes to the stormwater management program or implementation schedule, a summary of illicit connection and illegal dumping reports and inspections, identification of efforts to improve water quality or reduce degradation as a result of NCDOT activities, and successes, failures and milestones/accomplishments of the program.

b. The annual assessment report shall be submitted to DEMLR no later than October 31 of each year for the reporting period from July 1 through June 30.

c. NCDOT shall maintain a copy of each annual program assessment report on file for a period of five years.

2. Stormwater Pollution Prevention Plans

a. Implementation of the Stormwater Pollution Prevention Plan (SPPP) at each industrial facility shall include documentation of all monitoring, measurements, inspections, maintenance activities and training provided to employees. Such documentation shall be kept on-site for a period of five years and made available to DEMLR immediately upon request.

b. In the event that DEMLR determines that a SPPP does not meet the requirements of this permit, NCDOT shall submit a proposal and schedule for modifying the SPPP. NCDOT shall also certify that the SPPP has been modified in accordance with the submitted proposal.

3. Qualitative and Analytical Monitoring

a. Qualitative and analytical monitoring shall be documented and records maintained. These reports shall be made available to DEMLR upon request.

b. NCDOT shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, 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 at any time.

4. Employee Training

Training performed in conjunction with a SPPP requirement shall be documented and maintained at the facility as part of the SPPP.

5. Organizational Duties and Responsibilities

NCDOT shall maintain a list of positions responsible for implementing the provisions of this permit including central office staff and divisional staff. The list shall include positions, work addresses and phone numbers and a brief description of their responsibilities and/or duties, training and qualifications applicable to this permit. Descriptions of responsibilities and/or duties, training and qualifications may be described separately and/or referenced to another document (i.e., training material, SPPPs, job descriptions, or in the employee's personnel record). Where more than one position is listed, one must be named as primary contact and others must be listed in the order in which they will assume responsibility as alternates. This list will be available upon request.

6. Report Submittals

a. Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Energy, Mineral and Land Resources
Stormwater Permitting Unit
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

b. All applications and annual reports submitted to DEMLR shall be signed by a principal executive officer 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;

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."

7. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this permit, the permittee shall record the following information:

a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;

b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;

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. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants that are not specifically listed in the permit or subject to notification requirements in 40 CFR Part 122.42 (a).

9. Anticipated Noncompliance

The permittee shall give notice to the Director as soon as possible of any planned changes which may result in noncompliance with the permit requirements.

10. Twenty-four Hour Reporting

a. The permittee shall report to the central office or the appropriate regional office any noncompliance or reasonably anticipated noncompliance which may endanger 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. To report an environmental emergency, call: 1-800-858-0368.

b. The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

11. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

SECTION B COMPLIANCE SCHEDULE

1. Stormwater Pollution Prevention Plans

a. Existing Industrial Facilities: The required Stormwater Pollution Prevention Plan shall be updated on an annual basis.

b. Proposed/New Industrial Facilities: The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

2. Stormwater Program Implementation

NCDOT may modify the stormwater management program implementation schedule through the annual reporting process.

SECTION C TOTAL MAXIMUM DAILY LOAD ASSESSMENT

It is the responsibility of the permittee to keep abreast with the development of the 303(d) list as well as with the issuance of TMDLs.

1. At any time during the effective dates of this permit, NCDOT will develop and implement a program ("Program") to address impaired waters identified in TMDLs in which NCDOT is named as a significant contributor of the pollutant addressed by the TMDL and that assigns NCDOT a wasteload allocation (WLA) separate from other point sources.

2. NCDOT's Program shall summarize the locations of NCDOT outfalls that are identified in its implicit Stormwater Outfall Inventory that have the potential to discharge the TMDL pollutant of concern into the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.

3. NCDOT's Program shall implement an Assessment & Monitoring Plan ("Plan"). The Plan shall include an evaluation of the need for additional data collection related to the NCDOT's discharge of the TMDL pollutant of concern. Additional data collection to be evaluated may include (but does not require) a supplemental inventory of NCDOT outfalls, monitoring, an assessment of the effectiveness of existing BMPs, and an assessment of non-NCDOT discharges entering NCDOT's conveyance system and negatively impacting the quality of NCDOT stormwater discharge. If the Plan proposes analytical monitoring, then it shall include a description of the sample types, frequency, and seasonal considerations, if applicable. Where appropriate, NCDOT may reduce its monitoring burden by monitoring outfalls that DEMLR considers substantially similar to other outfalls. The Plan may be adjusted as additional outfalls are identified.

4. The Plan shall include a schedule for implementing the proposed assessment and monitoring activities. The Plan shall be submitted to DEMLR for comments no later than 12 months after notification by NCDENR that NCDOT has been assigned a WLA DEMLR shall complete its review of the Plan within 6 months of receiving the plan from NCDOT.

5. NCDOT shall initiate implementation of the Plan within 6 months of receiving Plan approval from DEMLR. In accordance with the Plan implementation schedule, NCDOT shall provide a summary of the assessment and monitoring activities performed within a reporting period in subsequent annual reports.

Within 6 months of completing the assessment and monitoring activities outlined in the Plan, NCDOT shall submit a report of its findings to DEMLR. The report shall include an assessment of whether additional structural and/or non-structural BMPs are necessary to meet NCDOT's WLA. If necessary, the report will also document why BMPs are infeasible to meet the WLA and discuss BMPs to reduce the load to the maximum extent practicable. The report shall include a schedule for implementing such BMPs. Upon approval by DEMLR, NCDOT shall implement any approved BMPs in accordance with the schedule. Subsequent annual reports will provide updates on the implementation of the Plan.

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PART IV STANDARD CONDITIONS

SECTION A COMPLIANCE AND LIABILITY

1. Duty to Comply

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

a. NCDOT 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 section 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 $27,500 per day for each violation. The Clean Water Act 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. 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. 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.

c. Under state law, a daily civil penalty of not more than ten thousand dollars ($10,000) 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 Director for violating section 301, 302, 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. Administrative penalties for Class I violations are not to exceed $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500. Penalties for Class II violations are not to exceed $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

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

3. Civil and Criminal Liability

Except as provided in Part IV, Section B, Paragraph 3 of this permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

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 $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.

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 $10,000 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 notification of planned changes or anticipated noncompliance does not stay any permit condition.

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 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 operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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.

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director 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; and

b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls 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 Part III, Section A of this permit.

d. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

SECTION C MONITORING AND RECORDS

1. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this permit shall not be changed without notification to and approval of the Director.

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 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 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 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 Clean Water Act, any substances or parameters at any location.

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 DEMLR. 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 V LIMITATIONS REOPENER

This permit shall be modified or, alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

a. Contains different conditions or is otherwise more stringent than any limitation in the permit; or

b. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

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 VI 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 DEMLR. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause the DEMLR to initiate action to revoke the Certificate of Coverage.

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PART VII DEFINITIONS

1) Act

See Clean Water Act.

2) Allowable Non-Stormwater Discharges

This permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:

(a) All other discharges that are authorized by a non-stormwater NPDES permit.

(b) Uncontaminated groundwater, foundation drains, air –conditioner or air compressor condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands, irrigation drainage, landscape watering, pavement wash water which does not use detergents and no spills or leaks or toxic or hazardous materials have occurred (unless all materials have been removed), routine external building wash down which does not use detergents, and incidental windblown mist from cooling towers that collect on rooftops.

(c) Discharges resulting from fire-fighting training without chemical additives or from fire-fighting.

3) Best Management Practices (BMPs)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.

4) Borrow Pit

A Borrow Pit means a man-made depression in the ground created when earthen materials are removed to provide fill or materials at another site. Often, the pit will fill with rain water or groundwater and must be dewatered to continue the removal of materials.

5) Built Upon Area (BUA)

For the purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck or the water area of a swimming pool. (SL2014-120).

6) Bulk Storage of Liquid Products

Bulk Storage of Liquid Products means liquid raw materials, manufactured products, waste materials or by-products with a capacity that triggers compliance with 40 CFR 112.

7) Bypass

A bypass is the known diversion of stormwater or wastewater from any portion of a control facility, including the collection system, which is not a designed or established operating mode for the facility.

8) Clean Water Act

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

9) DEMLR

The Division of Energy, Mineral and Land Resources, Department of Environment and Natural Resources

10) Director

The Director of the Division of Energy, Mineral and Land Resources, the permit issuing authority.

11) DWR

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

12) Grab Sample

An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.

13) Hazardous Substance

Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

14) Industrial Activity

For the purposes of this permit, industrial activities shall mean all industrial activities listed defined in 40 CFR 122.26. Stormwater from general roadway, general railway,

construction activities, borrow pits/waste piles, and other non-roadway facility are not considered Industrial Activities.

15) Implicit Stormwater Outfall Inventory

An implicit stormwater outfall inventory is a geospatial list of points created using an 'in-office' procedure, typically GIS-based, intended to estimate the possible locations of NCDOT point sources of stormwater discharge into waters of the United States.

16) Implicit Outfall

An implicit outfall is a geospatial point listed in the implicit stormwater outfall inventory. Implicit outfalls are not verified in the field as meeting the definition of an outfall.

17) Municipal Separate Storm Sewer System

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

(ii) Designed or used for collecting or conveying storm water;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

A Phase I MS4 includes medium and large MS4s. To be a medium or large MS4, the MS4 must be located in an urbanized area with a population greater than 100,000.

A Phase II MS4 includes regulated small MS4s. To be a regulated small MS4, the MS4 must be located in an urbanized area with a population less than 100,000 but with selected population densities. Phase II MS4s are identified by NCDENR at

http://h2o.enr.state.nc.us/su/NPDES_Phase_II_Stormwater_Program_2000_Census.htm.

18) Non-commercial borrow pit/waste pile project

A non-commercial borrow pit or waste pile is a location which only supports NCDOT operations and does not sell materials to non-NCDOT entities.

19) Outfall

Outfall means a point source 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. (40 CFR 122.26 (b)(9)).

20) Permittee

The owner or operator issued this permit (NCDOT).

21) Point Source

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (40 CFR 122.2).

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) Retrofit

A retrofit is a structural or non-structural best management practice which provides stormwater treatment or aids the Department in its pollution prevention objectives, and is constructed on existing development or put into practice within existing policies and procedures. Retrofit best management practices are typically constructed or put into practice some period of time after the original development activities were completed and were not part of the original development plans.

24) Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

25) Section 313 Water Priority Chemical

A chemical or chemical category which:

a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;

b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and

c. That met at least one of the following criteria:

(1) Is listed in appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);

(2) Is listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or

(3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

26) Sensitive Water

a. Waters that are classified as high quality, outstanding resource, shellfish, trout, or nutrient-sensitive waters in accordance with subsections (d) and (e) of 15A NCAC 2B .0101 (Procedures for Assignment of Water Quality Standards – General Procedures).

b. Waters that are occupied by or designated as critical habitat for aquatic animal species that are listed as threatened or endangered by the United States Fish and Wildlife Service or the National Marine Fisheries Service under the provisions of the Endangered Species Act of 1973 (Pub. L. No. 93-205; 87 Stat. 884; 16 U.S.C. §§ 1531, et seq.), as amended.

c. Waters for which the designated use, as described by the classification system set out in subsections (c), (d), and (e) of 15A NCAC 2B .0101 (Procedures for Assignment of Water Quality Standards – General Procedures), have been determined to be impaired in accordance with the requirements of subsection (d) of 33 U.S.C. § 1313 due to exceedances of water quality standards criteria for one or more of the following parameters: aluminum, arsenic, copper, iron, manganese, total polycyclic aromatic hydrocarbons, fecal coliform, turbidity.

d. The following North Carolina water quality classifications are HQW by definition: Water Supply I (WS-I), Water Supply II (WS-II), Shellfishing (SA), and waters which the Environmental Management Commission has received a petition for reclassification to either WS-I or WS-II.

27) Severe Property Damage

Means substantial physical damage to property, damage to the control facilities that 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 does not mean economic loss caused by delays in production.

28) Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

29) Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (Ref: 40 CFR 302.4).

30) 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. See also the definition of industrial activities.

31) Stormwater Discharge Point (SDP)

A SDP, also known as a "discharge point", is defined as a point source at the point where stormwater leaves a NCDOT owned property or right-of-way boundary and is not discharging to waters of the United States at that point.

32) Stormwater Pollution Prevention Plan

A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

33) Stormwater Runoff

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

34) Ten Year Design Storm

The maximum 24-hour precipitation event expected to be equaled or exceeded on the average once in ten years. Design storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

35) Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(l) of the Clean Water Act.

36) Transportation Improvement Project

A Transportation Improvement Project typically means a large-scale project to construct a primary roadway, such as an interstate or State highway.

37) Transportation Separate Storm Sewer System (TS4)

Transportation separate storm sewer, a type of municipal separate storm sewer system (MS4), means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

(ii) Designed or used for collecting or conveying storm water in a linear environment and applicable non-roadway and industrial facilities.

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

38) Upset

Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

39) Waste Pile

A Waste Pile means a stack or pile of materials remaining from construction or maintenance activities. For NCDOT projects, these waste piles typically consist of earthen materials or construction material rubble.

40) Vehicle Maintenance Activity

Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, or vehicle cleaning operations.

41) 25-year, 24 hour storm event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.

PART VIII ACRONYMS

BMP	Best Management Practice
BUA	Built Upon Area
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEMLR	Division of Energy, Minerals and Land Resources
DWR	Division of Water Resources
EPA	Environmental Protection Agency (United States)
ESC	Erosion and Sedimentation Control
FHWA	Federal Highway Administration
GIS	Geospatial Information System
IDDEP	Illicit Discharge Detection and Elimination Program (previously ICID Program)
MCM	Minimum Control Measures
MS4	Municipal Separate Storm Sewer System
NCAC	North Carolina Administrative Code
NCDA&CS	North Carolina Department of Agriculture and Consumer Services
NCDENR	North Carolina Department of Environment and Natural Resources
NCDOT	North Carolina Department of Transportation
NCTA	North Carolina Transportation Authority
NCGS	North Carolina General Statute
NHD	National Hydrography Dataset
NPDES	National Pollutant Discharge Elimination System
PCSP	Post-Construction Stormwater Program
POTW	Publicly Owned Treatment Works
SA	Water Quality Designation – Shellfishing
SARA	Superfund Amendments and Reauthorization Act
SDP	Stormwater Discharge Point
SPPP	Stormwater Pollution Prevention Plan
TIP	Transportation Improvement Program
TS4	Transportation Separate Storm Sewer System
TMDL	Total Maximum Daily Load
USGS	United States Geological Survey
WLA	Waste Load Allocation
WS	Water Quality Designation – Water Supply water