**STATE of NORTH CAROLINA DEPARTMENT of ENVIRONMENTAL QUALITY DIVISION of ENERGY, MINERAL, and LAND RESOURCES**

**PERMIT NO. NCS000331**

**TO DISCHARGE STORMW ATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with applicable law, including the regulations promulgated and adopted by the No1th Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

**Fort Bragg and Camp MacKall**

is hereby authorized to discharge stonnwater and continue operation of oil water separators not associated with wastewater discharges from facilities located near:

Fayetteville, North Carolina

Cumberland, Hoke, Moore, Richmond. Scotland. and Harnett Counties to receiving waters designated as:

Beaver Creek, Big Branch, Black Creek, Bones Creek. Buffalo Creek. Bull Branch. Cabin Branch.

Calf Branch, Carvers Creek, Cross Creek. Cypress Creek, Dear Creek. Field Branch. Flat Creek, Gibsons Creek, Gum Branch. Hector Creek. I lorse Creek. James Creek, Jennie Creek. Jumping Run Creek. Juniper Creek, Little Creek. Little Cross Creek. Little River, Little Rockfish Creek, McDuffie Creek. McPherson Creek, Mill Creek. Muddy Creek. Nicholson Creek, Patterson Branch, Piney Bottom Creek, Polecat Creek. Puppy Creek. Rays Mill Creek, Rockfish Creek Silver Run. Stewarts Creek. Tank Creek, Trap Branch. Trent Branch. Tuckahoe Creek. Wolf Pit

Creek. and Beaver Creek Pond, Cypress Lake. Lake McArthur. McFayden Pond, McKellar's Pond. McKiethan Pond, Mott Lake, Young Lake, and their tributaries in the Cape Fear River Basin; and

Aberdeen Creek, Beaver Dam Creek. Big Bear Branch, Big Muddy Creek, Drowning Creek, Moss Gill Lake and their tributaries in the Lumber River Basin; and

in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, and VII hereof.

This permit shall become effective October I, 2021.

This permit and the authorization to discharge are subject to applicable law and shall expire at midnight on September 30, 2026.

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*for* Brian Wrenn, Director

Division of Energy, Mineral, and Land Resources

By the Authority of the Environmental Management Commission

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# PART 1: PERMIT COVERAGE

1. During the period beginning on the effective date of the permit and lasting until expiration, Fort Bragg and Camp MacKall, herein referred to as Fort Bragg and/or the permittee, is authorized to discharge stormwater from the Municipal Separate Storm Sewer System (MS4) and continue operation of oil water separators not associated with wastewater discharges to receiving waters.
2. Receiving waters for discharges from the permittee’s MS4 are designated as: Beaver Creek, Big Branch, Black Creek, Bones Creek, Buffalo Creek, Bull Branch, Cabin Branch, Calf Branch, Carvers Creek, Cross Creek, Cypress Creek, Dear Creek, Field Branch, Flat Creek, Gibsons Creek, Gum Branch, Hector Creek, Horse Creek, James Creek, Jennie Creek, Jumping Run Creek, Juniper Creek, Little Creek, Little Cross Creek, Little River, Little Rockfish Creek, McDuffie Creek, McPherson Creek, Mill Creek, Muddy Creek, Nicholson Creek, Patterson Branch, Piney Bottom Creek, Polecat Creek, Puppy Creek, Rays Mill Creek, Rockfish Creek, Silver Run, Stewarts Creek, Tank Creek, Trap Branch, Trent Branch, Tuckahoe Creek, Wolf Pit Creek, and Beaver Creek Pond, Cypress Lake, Lake McArthur, McFayden Pond, McKellar’s Pond, McKiethan Pond, Mott Lake, Young Lake, and their tributaries in the Cape Fear River Basin.
3. Receiving waters for discharges from the permittee’s MS4 are designated as: Aberdeen Creek, Beaver Dam Creek, Big Bear Branch, Big Muddy Creek, Drowning Creek, Moss Gill Lake and their tributaries in the Lumber River Basin.
4. Discharges from the permittee’s MS4 shall be controlled, limited, and monitored in accordance with this permit and the permittee’s Comprehensive Stormwater Management Program Plan, herein referred to as the Stormwater Plan.
5. 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 2006- 246, all provisions contained and referenced in the Stormwater Plan are enforceable parts of this permit.
6. The issuance of this permit does not prohibit the Division 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.
7. 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.
8. No provisions of this permit shall be interpreted as or constitute a commitment that the permittee will obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. Section 1341.
9. All discharges authorized herein shall be lawfully 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.
10. 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.
11. The permit authorizes the point source discharge of stormwater runoff from the permittee’s MS4. Unless the Division requires that specific non-stormwater flows be controlled, the discharge of non-stormwater is also authorized through the MS4 if such discharges are:
	1. 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
	2. Determined to be incidental non-stormwater flows that do not significantly impact water quality and may include:
		* water line flushing;
		* landscape irrigation;
		* diverted stream flows;
		* rising groundwaters;
		* uncontaminated groundwater infiltration;
		* uncontaminated pumped groundwater;
		* discharges from potable water sources;
		* foundation drains;
		* air conditioning condensate (commercial/residential);
		* irrigation waters;
		* springs;
		* water from crawl space pumps;
		* footing drains;
		* lawn watering;
		* residential and charity car washing;
		* flows from riparian habitats and wetlands;
		* dechlorinated swimming pool discharges;
		* street wash water;
		* flows from emergency fire fighting;
* releases of clean waters from hydrostatic testing; and
* drainage of uncontaminated stormwater from secondary containment after visual monitoring.

# PART 2: LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES

## SECTION A: STORMWATER MANAGEMENT PROGRAM IMPLEMENTATION

The permittee shall implement, manage, and oversee all provisions of its Comprehensive Stormwater Management Program Plan to reduce pollutants discharged from the MS4. This includes, but is not limited to, the following provisions:

1. **Stormwater Plan**
	1. The permittee shall develop, maintain, and implement a 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.
	2. The Stormwater Plan shall include, at a minimum, specific and measurable goals that define program elements to fully implement each of the six minimum control measures (MCMs) defined in 40 CFR §122.34(b): public education and outreach on stormwater impacts, public involvement and participation, illicit discharge detection and elimination, construction site runoff control, post-construction stormwater management, and pollution prevention/good housekeeping for municipal operations, as well as any required Total Maximum Daily Load (TMDL) requirements.
	3. The Stormwater Plan shall detail the permittee’s Stormwater Management Program for the five-year term of the stormwater permit. Each MCM shall have: 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.
	4. The Stormwater Plan shall identify specific position(s) and responsibilities for the implementation of each MCM and any TMDL requirements, as well as overall coordination and management of the Comprehensive Stormwater Management Program.
	5. If discharges are determined to cause or contribute to non-attainment of an applicable water quality standard, the permittee shall expand or better tailor its BMPs within the scope of the six minimum control measures to address the discharges.
	6. The purpose of the Stormwater 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 Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.
	7. The Division may notify the permittee when the Stormwater Plan does not meet one or more of the requirements of the permit or the maximum extent practicable standard. Within ninety (90) days of such notice, the permittee shall submit a plan and time schedule to the Division for modifying the Stormwater Plan to meet the requirements. The Division may approve the plan, approve a plan with modifications, or reject the proposed plan. Nothing in this paragraph shall be construed to limit the Division’s ability to conduct enforcement actions for violations of this permit. When changes to the program are required by the Division, the permittee shall provide certification in writing to the Division that the changes have been made.
	8. The permittee shall make its Stormwater Plan available to the Division upon request.
2. **Legal Authority**

The permittee shall develop and maintain the authority to implement and enforce all provisions of the Stormwater Plan.

1. **Program Funding**

The permittee shall maintain adequate funding and staffing to comply with this permit and implement and manage the Comprehensive Stormwater Management Program and all provisions of the Stormwater Plan.

## SECTION B: PUBLIC EDUCATION AND OUTREACH PROGRAM

The Stormwater Plan shall identify the specific elements and implementation of a Public Education and Outreach Program designed to share educational materials, promote educational opportunities for the base- wide community, conduct outreach activities on the impacts of stormwater pollutants and discharges to water bodies, and inform base occupants on how they can reduce pollutants in stormwater runoff and properly dispose of waste. The program shall include a combination of approaches that are effective at reaching identified target audiences.

The permittee shall document the extent of exposure of each media, event, or activity, including those elements implemented locally or through a cooperative agreement and, at a minimum, shall:

1. Annually evaluate, identify, and define the target pollutants, potential sources, and associated target audiences likely to have significant stormwater impacts on base.
2. Provide educational information and/or outreach to identified target audiences on target pollutants and/or stormwater issues. At a minimum, the permittee shall:
	1. Identify and address three high priority community-wide issues.
	2. Address a minimum of three residential and three industrial/commercial issues.
	3. Provide educational information to base employees, operational forces, businesses and the public of hazards associated with illicit discharges, illegal dumping, and improper disposal of waste.
	4. Inform the community on watersheds in need of special protection, and the issues that may threaten the quality of these waters.
3. Provide and maintain a website designed to convey the stormwater program’s purpose and scope. The web page should include educational information and opportunities to improve stormwater discharges from the MS4.
4. Provide and maintain a stormwater hotline/helpline for public education and outreach.

## SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION

The Stormwater Plan shall identify the specific elements and implementation of a Public Involvement and Participation Program designed to provide and promote volunteer opportunities for the base-wide community, and to provide opportunities for feedback on the Stormwater Plan.

The permittee shall document the extent of exposure of each media, event, or activity, including those elements implemented locally or through a cooperative agreement and, at a minimum, shall:

1. Conduct at least one public meeting during the term of the permit to allow the community an opportunity to review and comment on the Stormwater Plan.
2. Promote and provide a mechanism for group involvement and input on the stormwater program.
3. Promote and provide a minimum of one stormwater volunteer event or opportunity each year.
4. Provide and maintain a stormwater hotline/helpline for reporting stormwater issues and concerns on base.

## SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

The Stormwater Plan shall identify the specific elements and implementation of an Illicit Discharge Detection and Elimination (IDDE) Program in accordance with 40 CFR §122.34(b)(3). At a minimum, the IDDE Program shall:

1. Develop, update, and maintain a municipal storm sewer system map including stormwater conveyances, flow direction, major outfalls, and waters of the United States receiving stormwater discharges.
2. Develop and maintain a regulatory mechanism that provides legal authority to prohibit, detect, and eliminate illicit connections and discharges, illegal dumping, and spills into the MS4, including enforcement procedures and actions.
3. Maintain and implement a written IDDE Plan to detect and address illicit discharges, illegal dumping, spills, and any non-stormwater discharges identified as significant contributors of pollutants to the MS4. The plan shall provide standard procedures and documentation to:
	1. Locate priority areas likely to have illicit discharges,
	2. Conduct routine dry weather inspections of all major outfalls or implement approved base- wide Stormwater Monitoring Plan in accordance with Section H.3 of this permit,
	3. Identify illicit discharges and trace sources,
	4. Eliminate the source(s) of an illicit discharge, and
	5. Evaluate and assess the IDDE Program.
4. Provide a mechanism for tracking and documenting each illicit discharge, illicit connection, or illegal dumping event including date(s) reported and/or observed, the results of the investigation, any follow-up of the investigation, the date the investigation was closed, the issuance of

enforcement actions, and the ability to identify chronic violators.

1. Train municipal staff and contractors who, as part of their normal job responsibilities, may observe an illicit discharge, illicit connection, illegal dumping, or spills. Training shall include how to identify and report illicit discharges, illicit connections, illegal dumping, and spills. Each staff training event shall be documented, including the agenda/materials, date, and number of staff participating. The training program shall identify appropriate personnel, the schedule for conducting the training, and the proper procedures for reporting and responding to an illicit discharge or connection. Follow-up training must be provided as needed to address changes in personnel, procedures, or techniques.
2. Promote and provide a reporting mechanism for the public and staff to report illicit discharges, and establish and implement response procedures. The permittee shall conduct reactive inspections in response to reports/complaints and perform follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party to achieve and maintain compliance.
3. Implement, assess annually, and update as necessary written procedures to identify and report sanitary sewer overflows and sewer leaks to the system operator

## SECTION E: CONSTRUCTION SITE RUNOFF CONTROL PROGRAM

Compliance with the North Carolina Sediment Pollution Control Act of 1973 (SPCA) program as defined in 15A NCAC Chapter 04 shall meet requirements 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.

At a minimum, the permittee’s Construction Site Runoff Control Program shall:

1. Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impact to water quality.
2. Provide and promote a means for the community to notify the appropriate authorities of observed erosion and sedimentation problems.

## SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROL PROGRAM

The Stormwater Plan shall identify the specific elements to develop, implement, and enforce a Post- Construction Site Runoff Control Program (PC Program) to address stormwater runoff from development projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. At a minimum, the Post- Construction Program shall comply with 15A NCAC 02H .1017 and .1019, and the permittee’s PC Program shall include the following provisions:

1. The permittee shall notify the Division of the specific post-construction program it will implement. Notification shall be received by the Division no later than December 31, 2021.
2. Establish local authority to review, approve, and enforce the PC Program no later than October 1,

2022.

1. Implement the full PC Program no later than October 1, 2023.
2. The permittee shall establish and maintain adequate legal authorities through ordinance or other regulatory mechanism(s) to:
	1. Review designs and proposals for development projects to determine whether adequate stormwater control measures will be installed, implemented, and maintained.
	2. Request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Program.
	3. Enter property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine compliance with the Post-Construction Program.
3. The permittee shall develop, maintain, and implement plan review and approval authority, standards, and procedures to:
	1. Conduct site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre, and sites that disturb less than one acre that are part of a larger common plan of development or sale for compliance with 15A NCAC 02H .1017 and .1019.
	2. Ensure that each project has an Operation and Maintenance Agreement that complies with 15A NCAC 02H .1050(11).
	3. Ensure that each project has recorded deed restrictions and protective covenants, or their equivalent, that require the project to be maintained consistent with approved plans.
	4. Ensure that each SCM and associated maintenance accesses be protected in a permanent recorded easement or equivalent mechanism per 15A NCAC 02H 1050 (9) and (10).
4. The permittee shall maintain inspection and enforcement authority, standards, and procedures to:
	1. Conduct post-construction inspections prior to issuing a Certificate of Occupancy, Temporary Certificate of Occupancy or equivalent approval.
	2. Ensure that the project has been constructed in accordance with the approved plan(s).
	3. Ensure annual inspection of each permitted SCM to ensure compliance with the approved Operation and Maintenance Agreement.
	4. Require that inspections be conducted by a qualified professional.
5. The permittee shall maintain adequate documentation and standardized inspection and tracking mechanisms to:
	1. Maintain an inventory of post-construction SCMs and permitted projects.
	2. Document, track, and maintain records of inspections and enforcement actions. Tracking

shall include the ability to identify chronic violators.

* 1. Make available to developers all relevant ordinances, post-construction requirements, design standards, checklists, and/or other materials.
1. Construction projects that are performed by or under contract for the permittee, including roads and bridges, must meet the requirements for stormwater management and water quality protection required by Session Law 2008-211, Sections 2.(a), 2.(b), 2.(c), 2.(d), 2.(e) and 2.(f). Roads and bridges must minimize built-upon surfaces, divert stormwater away from surface waters as much as possible, and employ other best management practices to minimize water quality impacts to the maximum extent practicable.
2. As an alternative to the requirements above, the permittee may develop and implement a Division- approved Comprehensive Watershed Protection Plan (CWPP) to meet all or part of the requirements for a PC Program. Any previous Division-approved CWPP(s) shall be updated and resubmitted to the Division for review, comment, and approval within twelve (12) months of permit issuance.

## SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING PROGRAMS

The Stormwater Plan shall identify the specific elements for development and implementation of a comprehensive suite of operation and maintenance programs to prevent and minimize pollutants in runoff from base facilities and operations. At a minimum, pollution prevention and good housekeeping for municipal operations shall include the following programs.

At a minimum, the permittee shall develop, implement, document and maintain the following pollution prevention and good housekeeping programs:

1. Facilities Operation and Maintenance Program to manage facilities that are owned and operated by the permittee and have the potential for generating polluted stormwater runoff. The permittee shall maintain a current inventory of municipal facilities and corresponding outfalls and receiving waters; perform facility inspections and routine maintenance; establish specific frequencies, schedules, and standard documentation; provide staff training on general stormwater awareness and implementing pollution prevention and good housekeeping practices.
2. Spill Response Program for facilities and operations that store and/or use materials that have the potential to contaminate stormwater runoff if spilled. The permittee shall maintain written spill response procedures and train staff annually on spill response procedures.
3. MS4 Operation and Maintenance Program to minimize pollutants in the stormwater collection system. The permittee shall provide operation and maintenance staff training on stormwater awareness and pollution prevention, perform MS4 inspections, maintain the collection system including catch basins and conveyances; and establish specific frequencies, schedules, and standard documentation.
4. Municipal SCM Operation and Maintenance Program to manage structural SCMs that are installed for compliance with the permittee’s post-construction program. The permittee shall maintain a current inventory of SCMs, perform annual SCM inspections, perform routine maintenance in accordance with the SCM O&M Plan, and shall establish specific frequencies, schedules, and documentation.
5. Pesticide, Herbicide, and Fertilizer Management Program for staff and contractors to minimize water quality impacts from the use of landscape chemicals. The permittee shall provide routine pollution prevention and chemical use, storage and handling training, and shall ensure compliance with permits and applicator certifications.
6. Vehicle and Equipment Maintenance Program to prevent and minimize contamination of stormwater runoff from areas used for municipal vehicle and equipment maintenance and/or cleaning. The permittee shall ensure that municipal industrial facilities subject to NPDES industrial permitting comply with those permit requirements, provide routine pollution prevention training to staff, perform routine inspections, and establish specific frequencies, schedules, and documentation.
7. Pavement Management Program to reduce pollutants in stormwater runoff from streets, roads, parking lots, and runways within the permittee’s jurisdictional limits. The permittee shall implement measures to control litter, leaves, debris, particulate matter, and fluids associated with vehicles and aircraft, and shall establish specific frequencies, schedules, and documentation.

## SECTION H: INDUSTRIAL ACTIVITIES

The permittee shall be deemed to have general permit coverage for industrial facilities subject to the Division’s general permits for vehicle maintenance and air transportation (NCG080000 and NCG150000, respectively).

Industrial facilities that are subject to individual stormwater permitting and any other general permit shall obtain and maintain an industrial stormwater permit from the Division.

To maintain deemed general permit coverage for an NCG080000 or NCG150000 facility, the permittee shall:

1. Maintain an inventory of subject vehicle maintenance and air transportation facilities.
2. Develop, maintain, and implement a Stormwater Pollution Prevention Plan (SWPPP) at each vehicle maintenance and air transportation facility. The SWPPP shall include all items that are listed in current general permit requirements in NCG080000 and NCG150000. Either a base-wide SWPPP or individual SWPPPs for each facility shall be acceptable to meet this permit requirement.
3. Within twelve (12) months, update and submit to the Division for review and approval an updated Base-wide Monitoring Plan. The Base-wide Monitoring Plan shall target analytical monitoring efforts at stormwater outfalls considered most likely to cause or contribute to water quality degradation based on either previously collected data or an analysis of activities within the drainage area, or both.
4. Include all analytical monitoring data in the annual report, as well as any changes to the Base-wide Monitoring Plan that will occur during the upcoming year.

## SECTION I: OIL WATER SEPARATORS

All oil water separators (OWS) that discharge to either the MS4, directly into the waters of the state, or have engineered diversionary catchment basins, including in the event of a bypass, shall be fully described in a SWPPP which includes the following information for each OWS:

1. Location,
2. Drainage area,
3. Drainage area activities that could impact stormwater discharges,
4. Materials used/stored/handled in the drainage area that could impact stormwater discharges,
5. Name of water body ultimately receiving any discharge,
6. Design capacity of the device.

### SECTION J: IMPAIRED WATERS and TOTAL MAXIMUM DAILY LOADS (TMDLs)

1. The permittee shall evaluate strategies and tailor and/or expand BMPs for impaired waters within the scope of the six minimum measures to enhance water quality recovery strategies inthe watershed(s) and describe the strategies and tailored and/or expanded BMPs in each annual report.
2. The permittee shall comply with the requirements of an approved TMDL stormwater Waste Load Allocation (WLA) for any watershed directly receiving discharges from the permitted MS4.
3. If no stormwater WLA exists for an approved TMDL, the permittee shall evaluate strategies and tailor and/or expand BMPs within the scope of the six MCMs to enhance water quality recovery strategies and reduce pollutants of concern in the watershed(s) to which the TMDL applies. The permittee shall describe the strategies and tailored and/or expanded BMPs in their Stormwater Management Plan and annual reports.
4. Upon the date of EPA’s final approval of a TMDL, the following shall apply:
	1. Within 12 months, the permittee’s annual reports shall include a description of, and a brief explanation as to how existing programs, controls, partnerships, projects, and strategies address impaired waters.
	2. Within 24 months, the permittee’s annual reports shall include an assessment of whether additional structural and/or non-structural BMPs are necessary to address impaired waters.
	3. Within 36 months, the permittee’s Stormwater Plan shall be updated to include appropriate BMPs to address impaired waters.

# PART 3: ANNUAL PROGRAM ASSESSMENT

1. Implementation of the Stormwater Plan shall 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.
2. The Stormwater Plan shall be reviewed and updated as necessary, but at least on an annual basis. The report shall include appropriate information to accurately describe the program progress, status, and results.

The annual program assessment shall include, but is not limited to, the following components:

* 1. 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.
	2. 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.).
	3. 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.
	4. A summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates.
	5. 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 eliminationprogram.
1. The permittee shall submit an annual self-assessment of the previous federal fiscal year activities to the Division no later than December 31 of each year.
2. The Division may notify the permittee when the Stormwater Plan does not meet one or more of the lawful requirements of the permit. Within thirty (30) calendar days of such notice, the permittee shall submit a plan and time schedule to the Director for modifying the Stormwater Plan to meet the requirements. The Division may approve the plan, approve a plan with modifications, or reject the proposed plan. The permittee shall provide certification in writing to the Division that the changes have been made. Nothing in this paragraph shall be construed to limit the Division’s ability to conduct enforcement actions for violations of this permit.
3. The Division may request additional reporting information as necessary to assess the progress and results of the permitted stormwater program.

# PART 4: REPORTING AND RECORD KEEPING REQUIREMENTS

1. **Electronic Submittals**

Beginning on December 21, 2020, and in accordance with federal reporting requirements established in the final NPDES Electronic Reporting Rule adopted and effective December 21, 2015, the permittee shall electronically submit any required annual reports and monitoring data. All required electronic submittals shall be made in accordance with Division guidance.

1. **Non-Electronic Submittals**

All reports required herein, not submitted electronically, shall be submitted to the following address: Department of Environmental Quality

Division of Energy, Mineral, and Land Resources - Stormwater Program

1612 Mail Service Center

Raleigh, North Carolina 27699-1612

1. **Signatory Authority**

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

* 1. The authorization is made in writing by a principal executive officer or ranking elected official;
	2. 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
	3. The written authorization is submitted to the Division.
1. **Signatory Certification**

Any person signing a document under these permit requirements shall, at a minimum, 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.”

1. **Record Keeping Requirements**
	1. Documentation shall be kept on-file by the permittee for a period of five years from the date of expiration of this permit and made available to the Division or authorized representative upon request.
	2. The permittee shall retain records of all monitoring information, including calibration and maintenance records and copies of reports required by this permit, for a period of at least five years from the date of expiration of this permit. This period may be extended by request of the Division.
2. **Supplemental or Corrected Information**

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

# PART 5: COMPLIANCE AND LIABILITY

1. **Duty to Comply**

The permittee shall 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.

* 1. 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.
	2. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $37,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed $16,000 per violation with the maximum amount not to exceed $177,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
	3. 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]
	4. 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).
1. **Duty to Mitigate**

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

1. **Twenty-four Hour Noncompliance Reporting**

The permittee shall report to the Division 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 and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

1. **Civil and Criminal Liability**

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

1. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

1. **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.

1. **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.

1. **Duty to Provide Information**

The permittee shall furnish to the Division, within a reasonable time, any information which the Division 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 Division upon request, copies of records required by this permit.

1. **Penalties for Tampering**

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

1. **Penalties for Falsification of Reports**

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

1. **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.

1. **Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures as necessary. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

# PART 6: INSPECTION, ENTRY, AND AVAILABILITY OF REPORTS

1. **Inspection and Entry**

The permittee shall allow the Division, or an authorized representative (including an authorized contractor acting as a representative of the Division), 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;

* 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
	2. Have access to and copy, at reasonable times, any records of the permittee that shall be kept under the conditions of this permit;
	3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations of the permittee regulated or required under this permit; and
	4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location under the control of the permittee.
1. **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 Energy, Mineral, and Land Resources. 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 7: DEFINITIONS

1. Act: See Clean Water Act.
2. Annual Self-Assessment (ASA): The standard document submitted by the permittee on an annual basis that summarizes the SWMP implementation and activities conducted during the previous fiscal year.
3. 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). See also SCM.
4. Clean Water Act (CWA or Act): The Federal Water Pollution Control Act, also known as the Clean Water Act, 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, or 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. Construction Activity: The disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.
7. Department (DEQ): The North Carolina Department of Environmental Quality.
8. Division (DEMLR): The Division of Energy, Mineral, and Land Resources in the Department of Environmental Quality.
9. 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.
10. Industrial Activity: For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.
11. 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 that 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).
12. Maximum Extent Practicable (MEP): MEP is defined in the *Federal Register* (U.S. EPA, 1999, p. 68754). This document says that “Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard.” Minimum control measures are defined in the *Federal Register* as (1) public education and outreach, (2) public participation/involvement, (3) illicit discharge detection and elimination, (4) construction site runoff control, (5)

post-construction runoff control, and (6) pollution prevention/good housekeeping. MEP are the controls necessary for the reduction of pollutants discharged from a MS4, which consist of a combination of BMPs, control techniques, system design and such other provisions as described in the SWMP. Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this permit constitutes compliance with the standard of reducing pollutants to the MEP. Stormwater management programs must be assessed and adjusted, as part of an iterative process, to maximize their efficiency and make reasonable progress toward as ultimate goal of reducing the discharge of pollutants to the MEP.

1. 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) 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 that is designed or used for collecting or conveying stormwater; that is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.
2. 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.
3. 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.
4. Permittee: The owner or operator issued this permit.
5. 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.
6. Redevelopment: "Redevelopment" has the same meaning as in G.S. 143-214.7.
7. Storm Sewer System: Is a conveyance or system of conveyances which are designed or used to collect or convey stormwater runoff that is not part of a combined sewer system or treatment works. This can include, but is not limited to, streets, catch basins, pipes, curbs, gutters, ditches, man-made channels or storm drains that convey stormwater runoff.
8. Stormwater Associated with Industrial Activity: The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.
9. Stormwater Control Measures (SCM): "Stormwater Control Measure" or "SCM," also known as a structural "Best Management Practice" or "BMP," means a permanent device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.
10. Stormwater Management Program: The term Stormwater Management Program refers to the comprehensive stormwater management program that is required to be developed and implemented by MS4 permittees.
11. Stormwater Management Plan (SWMP): The Stormwater Management Plan is the written plan that is used to describe and define the various control measures and activities the permittee will undertake to implement the stormwater management program to meet the MEP standard.
12. Stormwater Runoff: The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.
13. 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.
14. Waste Load Allocation (WLA): A WLA is a TMDL pollutant reduction target allocating a specific load reduction to specific point source discharge(s) of the pollutant. Some stormwater point source discharges are assigned a WLA.