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

GENERAL PERMIT NO. NCG500000

TO DISCHARGE NON-CONTACT COOLING WATER, COOLING TOWER AND BOILER BLOWDOWN, CONDENSATE, EXEMPT STORMWATER, COOLING WATERS ASSOCIATED WITH HYDROELECTRIC OPERATIONS, AND SIMILIAR WASTEWATERS UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit shall become effective **October 1, 2015.**

This permit shall expire at midnight on **July 31, 2020.**

for S. Jay Zimmerman Director Division of Water Resources
By Authority of the Environmental Management Commission

PART I

A (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR NON-CONTACT COOLING WATER, COOLING TOWER AND BOILER BLOWDOWN, AIR COMPRESSOR CONDENSATE AND SIMILAR WASTEWATERS

During the period beginning on August 1, 2015 and lasting until expiration, the permittee is authorized to discharge non-contact cooling water, cooling tower and boiler blowdown, air compressor condensate and similar wastewaters from outfalls numbered serially beginning with 001 (specific outfall numbers shall be assigned by the permittee). Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETER	LIMITS		MONITORING REQUIREMENTS		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow			Semi-annually	Estimate	Effluent
Temperature[1]			Semi-annually	Grab	Effluent, Upstream, Downstream
Total Residual Chlorine[2]		FW 17.0 ug/L SW 13.0 ug/L	Semi-annually	Grab	Effluent
Oil and Grease[3]	15.0 mg/L	20.0 mg/L	Semi-annually	Grab	Effluent
pH[4]			Semi-annually	Grab	Effluent
Chemical Oxygen Demand[5]			Semi-annually	Grab	Effluent

1. Effluent temperature will be regulated so that the temperature of the receiving stream does not increase more than:

Fresh water classifications	2.8°C above the natural water temperature However, the receiving water temperature in no case to exceed 29°C at the downstream monitoring location for mountain and upper piedmont waters. However, the receiving water temperature in no case to exceed 32°C at the downstream monitoring location for lower piedmont and coastal plain waters.
Trout water classifications	0.5°C above the natural water temperature due to discharge of heated liquids However, the receiving water temperature in no case to exceed 20°C at the downstream monitoring location for trout waters.
Salt water classifications	0.8°C above the natural water temperature during the months of June, July and August 2.2°C above the natural water temperature during any other months However, the receiving water temperature in no cases to exceed 32°C at the downstream monitoring location for salt waters due to the discharge of heated liquids.

The permittee shall demonstrate compliance with the effluent temperature limitations by monitoring the temperature of the receiving stream upstream and downstream of the discharge outfall. The Division should be consulted in selecting a representative upstream/downstream site. Upstream and downstream monitoring is not necessary if the discharge is to a receiving stream that does not contain any flowing water at the time of discharge.

2. Monitoring requirements and limits apply only if chlorine is present in the discharge. Discharges to fresh waters (FW) will be required to meet a daily maximum discharge limitation of 17 µg/ L of Total Residual Chlorine (TRC). Discharges to salt waters (SW) will be required to meet a daily maximum discharge limitation of 13 µg/ L of TRC. The Division shall consider all effluent TRC values reported below 50 µg/ L to be in compliance with the permit.

3. Monitoring requirement applies only for discharges of air compressor condensate.

4. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units for fresh water classifications
   The pH shall not be less than 6.8 standard units nor greater than 8.5 standard units for saltwater classifications

5. Monitoring requirement applies only if water treatment and/or chemical additives, i.e. corrosion inhibitors, oxygen scavengers, biocides or cleaning solvents are added to the system.

This permit does not authorize the discharge of water treatment or chemical additives (including but not limited to chromium, zinc or copper) other than chlorine and approved de-chlorinating reagents without written approval from the Division.

The permittee shall obtain approval from the Division prior to the use of any chemical additive in the permittee's systems covered under this permit. To obtain approval the permittee shall notify the Director in writing at least ninety (90) days prior to instituting use of any new additive (other than additives previously approved by the Division). Such approval requests shall include a completed Biocide Worksheet Form 101 or equivalent worksheet form approved by the Division, a copy of the Material Data Safety Sheet (MSDS) for the additive, and a map indicating the discharge point and receiving stream.

All non-contact cooling water sample locations shall provide representative samples of the discharge and require sampling prior to discharge commingling with any other waters or substances, such as stormwater or surface water to enable characterization of a pollutant of concern.

All samples collected should be from a representative discharge event, a measurable discharge event that results in an actual discharge from the permitted discharge outfall.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Submittal of monthly Discharge Monitoring Reports (DMRs) shall not be required except upon demand by the Division. This section supersedes the requirement for submitting monthly Discharge Monitoring Reports (DMRs) specified in Part, Section D (2) of this permit. Even though the **submittal** of the monthly monitoring reports to the Division is suspended, all monitoring requirements remain. The data will be maintained on site for a period of three years.

A (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR HYDROELECTRIC FACILITIES – ONCE-THROUGH COOLING WATER AND SIMILAR WASTEWATERS

During the period beginning on August 1, 2015 and lasting until expiration, the permittee is authorized to discharge once-through cooling waters (including generator cooling water, generator thrust bearing cooling water, turbine guide cooling water & transformer cooling water) and other similar waters associated with hydroelectric facilities from outfalls numbered serially beginning with 001 (specific outfall numbers shall be assigned by the permittee). Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETER	LIMITS		MONITORING REQUIREMENTS		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow			Semi-annually	Estimate	Effluent
Temperature[1]			Semi-annually	Grab	Effluent, Upstream, Downstream
Total Residual Chlorine[2]		FW17.0 ug/L SW 13.0 ug/L	Semi-annually	Grab	Effluent
pH[3]			Semi-annually	Grab	Effluent
Chemical Oxygen Demand[4]			Semi-annually	Grab	Effluent

1. Effluent temperature will be regulated so that the temperature of the receiving stream does not increase more than:

Fresh water classifications	2.8°C above the natural water temperature However, the receiving water temperature in no case to exceed 29°C at the downstream monitoring location for mountain and upper piedmont waters. However, the receiving water temperature in no case to exceed 32°C at the downstream monitoring location for lower piedmont and coastal plain waters.
Trout water classifications	0.5°C above the natural water temperature due to discharge of heated liquids However, the receiving water temperature in no case to exceed 20°C at the downstream monitoring location for trout waters.
Salt water classifications	0.8°C above the natural water temperature during the months of June, July and August 2.2°C above the natural water temperature during any other months However, the receiving water temperature in no cases to exceed 32°C at the downstream monitoring location for salt waters due to the discharge of heated liquids.

The permittee shall demonstrate compliance with the effluent temperature limitations by monitoring the temperature of the receiving stream upstream and downstream of the discharge outfall. The Division should be consulted in selecting location(s) that provide(s) a representative upstream/downstream site. Upstream and downstream monitoring is not necessary if the discharge is to a receiving stream that does not contain any flowing water at the time of discharge.

2. Monitoring requirements and limits apply only if chlorine is present in the discharge. Discharges to fresh waters (FW will be required to meet a daily maximum discharge limitation of 17 µg/ L of Total Residual Chlorine (TRC). Discharges to salt waters (SW) will be required to meet a daily maximum discharge limitation

of 13 µg/ L of TRC. The Division shall consider all effluent TRC values reported below 50 µg/ L to be in compliance with the permit.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units for fresh water classifications
   The pH shall not be less than 6.8 standard units nor greater than 8.5 standard units for saltwater classifications

4. Monitoring requirement applies only if water treatment and/or chemical additives i.e. corrosion inhibitors, oxygen scavengers, biocides or cleaning solvents are added to the system.

This permit does not authorize the discharge of water treatment or chemical additives (including but not limited to chromium, zinc or copper) other than chlorine and approved de-chlorinating reagents without written approval from the Division.

The permittee shall obtain approval from the Division prior to the use of any chemical additive in the permittee's systems covered under this permit. To obtain approval the permittee shall notify the Director in writing at least ninety (90) days prior to instituting use of any new additive (other than additives previously approved by the Division). Such approval requests shall include a completed Biocide Worksheet Form 101 or equivalent worksheet form approved by the Division, a copy of the MSDS for the additive, and a map indicating the discharge point and receiving stream.

All samples collected should be from a representative discharge event, a measurable discharge event that results in an actual discharge from the permitted discharge outfall.

All non-contact cooling water sample locations shall provide representative samples of the discharge and require sampling prior to discharge commingling with any other waters or substances, such as stormwater or surface water to enable characterization of a pollutant of concern.

There shall be no discharge of floating solids or visible foam (other than trace amounts) in the effluent

Submittal of monthly Discharge Monitoring Reports (DMRs) shall not be required except upon demand by the Division. This section supersedes the requirement for submitting monthly Discharge Monitoring Reports (DMRs) specified in Part, Section D (2) of this permit. Even though the **submittal** of the monthly monitoring reports to the Division is suspended, all monitoring requirements remain. The data will be maintained on site for a period of three years.

A (3) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR HYDROELECTRIC FACILITIES – SUMPS AND DRAINS AND OTHER MISCELLANEOUS WASTEWATERS

During the period beginning on August 1, 2015 and lasting until expiration, the permittee is authorized to discharge waters from sumps & drains (including powerhouse sumps & drains, wheel pit drains, head cover drains and gallery sumps & drains) and other miscellaneous wastewaters (from sumps & drains associated with hydroelectric facilities) from outfalls numbered serially beginning with 001 (specific outfall numbers shall be assigned by the permittee). Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETER	LIMITS		MONITORING REQUIREMENTS		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow			Quarterly	Estimate	Effluent
Oil and Grease[1]	15.0	20.0 mg/L	Quarterly	Grab	Effluent
pH[2]			Quarterly	Grab	Effluent
Total Residual Chlorine[3]		FW 17.0 ug/L SW 13.0 ug/L	Semi-annually	Grab	Effluent
Chemical Oxygen Demand[4]			Semi-annually	Grab	Effluent

1. The tailrace shall be visually inspected for oil sheens when a permitted discharge occurs immediately after the lubrication of wicket gates (or other lubrication operations which might result in the discharge of oil and grease) at the hydroelectric facility.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units for fresh water classifications
   The pH shall not be less than 6.8 standard units nor greater than 8.5 standard units for saltwater classifications

3. Monitoring requirements and limits apply only if chlorine is present in the discharge. Discharges to fresh waters (FW will be required to meet a daily maximum discharge limitation of 17 µg/ L of Total Residual Chlorine (TRC). Discharges to salt waters (SW) will be required to meet a daily maximum discharge limitation of 13 µg/ L of TRC. The Division shall consider all effluent TRC values reported below 50 µg/ L to be in compliance with the permit.

4. Monitoring requirement applies only if water treatment and/or chemical additives i.e. corrosion inhibitors, oxygen scavengers, biocides or cleaning solvents are added to the system.

Chemical wheel pit cleaning is permitted on a monthly basis. When cleaning of the wheel pits occurs, the tailrace shall be inspected visually for foam and oil. Cleaning shall be conducted only with solvents pre-approved by the Division. The permittee is responsible for retaining documentation of all solvent approvals. Should the permittee wish to change cleaning solvents (other than solvents previously approved) a written request should be made to the Division including the MSDS for the proposed solvent.

Mechanical cleaning operations which do not contribute any wastewater to the discharge are not limited by this permit. Non-discharging cleaning operations may be conducted as often as necessary to ensure safety and proper facility operation.

This permit does not authorize the discharge of water treatment or chemical additives (including but not limited to chromium, zinc or copper) other than chlorine and approved de-chlorinating reagents without written approval from the Division.

The permittee shall obtain approval from the Division prior to the use of any chemical additive in the permittee's systems covered under this permit. To obtain approval the permittee shall notify the Director in writing at least ninety (90) days prior to instituting use of any new additive (other than additives previously approved by the Division). Such approval requests shall include a completed Biocide Worksheet Form 101 or equivalent worksheet form approved by the Division, a copy of the MSDS for the additive, and a map indicating the discharge point and receiving stream.

All non-contact cooling water sample locations shall provide representative samples of the discharge and require sampling prior to discharge commingling with any other waters or substances, such as stormwater or surface water to enable characterization of a pollutant of concern.

All samples collected should be from a representative discharge event, a measurable discharge event that results in an actual discharge from the permitted discharge outfall.

There shall be no discharge of floating solids or visible foam (other than trace amounts) in the effluent.

Submittal of monthly Discharge Monitoring Reports (DMRs) shall not be required except upon demand by the Division. This section supersedes the requirement for submitting monthly Discharge Monitoring Reports (DMRs) specified in Part, Section D (2) of this permit. Even though the **submittal** of the monthly monitoring reports to the Division is suspended, all monitoring requirements remain. The data will be maintained on site for a period of three years.

SECTION B. SCHEDULE OF COMPLIANCE

1. The permittee shall comply with Final Effluent Limitations by the effective date of the Certificate of Coverage.
2. Permittee shall at all times provide the operation and maintenance necessary to operate the existing facilities in accordance with Standard Conditions for NPDES Permits Section C.2. of this permit.
3. Permittee shall operate the existing facilities such that constituents and/or characteristics of the discharge **qualify** for Certificate of Coverage under the General Permit in accordance with 15A NCAC 02H .0127. In accordance with NPDES regulations at § 122.45, **allowing detection of a pollutant:** Instances could arise where the combination of process and non-process wastewaters result in dilution of a pollutant of concern such that it would not be detectable using approved analytical methods. Internal monitoring would enable characterization of the pollutant before dilution with other wastewaters.
4. The upstream location for the natural water temperature shall be interpreted as the influent to the penstock or other appropriate location in the impounded waterbody. Effluent is the outflow from the powerhouse. The temperature change between these two values is considered the heat added and judged for compliance with Note 1 of the permit and 15A NCAC 2H.0211 (j).

SECTION C. APPLICABILITY

This permit is applicable to the following types of discharges defined below:

1. Non-contact cooling water and open recirculation cooling water systems used in industrial processes for the sole purpose of cooling machinery and other equipment. Non-contact cooling water is defined as water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product. Contact cooling water is defined as cooling water that comes into contact with raw material, intermediate product, finished product, byproduct or waste product. Open recirculating cooling water systems, continuously reuse the cooling water which passes through the heat transfer equipment. Open recirculating cooling water system discharges to a Water Supply water body may require an individual NPDES permit. Contact cooling water discharges require an individual NPDES permit.
2. Condensate wastewater from atmospheric cooling systems.
3. Blowdown wastewaters. Blowdown is defined as the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.
4. Exempt stormwater, which is defined as discharges of stormwater which do not require permits under the state or Federal NPDES programs. Exempt stormwater includes stormwater which accumulates in outdoor basins or ponds designed for cooling water or other waters covered by this permit.
5. Water associated with hydroelectric power facilities, including cooling waters, waters from sumps and drains, dam seepage and exempt stormwater.
6. Other similar wastewaters which may qualify for coverage under this General Permit.

SECTION D. NOTICE OF INTENT

General Permit Expiration

General permits will be effective for a term not to exceed five years, at the end of which the Division may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by the Division. New applicants seeking coverage under a renewed general permit must submit a Notice of Intent to be covered and obtain a Certificate of Coverage under the renewed general permit [15A NCAC 02H .0127(e)]. A current version of the NOI for this general permit can be obtained by contacting the NPDES Permitting Program at (919) 807-6300 or can be downloaded from the internet at http://portal.ncdenr.org/web/wq/swp/ps/npdes/calendar. NOIs must be signed and submitted to the NPDES Permitting Program 1617 Mail Service Center, Raleigh, NC 27699-1617. Applicants who have submitted a completed NOI are not authorized to discharge until a Certificate of Coverage is issued. In general, the NOI shall include the following information:

1. The mailing address and telephone number for the owner and/ or operator
2. The facility name, address and telephone number where the discharge will occur.
3. The permit number of any NPDES permit(s) for any discharge(s) from the site.
4. A description of the discharge, including the number of discharge points, the volume of discharge, the frequency of discharge and any treatment methods applied prior to discharge.
5. The name of the receiving waters and the stream classification (s).
6. An analysis of non-discharge alternatives, including connection to a regional sewer collection system, subsurface disposal and spray irrigation.
7. A 7.5 minute series USGS topographic map with the discharge location clearly indicated.
8. Final plans and specifications for the treatment system and all major components (if applicable).
9. A certification that the information contained in the NOI is true, complete and accurate.
10. A listing of all previously approved water treatment and/or chemical additives i.e. biocides, oxygen scavengers, corrosion inhibitors, and cleaning solvents. Water treatment and chemical additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat water.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

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

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

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

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

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

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

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

Calendar Week
The period from Sunday through the following Saturday.

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

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

(1) Continuous: a single, continuous sample collected over a 24-hour period proportional to the rate of flow.
(2) Constant time/variable volume: a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or
(3) Variable time/constant volume: a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
(4) Constant time/constant volume: a series of grab samples of equal volume collected over a 24-hour period at a constant time interval. Use of this method requires prior approval by the Director. This method may only be used in situations where effluent flow rates vary less than 15 percent. The following restrictions also apply:

- Influent and effluent grab samples shall be of equal size and of no less than 100 milliliters
- Influent samples shall not be collected more than once per hour.
- Permittees with wastewater treatment systems whose detention time < 24 hours shall collect effluent grab samples at intervals of no greater than 20 minutes apart during any 24-hour period.
- Permittees with wastewater treatment systems whose detention time exceeds 24 hours shall collect effluent grab samples at least every six hours; there must be a minimum of four samples during a 24-hour sampling period.

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

Daily Discharge
The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (40 CFR 122.2; see also "Composite Sample," above.)

Daily Maximum
The highest "daily discharge" during the calendar month.

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

DWR or "the Division"
The Division of Water Resources, Department of Environment and Natural Resources.

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

EMC
The North Carolina Environmental Management Commission

EPA
The United States Environmental Protection Agency

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

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

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

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

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

Monthly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar month. In the case of fecal coliform or other bacterial parameters or indicators, the geometric mean of such discharges.

Permit Issuing Authority
The Director of the Division of Water Quality.

Quarterly Average (concentration limit)
The arithmetic mean of all samples taken over a calendar quarter.

Severe property damage
Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage excludes economic loss caused by delays in production.

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

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

Weekly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar week. In the case of fecal coliform or other bacterial parameters or indicators, the geometric mean of such discharges.

Section B. General Conditions

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

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

   b. The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation. [33 USC 1319(d) and 40 CFR 122.41(a)(2)]

   c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)]

   d. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)]

   e. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and

who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions. [40 CFR 122.41(a)(2)]

f. Under state law, a civil penalty of not more than $25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [North Carolina General Statutes § 143-215.6A]

g. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500. Penalties for Class II violations are not to exceed $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)]

2. Duty to Mitigate
The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit with a reasonable likelihood of adversely affecting human health or the environment [40 CFR 122.41(d)].

3. Civil and Criminal Liability
Except as provided in permit conditions on "Bypassing" (Part II.C.4), "Upsets" (Part II.C.5) and "Power Failures" (Part II.C.7), nothing in this permit shall be construed to relieve the Permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6 or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USG 1321. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights
The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations [40 CFR 122.41(g)].

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

7. Severability
The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby [NCGS 150B-23].

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

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

a. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures .

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official [40 CFR 122.22].

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Permit Issuing Authority [40 CFR 122.22]

c. Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative [40 CFR 122.22]

d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

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

10. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition [40 CFR 122.41(f)].

11. Permit Modification, Revocation and Reissuance, or Termination

The issuance of this permit does not prohibit the permit issuing authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 02H .0100; and North Carolina General Statute 143.215.1 et. al.

12. Annual Administering and Compliance Monitoring Fee Requirements

The Permittee must pay the annual administering and compliance monitoring fee within thirty days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 02H .0105(b)(2) may cause this Division to initiate action to revoke the permit, and/or the Certificate of Coverage issued to the permittee under this permit.

Section C. Operation and Maintenance of Pollution Controls

1. Certified Operator
   Owners of classified water pollution control systems must designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each classification must [T15A NCAC 08G .0201]:

   a. designate one Operator In Responsible Charge (ORC) who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;

   b. designate one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no backup operator in responsible charge is required for systems whose minimum visitation requirements are twice per year; and

   c. submit a signed completed "Water Pollution Control System Operator Designation Form" to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the Operator in Responsible Charge (ORC) and the Back-up Operator in Responsible Charge (Back-up ORC):

      (1) 60 calendar days prior to wastewater or residuals being introduced into a new system; or

      (2) within 120 calendar days following:

         - receiving notification of a change in the classification of the system requiring the designation of a new Operator in Responsible Charge (ORC) and Back-up Operator in Responsible Charge (Back-up ORC) of the proper type and grade; or
         - a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC).

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

   The ORC of each Class I facility (or the Back-up ORC, when acting as surrogate for the ORC) must:

   - Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least weekly
   - Comply with all other conditions of 15A NCAC 08G .0204.

   Note: This requirement does not apply until the permittee receives a letter notifying them of classification of the facility. Currently, facilities are not being classified for this purpose, but may at some time in the future.

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

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

3. Need to Halt or Reduce not a Defense
   It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit [40 CFR 122.41(c)].

4. Bypassing of Treatment Facilities
   a. Bypass not exceeding limitations [40 CFR 122.41(m)(2)]

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

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

      (1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

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

   c. Prohibition of Bypass

      (1) Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass, unless:

         (A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

         (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

         (C) The Permittee submitted notices as required under Paragraph b. of this section.

      (2) Bypass from the collection system is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for a bypass as provided in any current or future system-wide collection system permit associated with the treatment facility.

      (3) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c. (1) of this section.

5. Upsets
   a. Effect of an upset [40 CFR 122.41(n)(2)]: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph b. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

   b. Conditions necessary for a demonstration of upset: Any Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

      (1) An upset occurred and that the Permittee can identify the cause(s) of the upset;

      (2) The Permittee facility was at the time being properly operated; and

      (3) The Permittee submitted notice of the upset as required in Part II.E.6 of this permit.

      (4) The Permittee complied with any remedial measures required under Part II.B.2. of this permit.

   c. Burden of proof [40 CFR 122.41(n)(4)]: The Permittee seeking to establish the occurrence of an upset has the burden of proof in any enforcement proceeding.

6. Removed Substances

   Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials from entering waters of the State or navigable waters of the United States except as permitted by the Commission. The Permittee shall comply with all applicable state and Federal regulations governing the disposal of sewage sludge, including 40 CFR 503, Standards for the Use and Disposal of Sewage Sludge; 40 CFR Part 258, Criteria For Municipal Solid Waste Landfills; and 15A NCAC Subchapter 2T, Waste Not Discharged To Surface Waters. The Permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures
The Permittee is responsible for maintaining adequate safeguards (as required by 15A NCAC 02H .0124) to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

Section D. Monitoring and Records

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

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

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

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

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

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

4. Test Procedures
Laboratories used for sample analysis must be certified by the Division. Permittees should contact the Division's Laboratory Certification Section (919 733-3908 or http://portal.ncdenr.org/web/wq/lab/cert) for information regarding laboratory certifications.

Facilities whose personnel are conducting testing of field-certified parameters only must hold the appropriate field parameter laboratory certifications.

Test procedures for the analysis of pollutants shall conform to the EMC regulations (published pursuant to NCGS 143-215.63 et. seq.), the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the CWA (as amended), and 40 CFR 136; or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this permit [40 CFR 122.41].

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements and all data generated must be reported down

to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

5. Penalties for Tampering
The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR 122.41].

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

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

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

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

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

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

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

Section E Reporting Requirements

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

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

   a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29(b); or

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or

   c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

4. Transfers
   This permit is not transferable to any person without prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in particular NCGS 143-215.1(b)(4)b.2., and may require modification or revocation and reissuance of the permit, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute.

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

   a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II.D.2) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.

   b. If the Permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this permit or other appropriate instrument governing the discharge, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the DMR.

6. Twenty-four Hour Reporting
   a. The Permittee shall report to the Director or the appropriate Regional Office any noncompliance that potentially threatens public health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR 122.41(l)(6)].

   b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.

   c. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

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

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

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

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

   Persons reporting such occurrences by telephone shall also file a written report within 5 days following first knowledge of the occurrence. Also see reporting requirements for municipalities in Part IV.C.2.c. of this permit.

10. Availability of Reports
Except for data determined to be confidential under NCGS 143-215.3 (a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.1(b)(2) or in Section 309 of the Federal Act.

11. Penalties for Falsification of Reports
The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

PART III
OTHER REQUIREMENTS

Section A. Construction

a. The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless (1) the Division has issued an Authorization to Construct (AtC) permit or (2) the Permittee is exempted from such AtC permit requirements under Item b. of this Section.

b. In accordance with NCGS 143-215.1(a5) [SL 2011-394], no permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment work or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's principle function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation.

c. Issuance of an AtC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

Section B. Groundwater Monitoring

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

Section C. Changes in Discharges of Toxic Substances

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";

   (1) One hundred micrograms per liter (100 µg/L);

   (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

   (3) Five times the maximum concentration value reported for that pollutant in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";

   (1) Five hundred micrograms per liter (500 µg/L);

   (2) One milligram per liter (1 mg/L) for antimony;

   (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

Section D. Facility Closure Requirements

The Permittee must notify the Division at least 90 days prior to the closure of any wastewater treatment system covered by this permit. The Division may require specific measures during deactivation of the system to prevent adverse impacts to waters of the State. This permit cannot be rescinded while any activities requiring this permit continue at the permitted facility.