



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

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
Alan W. Klimek, P.E., Director

February 15, 2007

David Mayes
Storm Water Services manager
P.O. Box 1810
Wilmington, North Carolina 28402-1810

Subject: NPDES Permit Number NCS000406
New Hanover County, Town of Wilmington



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

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
Alan W. Klimek, P.E., Director

February 15, 2007

David Mayes
Storm Water Services manager
P.O. Box 1810
Wilmington, North Carolina 28402-1810

Subject: NPDES Permit Number NCS000406
New Hanover County, Town of Wilmington

Dear Mr. Mayes;

In accordance with your application for a stormwater discharge permit received on March 7, 2003 and as amended, we are forwarding herewith the subject 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 State, Federal or Local governmental permit that may be required.

If you have any questions concerning this permit, please contact Mike Randall at telephone number 919/733-5083 ext. 545.

Sincerely,

Alan W. Klimek, P.E.

cc: Mike Mitchell, EPA Region IV
Central Files
Stormwater and General Permit Unit Files
DWQ Regional Office

**STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
DIVISION of WATER QUALITY**

**PERMIT NO. NCS000406
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 Wilmington

is hereby authorized to discharge stormwater from their municipal separate storm sewer system located:

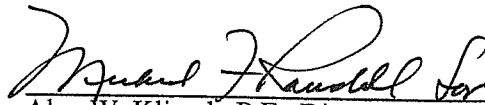
within the City of Wilmington Jurisdictional Area
New Hanover County

to receiving waters of the State, within the Cape Fear 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, 2007.

This permit and the authorization to discharge shall expire at midnight on February 28, 2012.

Signed this day February 15, 2007.



Alan W. Klimek, P.E., Director

Division of Water Quality

By the Authority of the Environmental Management Commission

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

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: THREATENED OR ENDANGERED SPECIES

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

PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the permit and lasting until expiration, the City of Wilmington is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) to receiving waters of the State within the Cape Fear River Basin. Such discharge will be controlled, limited and monitored in accordance with the permittee's Comprehensive Stormwater Management Program, herein referred to as the Stormwater Plan. The Stormwater Plan must detail the permittee's stormwater management program for the five-year term of the stormwater permit including, for each of the measure identified in the permit, a narrative description of the program, a table that identifies each best management practice (BMP) used, the frequency of the BMP, the measurable goals for each BMP, the implementation schedule, funding and the responsible person or position for implementation..
2. All discharges authorized herein shall be adequately 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 within the jurisdictional area of the permittee as described in the approved local Stormwater Plan to control potential pollution from the MS4. The permit applies to current and future jurisdictional areas of the permittee, as well as 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. Under the authority of Section 402(p) of the Clean Water Act and implementing regulations 40 CFR Part 122, 123 and 124, North Carolina General Statutes 143-215.1 and Session Law 2004-163 and in accordance with the approved Stormwater Plan, all provisions contained and referenced in the Stormwater Plan are enforceable parts of this permit. The permittee will develop and implement its approved Stormwater Plan in accordance with Section 402(p)(3)(B) of the Clean Water Act, provisions outlined by the Director, and the provisions of this permit.
7. The permit requires the development and proper implementation of the Stormwater Management Plan. The purpose of the Stormwater Management Plan is 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. Implementation of best management practices consistent with the provisions of the Stormwater Management Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the Stormwater Management Plan and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the Stormwater Management Plan.

8. 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 (does not include reclaimed water as described in 15A NCAC 2H .0200);
 - 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.

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 reduce pollutants discharged from the MS4. This includes, but is not limited to, the following areas:

1. The permittee will develop and maintain adequate legal mechanism, such as regulations, ordinances, policies and procedures to implement all provisions of the Stormwater Plan. The permittee will keep the Division advised of the status of development of appropriate ordinances and legal authorities and will pursue these authorities in accordance with the schedule outlined in the Stormwater Plan.
2. The permittee's Stormwater Plan will be implemented and managed such that the discharge of pollutants from the MS4 is reduced to the maximum extent practicable. It is anticipated that in order to meet this provision, implementation of the Stormwater Plan will occur with emphasis given to priority areas and to management measures and programs that are most effective and efficient at varying stages of the plan's implementation.
3. The permittee will implement the components of the Stormwater Plan to prohibit, to the maximum extent practicable, illicit connections, spills and illegal dumping into the MS4.
4. The permittee will implement provisions of the Stormwater Plan as appropriate to monitor and assess the performance of the various management measures that are a part of the Stormwater Plan. This will include the provisions of this permit.
5. The permittee will implement appropriate education, training, outreach, and public involvement programs to support the objectives of this stormwater discharge permit and the Stormwater Plan.
6. The permittee will implement a program to reduce pollution from construction site runoff as described in the Stormwater Plan and in accordance with this permit.
7. The permittee will implement a post-construction site runoff control program to regulate new development and redevelopment by requiring structural and non-structural best management practices to protect water quality, to reduce pollutant loading, and to minimize post-development impacts. This program will include provisions for long-term operation and maintenance of BMPs.
8. The permittee will evaluate municipal operations and develop and implement an appropriate program for municipal activities and ongoing operation and maintenance of municipal facilities to reduce the potential for stormwater pollution.
9. Proposed permit modifications must be submitted to the Director for approval.
10. If the permitted MS4 becomes subject to an approved TMDL, and following notice of such by the Division, the permittee shall implement a TMDL Water Quality Recovery Program. The following additional requirements apply.
 - (a) Within two years after receiving the Division's notice that the permittee is subject to a TMDL, the permittee shall establish a TMDL Water Quality Recovery Program and shall

identify the locations of all currently known MS4 outfalls within its jurisdictional area with the potential of discharging the pollutant(s) of concern: to the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments. The permittee shall also develop a schedule to discover and locate all other MS4 outfalls within its jurisdictional area that may be discharging the pollutant(s) of concern: to the impaired stream segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.

- (b) Within two years after receiving the Division's notice that the permittee is subject to a TMDL, the permittee shall develop a monitoring plan for each pollutant of concern. The monitoring plan shall include the sample location by verbal description and latitude and longitude coordinates, sample type, frequency, any seasonal considerations, and a monitoring implementation schedule for each pollutant of concern. Where appropriate, the permittee may reduce the monitoring burden by proposing to monitor outfalls that the Division would consider substantially similar to other outfalls. The permittee may also propose in-stream monitoring where it would complement the overall monitoring plan. The monitoring plan shall be adjusted as additional outfalls are identified in accordance with the schedule required in (a) above and as accumulating data may suggest.
- (c) The permittee shall include the location of all currently known MS4 outfalls with the potential of discharging the pollutant(s) of concern, the schedule for discovering and locating currently unknown MS4 outfalls with the potential of discharging the pollutant(s) of concern, and the monitoring plan, (all as required in (a) and (b) above, and all part of the TMDL Water Quality Recovery Program) in the first Stormwater Management Plan annual report due no earlier than two years after the Division's initial notification of the applicability of a TMDL.
- (d) The next and each subsequent Stormwater Management Plan annual report shall include an assessment of the available data for each pollutant of concern, and an assessment of the effectiveness of the BMPs employed, to determine what, if any, additional BMP measures may be necessary to return the impaired segments to compliance with state water quality standards. The permittee shall implement appropriate BMPs to control the pollutant(s) of concern to the maximum extent practicable. Implementation of the appropriate best management practices constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.
- (e) Following any review and comment by the Division on the TMDL Water Quality Recovery Program, the permittee shall incorporate any necessary changes into the program. The permittee shall incorporate the revised TMDL Water Quality Recovery Program into the Stormwater Management Plan.

The permittee can identify the impaired stream segments in the MS4 jurisdictional area by referencing the 2004 Integrated 305(b) and 303(d) Report (or current version), available on the website of the Division of Water Quality Modeling and TMDL Unit.

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 and shall notify the Division prior to modification of any goals.

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(a) Identify target pollutants and target pollutant sources	Identify the target pollutant and target pollutant sources the permittee's public education program is designed to address and why they are an issue.	X				
(b) Identify target audiences	Identify the target audiences likely to have significant storm water impacts and why they were selected.	X				
(c) Informational Web Site	Promote and maintain internet web site. Examples include, but are not limited to: Post newsletter articles on stormwater, information on water quality, stormwater projects and activities, and ways to contact stormwater management program staff.	X				
(d) Develop and distribute public education materials to identified user groups. For example, schools, homeowners, and/or businesses.	Develop 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.		X			
(e) Media Campaign	Document campaign reach and frequency to public for each broadcast media like radio and TV, (including those elements implemented locally or through a cooperative agreement).			X		

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(f) Establish Hotline/Help line	Maintain a stormwater hotline/helpline.			X		
(g) Establish a Public Education and Outreach Program and implement within 12 months of the permit issue date.	<p>The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, must include at least two of the following:</p> <ul style="list-style-type: none"> • Newspaper articles, press releases and/or paid advertisements (i.e., inserts) • Kiosks and signage • Targeted direct mail • Displays at the point-of purchase • Utility bill inserts <p>The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, must include at least two of the following:</p> <ul style="list-style-type: none"> • Public meetings • Community events • Contest • Storm drain marking • Stream and Litter cleanups • Group presentation and/or speeches <p>The permittee's outreach program, including those elements implemented locally or through a cooperative agreement, must include at least three of the following:</p> <ul style="list-style-type: none"> • News coverage • Workshops and class room outreach • Distributing promotional giveaways and specialty items • Brochures, displays, signs, welcome packets, and pamphlets • Local cable access • Newsletters <p>For each media, event or activity, including those elements implemented locally or through a cooperative agreement, measure and record the extent of exposure.</p>	X	X	X	X	X

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION

1. Objectives for Public Involvement and Participation

- (a) Provide opportunities for the public, including major economic and ethnic groups, to participate in program development and implementation.
- (b) Comply with applicable state and local public notice requirements.

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 and shall notify the Division prior to modification of any goals.

BMP	Measurable Goals	YR	YR	YR	YR	YR
		1	2	3	4	5
(a) Administer a Public Involvement Program	Develop and implement a Public Involvement and Participation Program, as outlined in (b) through (e) below.	X	X			
(b) Allow the public an opportunity to review and comment on the Stormwater Plan	Conduct at least one public meeting in year 2 to allow the public an opportunity to review and comment on the Stormwater Plan.		X			
(c) Organize a volunteer community involvement program	Organize and implement a volunteer stormwater related program, locally or through a cooperative agreement, to promote ongoing citizen participation. Examples include, sponsoring and participating in Big Sweep, Forming partnerships with local businesses, Adopt a stream, Adopt a street, promoting volunteer presentations, Creek crawls, storm drain stenciling, and poster contest	X				
(d) Establish a mechanism for Public involvement	Established mechanism for public involvement, for example, a citizens' or stakeholders' group(s) that provide input on stormwater issues and the stormwater program.	X				
(e) Establish Hotline/Help line	Maintain a stormwater hotline/helpline.			X		

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION

1. Objectives for Illicit Discharge Detection and Elimination

- (a) Detect and eliminate illicit discharges, including spills and illegal dumping to the Permittee's MS4.
- (b) Address significant contributors of pollutants to the MS4. The permittee may require specific controls for a category of discharges, or prohibit that discharge completely, if one or more of these categories of sources are identified as a significant contributor of pollutants to the MS4.
- (c) Implement appropriate enforcement procedures and actions.
- (d) Develop a map showing the permittee's major MS4 outfalls to state waters receiving discharges.
- (e) Inform employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

2. BMPs for Illicit Discharge Detection and Elimination

The permittee shall implement the following BMPs to meet the objectives of the Illicit Discharge Detection and Elimination Program and shall notify the Division prior to modification of any goals.

BMP	Measurable Goals	YR	YR	YR	YR	YR
		1	2	3	4	5
(a) Develop/Implement Illicit Discharge Detection and Elimination Program	Develop and implement an Illicit Discharge Detection and Elimination Program including provisions for program assessment and evaluation.			X		
(b) Establish and maintain appropriate legal authorities	Establish and maintain adequate ordinances or other legal authorities to prohibit illicit discharges and enforce the approved Illicit Discharge Detection and Elimination Program.			X		
(c) Develop a Storm Sewer System Base Map and Inventory of Major Outfall.	Map identifying major outfalls and stormwater drainage system components. At a minimum, components include major outfalls and receiving streams. Established procedures to continue to identify, locate, and update map of drainage system.				X	
(d) Inspection/detection program to detect dry weather flows at MS4 outfalls	Establish written procedures 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.			X		

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(e) Employee training	Conduct training for appropriate municipal staff on detecting and reporting illicit discharges.			X		
(f) Provide public education	Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.				X	
(g) Establish a public reporting mechanism	Establish and publicize reporting mechanism for the public to report illicit discharges. Establish citizen request response procedures.				X	
(h) Established procedures to identify and eliminate failed septic system and sanitary sewer overflows.	Establish procedures to identify and report to the County health department failed septic systems located within the permittee's planning jurisdiction. Establish procedures to identify and report sanitary sewer overflows and sewer leaks to the system operator.		X			

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.

2. BMPs for Construction Site Runoff Controls

- (a) The permittee relies on New Hanover County to comply with this minimum measure. The New Hanover County Sediment and Erosion Control Program effectively meets the requirements of the 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. 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.
- (b) 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.
- (c) The permittee may pursue local government implementation of the Erosion and Sediment Control Program by requesting a "minor modification" to the permit.

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.

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	YR 1	YR 2	YR 3	YR 4	YR 5
(a) Establish a Post-Construction Stormwater Management Program	Develop and adopt by ordinance (or similar regulatory mechanism) a program to address stormwater runoff from new development and redevelopment. Implement and enforce the program within 24 months of the permit issue date.		X			
(b) Establish strategies which include BMPs appropriate for the MS4	Develop strategies that include a combination of structural and/or non-structural BMPs. Implement them within 24 months of the permit issue date. 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 (i.e., someone trained and certified by NC State for BMP Inspection & Maintenance).		X			
(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. Develop and include a nutrient application (fertilizer and organic nutrients) management program in the Post-construction Stormwater Management Program. 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 loading reduction requirement.		X			

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(d) Establish a program under the Post-Construction minimum measure to control the sources of fecal coliform to the maximum extent practicable	Coordinate with County health department to control the known sources of fecal coliform to the maximum extent practicable. Implement within 24 months of the permit issue date.		X			
(e) City Code, Permitting Regulations, Easement, and/or Deed Restrictions and Protective Covenants	Ensure development activities will maintain the project consistent with approved plans.		X			
(f) Operation and Maintenance Plan	Implement or require an operation and maintenance plan that ensures the adequate long-term operation of the structural BMPs required by the program. The operation and maintenance plan may require the owner of each structural BMP to submit a maintenance inspection report on each structural BMP annually to the local program.					X
(g) 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).		X			

3. **Post-Construction Site Runoff Controls.**

- (a) For post-construction requirements, a program will be deemed compliant for the areas where it is implementing any of the following programs:
- (1) Water Supply Watershed I (WS-I) – 15A NCAC 2B.0212.
 - (2) Water Supply Watershed II (WS-II) – 15A NCAC 2B.0214.
 - (3) Water Supply Watershed III (WS-III) – 15A NCAC 2B.0215.
 - (4) Water Supply Watershed IV (WS-IV) – 15A NCAC 2B.0216.
 - (5) Freshwater High Quality Waters (HQW) – 15A NCAC 2H.1006.
 - (6) Freshwater Outstanding Resource Waters (ORW) – 15A NCAC 2H.1007.
 - (7) The Neuse River Basin Nutrient Sensitive Waters (NSW) Management Strategy – 15A NCAC 2B.0235.
 - (8) The Tar-Pamlico River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B.0258.
 - (9) The Randleman Lake Water Supply Watershed Nutrient Management Strategy – 15A NCAC 2B.0251.
- (b) In order to fulfill the post-construction minimum measure program requirement, a permittee, delegated program, or regulated entity may use the Department's model ordinance, design its own post-construction practices based on the Department's guidance on scientific and engineering standards for best management practices (BMPs), incorporate the post-construction model practices described herein, or develop its own comprehensive watershed plan that is determined by the Department to meet the post-construction stormwater management measure.
- (c) Permittees must require stormwater controls for a project that disturbs one acre or more of land, including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale. The stormwater controls shall be appropriate to the project's level of density as follows:
- (1) Post-construction model practices for low-density projects. – A project that is located within one-half mile of and draining to Shellfish Resource Waters is a low-density project if it contains no more than twelve percent (12%) built-upon area. A project that is not located within one-half mile of Shellfish Resource Waters is a low-density project if it contains no more than twenty-four percent (24%) built-upon area or no more than two dwelling units per acre. Low-density projects must use vegetated conveyances to the maximum extent practicable to transport stormwater runoff from the project. On-site stormwater treatment devices such as infiltration areas, bioretention areas, and level spreaders may also be used as added controls for stormwater runoff. A project with an overall density at or below the low-density thresholds, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.
 - (2) Post-construction model practices for high-density projects. – A project that is located within one-half mile of and draining to Shellfish Resource Waters is a high-density project if it contains more than twelve percent (12%) built-upon area. A project that is not located within one-half mile of Shellfish Resource Waters is a high-density project if it contains more than twenty-four percent

(24%) built-upon area or more than two dwelling units per acre. High-density projects must use structural stormwater management systems that will control and treat runoff from the first one and one-half inches of rain. In addition, projects that are located within one-half mile and draining to Shellfish Resource Waters must control and treat the difference in the stormwater runoff from the predevelopment and post-development conditions for the one-year, 24-hour storm. The structural stormwater management system must also meet the following design standards:

- A. Draw down the treatment volume no faster than 48 hours, but no slower than 120 hours.
- B. Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.
- C. Remove an eighty-five percent (85%) average annual amount of Total Suspended Solids.
- D. Meet the General Engineering Design Criteria set out in 15A NCAC 02H .1008(c) or a locally approved stormwater management manual.
- E. Wet detention ponds designed in accordance with the requirements of Paragraph (3)(d) may be used for projects draining to Class SA waters.

(d) For areas draining to Class SA waters, permittees, delegated programs, and regulated entities must:

- (1) Use BMPs that result in the highest degree of fecal coliform die-off and control to the maximum extent practicable sources of fecal coliform while still incorporating the stormwater controls required by the project's density level.
- (2) Implement a program to control the sources of fecal coliform to the maximum extent practicable, including a pet waste management component, which may be achieved by revising an existing litter ordinance, and an on-site domestic wastewater treatment systems component to ensure proper operation and maintenance of such systems, which may be coordinated with local county health departments.
- (3) Prohibit new points of stormwater discharge to Class SA waters and prohibit both increases in the volume of stormwater flow through conveyances and increases in capacity of conveyances in existing stormwater conveyance systems that drain to Class SA waters. Any modification or redesign of a stormwater conveyance system within the contributing drainage basin must not increase the net amount or rate of stormwater discharge through existing outfalls to Class SA waters. Diffuse flow of stormwater at a nonerosive velocity to a vegetated buffer or other natural area capable of providing effective infiltration of the runoff from the one-year, 24-hour storm shall not be considered a direct point of stormwater discharge. Consideration shall be given to soil type, slope, vegetation, and existing hydrology when evaluating infiltration effectiveness.

(e) For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high-water table.

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

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

Prevent or reduce stormwater pollution from 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 and shall notify the Division prior to modification of any goals.

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(a) Develop an operation and maintenance program	Develop an operation and maintenance program for structural stormwater BMPs , storm sewer system maintenance which may include street sweeping, and municipal operations such as recycling and household hazardous waste and oil collection.		X			
(b) Develop Site Pollution Prevention Plan for Municipal Facilities	Develop and implement Site Pollution Prevention Plan for Municipal Facilities owned and operated by the permittee with the potential for generating polluted stormwater runoff that has the ultimate goal of preventing or reducing pollutant runoff.			X		
(c) Inspection and evaluation of facilities, operations, and the MS4 system and associated structural BMPs.	Maintain an inventory of facilities and operations owned and operated by the permittee with the 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. Evaluate the sources, document deficiencies, plan corrective actions, implement appropriate controls, and document the accomplishment of corrective actions.				X	
(d) Conduct staff training	Conduct staff training specific for pollution prevention and good housekeeping procedures.		X			

BMP	Measurable Goals	YR 1	YR 2	YR 3	YR 4	YR 5
(e) Review of municipality owned or operated regulated industrial activities	Conduct annual review of the industrial activities with a Phase I NPDES stormwater permit owned and operated by the permittee. Review the following aspects: the Stormwater Pollution Prevention Plan where one is required, the timeliness of any monitoring reports required by the Phase I permit, and the results of inspections and subsequent follow-up actions at the facilities.			X	X	X
(f) Spill Response Procedures	Establish spill response procedures for municipal operations owned and operated by the permittee with the potential to generate polluted stormwater runoff.		X			
(g) Prevent or Minimize Contamination of Stormwater Runoff from all areas used for Vehicle and Equipment Cleaning	<p>Describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning. Perform all cleaning operations indoors, cover the cleaning operations, ensure washwater drain 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 washwater into the storm drains or surface waters.</p> <p>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 prior to removing the drain cover.</p> <p>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 permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.</p>		X			

SECTION H: THREATENED OR ENDANGERED SPECIES

1. Certain waters provide habitat for federally-listed aquatic animal species that are listed as threatened or endangered by the U.S. Fish and Wildlife Service or National Marine Fisheries Service under the provisions of the Endangered Species Act, 16 U.S.C. 1531-1544 and subsequent modifications.
2. The shortnose sturgeon (*Acipenser brevirostrum*) was listed as endangered on March 11, 1967 (32 FR 4001) and remained on the endangered species list with enactment of the ESA in 1973. Shortnose sturgeon occur in most major river systems along the eastern seaboard of the United States. Shortnose sturgeon inhabit the main stems of their natal rivers, migrating between freshwater and mesohaline river reaches. Spawning occurs in upper, freshwater areas, while feeding and overwintering activities may occur in both fresh and saline habitats.
3. Under the provisions of the Final Recovery Plan published by the National Marine Fisheries Service (NMFS) in December 1998, the permittee shall implement measures to increase awareness of shortnose sturgeon and their status by formulating a public education program that generates public interest in sturgeon and sturgeon recovery by contacting media outlets, suggesting feature stories, and using existing forums for educating the public (e.g., public aquaria, FWS Partners for Wildlife Program, private foundations). Articles, posters, and pamphlets should be published to increase public knowledge of shortnose sturgeon and their unique and complex life history. This information may include identifiable features of the species, listing status, range, susceptibility to incidental captures, and a number or address to report sightings or captures. The permittee shall offer to work with schools to develop and evaluate educational materials and curricula that introduce students to sturgeons, the river/estuarine environment, and the ESA.

PART III PROGRAM ASSESSMENT

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, implementation of BMPs, enforcement actions, and other stormwater activities. If monitoring and sampling are being performed documentation of results shall be included. 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 May 1, of each year and cover the previous year's activities from March 1 to February 28. The permittee's reporting 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. In addition, any changes in the cost of, or funding for, the Stormwater Plan will be documented.
 - (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 information on the annual expenditures and budget anticipated for the year following each report along with an assessment of the continued financial support for the overall Stormwater Plan.
 - (f) 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.

3. The Director may notify the permittee when the Stormwater Plan does not meet one or more of the requirements of the permit. Within 30 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 corrective action 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 information required by this permit for a period of at least 5 years from the date of acquisition. This period may be extended by request of the Director at any time prior to the end of the five-year period.

2. Report Submittals

- (a) Signed copies of all reports required herein, 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 submitted to DWQ 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."

3. Recording Results

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

- (a) The dates, exact place, and time of the activity or information collected;
- (b) The individual(s) who performed activity;
- (c) The techniques or methods used; and
- (d) The results of such activity or information collected.

4. Twenty-four Hour Reporting

The permittee shall report to the central office or the appropriate regional office any noncompliance that may constitute an imminent threat to health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its 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.

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

5. Annual Reporting

The permittee will submit reporting and monitoring information on an annual basis on forms provided by the DWQ. Permittees are encouraged to use the state on-line reporting system for annual reporting.

6. 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.

7. 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.

PART V STANDARD CONDITIONS**SECTION A: COMPLIANCE AND LIABILITY****1. Duty to Comply**

The permittee 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) 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 \$27,500 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 \$11,000 per violation with the maximum amount not to exceed \$137,500. [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 all 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 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 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 \$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 owned and/or operated by the permittee to achieve compliance with the conditions of this 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.

SECTION C: MONITORING AND RECORDS**1. Representative Sampling**

When required herein, stormwater samples collected and measurements taken shall be characteristic of the volume and nature of the permitted discharge. Analytical stormwater sampling shall be performed during a representative storm event. These samples shall be taken on a day and time that is characteristic of the discharge. Where appropriate, all stormwater samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. When specified herein, monitoring points established 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 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.

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.

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. Clean Water Act

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

5. 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.

6. Department

Department means the North Carolina Department of Environment and Natural Resources

7. Division (DWQ)

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

8. Director

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

9. EMC

The North Carolina Environmental Management Commission.

10. 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.

11. Hazardous Substance

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

12. 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.

13. Industrial Activity

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

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 United States, a State, city, town, county, district, association, or other public body (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 an Indian tribe or an authorized Indian tribal organization, 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. Stormwater Runoff

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

23. 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.

24. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.