JOSH STEIN
Governor
D. REID WILSON
Secretary
WILLIAM E. TOBY VINSON, JR
Director

NORTH CAROLINA
Environmental Quality

October 27, 2026

Town of Waynesville
Attn: Rick Howell, Interim Town Manager
16 South main Street
Waynesville, North Carolina 28786

Subject: MS4 Permit Renewal
Town of Waynesville
NPDES MS4 Permit No. NCS000501
Haywood County

Dear Mr. Howell:

Pursuant to the requirements in North Carolina General Statute 143-215.1, the North Carolina Department of Environmental Quality is hereby renewing coverage for the subject Municipal Separate Storm Sewer System (MS4) permit.

The revised permit is enclosed herewith. If any parts contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611 – 7447. Unless such demand is made, this decision shall be final and binding. This permit does not affect the legal requirements to obtain other permits which may be required by other State, Federal, or Local Agencies.

If you have any questions concerning this permit, please contact Isaiah Reed, MS4 Program Coordinator at (828) 296-4618 or at Isaiah.reed@deq.nc.gov.

Sincerely,

Isaiah Reed, PE, CPSWQ
MS4 Program Coordinator

Enclosures:
DEQ MS4 Permit

EC: Olga Grooman, Assistant Development Services Dir., ogrooman@waynesvillenc.gov
Isaiah Reed, MS4 Program Coordinator, Isaiah.Reed@deq.nc.gov
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STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

PERMIT NO. NCS000501
TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

The Town of Waynesville

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

within the corporate limits of the Town of Waynesville
in
Haywood County

to receiving waters; Richland Creek, Hyatt Creek, Allens Creek, Shelton Branch, Browning Branch, Camp Branch, Plott Creek, Eaglenest Creek, Farmer Branch, Shingle Cove Branch, Racoon Creek, Factory Branch, Mauney Cove branch and unnamed Tributaries within the French Broad River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts1 through 8, hereof.

This permit shall become effective October 27, 2026.

This permit and the authorization to discharge shall expire at midnight on June 30, 2031.

Signed this day October 27, 2026.

Isaiah Reed, MS4 Program Coordinator
Division of Energy, Mineral, and Land Natural Resources
By the Authority of the Environmental Management Commission

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PART 1: PERMIT COVERAGE

1.1 Authorized Discharges

1.1.1 During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater from the municipal separate storm sewer system (MS4) to receiving waters; Richland Creek, Hyatt Creek, Allens Creek, Shelton Branch, Browning Branch, Camp Branch, Plott Creek, Eaglenest Creek, Farmer Branch, Shingle Cove Branch, Racoon Creek, Factory Branch, Mauney Cove branch and unnamed Tributaries within the French Broad River Basin.

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

1.1.3 Authorized discharges shall be controlled, limited and monitored in accordance with the permittee's approved Stormwater Management Plan (SWMP) and this permit.

1.1.4 All provisions contained and referenced in the approved SWMP, along with all provisions and approved modifications of the SWMP, are incorporated by reference and are enforceable parts of this permit.

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

a) Permitted by and in compliance with another authorization or approval, including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or

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

- water line and fire hydrant flushing;
- landscape irrigation;
- diverted stream flows;
- rising groundwater;
- uncontaminated groundwater infiltration;
- uncontaminated pumped groundwater;
- discharges from uncontaminated 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 firefighting activities.

c) The Division of Energy, Mineral and Land Resources, herein referred to as the Division, may require that non-stormwater flows of this type be controlled by the permittee's Stormwater Management Plan.

1.2 Permitted MS4 Area

This permit covers activities associated with the discharge of stormwater from the MS4 owned and operated by the permittee within the corporate limits of the permittee. The permit also applies to areas that seek coverage under this permit through inter-local or other similar agreements with the permittee.

1.3 Co-Permittees

1.3.1 Agreements for coverage under this permit shall be approved by the Division.

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

1.4 Shared Responsibility

1.4.1 Pursuant to 40 CFR 122.35, an operator of a regulated MS4 may share the responsibility to implement the minimum control measures with other entities provided:

a) The other entity, in fact, implements the control measure(s);

b) The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and

c) There is a legal agreement for the other entity to implement the control measure(s) on behalf of the MS4.

1.4.2 Unless implemented by the State, the permittee remains responsible for compliance if the other entity fails to perform the permit obligation and may be subject to enforcement action if neither the permittee nor the other entity fully performs the permit obligation.

[40 CFR § 122.35; 15A NCAC 02H -.0143 (a) (19)]

1.5 Annual Administering and Compliance Monitoring Fee

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

1.6 Duty to Reapply

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit a permit renewal application and fees, as are required, no later than 180 days prior to the expiration date of this permit.

Any permittee that has not requested renewal at least 180 days prior to expiration, or any discharge that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, shall be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq.

The renewal application shall include: a review of the Stormwater Management Program development and implementation over the life of this permit, the status of compliance and programs, and a description of further program development to be implemented over the future permitting time period.

1.7 Permit Actions and Limitations

1.7.1 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

1.7.2 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.

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

PART 2: STORMWATER MANAGEMENT PROGRAM

2.1 Program Implementation

The permittee shall implement, manage and oversee all provisions of its approved SWMP to control, to the maximum extent practical, the discharge of pollutants associated with stormwater runoff and illicit discharges, including spills and illegal dumping, from its MS4. This includes, but is not limited to, the following areas:

2.1.1 The permittee shall maintain adequate funding and staffing to implement and manage the provisions of the SWMP and meet all requirements of this permit.

2.1.2 The permittee shall evaluate the performance and effectiveness of the program components at least annually. Results shall be used by the permittee to modify the program components as necessary to accomplish the intent of the Stormwater Program. This requirement is separate from and in addition to the requirements found in Part 4.1 of this permit.

2.1.3 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.

2.1.4 The permittee shall notify the Division of any planned modifications to the SWMP. All major changes must be approved in writing by the Division prior to implementation.

2.1.5 The permittee shall make its SWMP available to the Division upon request.

2.1.6 In order to properly characterize the permittee's MS4 discharges or to assess compliance with this permit, the Division may request reporting and monitoring information on a more frequent basis as deemed necessary either for specific portions of the permittee's SWMP, or for the entire Stormwater Program.

2.1.7 The permittee shall keep an up-to-date version of its permit and SWMP available to the Division and the public online. Ordinances or other regulatory mechanisms (or a list thereof) providing the legal authority necessary to implement and enforce the requirements of the permit and SWMP shall also be posted online.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

2.2 Minimum Control Measures

2.2.1 Compliance with the six minimum control measures (MCMs) in 40 CFR §122.34(b) and the requirements of this permit constitute compliance with the Clean Water Act 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 approved SWMP constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.

2.2.2 The Permittee shall maintain, and make available to the Division upon request, written procedures for implementing the six minimum control measures. Written procedures shall identify specific action steps, schedules, resources, and responsibilities for implementing the MCMs. Written procedures shall be free standing and maintained separate from the SWMP.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

Reliance on Qualifying Alternative Programs to Meet Permit Requirements

2.2.3 The permittee shall clearly identify in the SWMP the qualifying alternative program components that will be utilized to meet specific permit requirements.

2.2.4 Any qualifying alternative program components utilized to meet the requirements of this permit shall become an enforceable part of this permit.

2.2.5 Qualifying alternative programs include those programs that comply with the North Carolina Sediment Pollution Control Act of 1973, Chapter 4 of Title 15A of the North Carolina Administrative Code, Title 15A NCAC 02H .1017 of the North Carolina Administrative Code.

2.3 Notification to Modify Program

2.3.1 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.

2.3.2 The Division may notify the permittee when the SWMP does not meet one or more of the requirements of the permit. Within ninety (90) days of such notice, the permittee shall submit a plan and time schedule to the Division for modifying the SWMP 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.

PART 3: STORMWATER MANAGEMENT PLAN (SWMP)

This permit requires the full and proper implementation of the approved SWMP detailing the MS4s compliant stormwater management program. To the extent allowable under State and local law, the permittee must develop and implement a SWMP in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act. The purpose of the SWMP is to establish and define the means by which the permittee will comply with the MS4 permit and with the applicable provisions of the Clean Water Act.

3.1 General Requirements

3.1.1 The SWMP 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 Total Maximum Daily Load (TMDL) requirements.

3.1.2 The SWMP 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 SWMP.

3.1.3 The SWMP 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.

3.1.4 The SWMP shall be documented utilizing the Division's standard Phase II MS4 SWMP Template and shall be submitted to the Division for review and approval.

3.1.5 The approved SWMP shall become an enforceable part of this permit.

3.2 Public Education and Outreach Program

The SWMP shall identify the specific elements and implementation of a Public Education and Outreach Program to share educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and how the public can reduce pollutants in stormwater runoff. 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:

3.2.1 Evaluate the target pollutants, likely sources, and associated target audiences likely to have significant stormwater impacts and why they were selected. Schools, homeowners, and businesses shall be included as target audiences.

3.2.2 Provide educational information to identified target audiences.

3.2.3 Provide and maintain a website designed to convey the program's message.

3.2.4 Provide educational information to municipal employees, businesses and the public of hazards associated with illicit discharges, illegal dumping, and improper disposal of waste.

3.2.5 Provide a stormwater hotline/helpline for public education and outreach.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.3 Public Involvement and Participation Program

The SWMP shall identify the specific elements for implementing, documenting and tracking a Public Involvement and Participation Program that complies with State and local public notice requirements and, at a minimum, shall:

3.3.1 Provide mechanisms for public input on stormwater issues and the stormwater program.

3.3.2 Provide volunteer opportunities to ongoing citizen participation.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.4 Illicit Discharge Detection and Elimination Program

The SWMP shall identify the specific elements to develop, implement, and enforce an Illicit Discharge Detection and Elimination (IDDE) Program in accordance with 40 CFR §122.34(b)(3). At a minimum, the permittee shall:

3.4.1 Develop, update and maintain a municipal storm sewer system map including stormwater conveyances, flow direction, outfalls and waters of the United States receiving stormwater discharges.

3.4.2 Provide an IDDE ordinance or other regulatory mechanism that provides legal authority to prohibit, detect, and eliminate illicit connections and discharges, illegal dumping and spills into the MS4 or to surface waters, including enforcement procedures and actions.

3.4.3 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:

a) Locate priority areas likely to have illicit discharges,

b) Conduct routine dry weather inspections of all major outfalls,

c) Identify illicit discharges and trace sources,

d) Eliminate the source(s) of an illicit discharge, and

e) Evaluate and assess the IDDE Program.

3.4.4 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.

3.4.5 Train municipal staff who will be performing IDDE investigations and follow-up actions on effective IDDE investigation methods and sources on a regular basis.

3.4.6 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.

3.4.7 Provide a mechanism for the public and staff to report illicit discharges, illegal dumping and spills. The mechanism shall be publicized to facilitate reporting and shall be managed to provide rapid response by appropriately trained personnel.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.5 Construction Site Runoff Control Program (Construction Program)

The SWMP shall identify the specific elements to develop, implement, and enforce a Construction Program to reduce pollutants in stormwater runoff from construction activities that result in land disturbance of greater than or equal to one acre, and any construction activity that is part of a larger common plan of development or sale that would disturb one acre or more.

Reliance upon a North Carolina Sediment Pollution Control Act of 1973 (SPCA) program as defined in 15A NCAC Chapter 04 may be used to meet requirements 3.5.1 through 3.5.4 below. At a minimum, the Construction Program shall:

3.5.1 Provide an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal or local law.

3.5.2 Require construction site operators to implement appropriate erosion and sediment control BMPs.

3.5.3 Provide procedures for site plan review which incorporate consideration of potential water quality impacts.

3.5.4 Provide procedures for site inspection and enforcement of control measures.

3.5.5 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.

3.5.6 Provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.6 Post-Construction Site Runoff Control Program (Post-Construction Program)

The SWMP shall identify the specific elements to develop, implement, and enforce a Post-Construction 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 shall provide:

3.6.1 Legal Authority

The permittee shall maintain adequate legal authorities through ordinance or other regulatory mechanism to:

a) Review designs and proposals for development projects to determine whether adequate stormwater control measures will be installed, implemented, and maintained.

b) Request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Program.

c) Enter private 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.

3.6.2 Plan Review and Approval

The permittee shall maintain plan review and approval authority, standards, and procedures to:

a) Require Federal, State, and local government projects to comply with Post-Construction Program requirements throughout the entire MS4 permitted area, unless the entity is subject to its own NPDES MS4 permit or a qualifying alternative program.

b) 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 the qualifying alternative programs that apply within your jurisdiction.

c) Ensure that each project has an Operation and Maintenance Agreement that complies with 15A NCAC 02H .1050(11).

d) Ensure that each project has an Operation and Maintenance Plan that complies with 15A NCAC 02H .1050(12).

e) Ensure that each project has recorded deed restrictions and protective covenants, that require the project to be maintained consistent with approved plans.

f) Ensure that each SCM and associated maintenance accesses be protected in a permanent recorded easement per 15A NCAC 02H 1050 (9) and (10).

3.6.3 Inspections and Enforcement

The permittee shall maintain inspection and enforcement authority, standards, and procedures to:

a) Conduct post-construction inspections prior to issuing a Certificate of Occupancy or a Temporary Certificate of Occupancy. Alternatively, the project owner may provide a surety bond to guarantee compliance with the approved plan(s).

b) Ensure that the project has been constructed in accordance with the approved plan(s).

c) Ensure annual inspection of each permitted SCM to ensure compliance with the approved Operation and Maintenance Agreement.

d) Ensure inspection of low density projects at least once during the permit term.

e) Require that inspections be conducted by a qualified professional.

3.6.4 Documentation

The permittee shall maintain adequate documentation and standardized inspection and tracking mechanisms to:

a) Maintain an inventory of post-construction SCMs and low density projects.

b) Document, track and maintain records of inspections and enforcement actions. Tracking shall include the ability to identify chronic violators.

c) Make available to developers all relevant ordinances, post-construction requirements, design standards, checklists, and/or other materials.

3.6.5 Fecal Coliform Reduction Program

The permittee shall control, to the maximum extent practicable, sources of fecal coliform per 15A NCAC 02H .1017(7). At a minimum, the program shall include:

a) A pet waste management component, which may be achieved by revising an existing litter ordinance, and

b) An on-site domestic wastewater treatment system component, if applicable, which may be coordinated with local county health department, to ensure proper operation and maintenance of such systems.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.7 Pollution Prevention and Good Housekeeping Programs

The SWMP 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 municipal facilities and operations. At a minimum, pollution prevention and good housekeeping for municipal operations shall include the following programs:

3.7.1 Municipal 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; 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.

3.7.2 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 on spill response procedures.

3.7.3 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.

3.7.4 Municipal SCM Operation and Maintenance Program to manage municipally-owned, operated, and/or maintained structural SCMs that are installed for compliance with the permittee's post-construction program. The permittee shall maintain a current inventory of SCMs, perform SCM inspections and maintenance, and shall establish specific frequencies, schedules, and documentation.

3.7.5 Pesticide, Herbicide and Fertilizer Management Program for municipal staff 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.

3.7.6 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.

3.7.7 Pavement Management Program to reduce pollutants in stormwater runoff from municipally owned streets, roads, and parking lots within the permittee's corporate limits. The permittee shall implement measures to control litter, leaves, debris, particulate and fluid pollutants associated with vehicles, and establish specific frequencies, schedules, and documentation.

[15A NCAC 02H .0153; 33 U.S.C. § 1342(p)(3)(B); 40 CFR 122.26; 15A NCAC 02H -.0143 (a) (10)]

3.8 Total Maximum Daily Load (TMDL)

3.8.1 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.

3.8.2 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.

3.8.3 Upon the date of EPA's final approval of a TMDL, the following shall apply:

a) 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.

b) 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.

c) Within 36 months, the permittee's SWMP shall be updated to include appropriate BMPs to address impaired waters.

[40 CFR 122.44(d); 15A NCAC 02H .0143(a)(25)]

PART 4: ANNUAL REPORT

Implementation of the Stormwater Management Plan shall include an annual report of program compliance and documentation of all program components.

4.1 Annual Report

4.1.1 The permittee shall review and update the Stormwater Management Plan as necessary, but at least on an annual basis, to identify compliance issues, necessary modifications and improvements needed to maximize SWMP effectiveness.

4.1.2 The permittee shall document the annual report as outlined in the approved SWMP and shall submit to the Division.

4.1.3 The annual report shall document activities over the course of the fiscal year (July 1 – June 30) and include appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Management Plan and, at a minimum, shall:

a) Assess compliance with the permit.

b) Provide information on the establishment of appropriate legal authorities, inspections, and enforcement actions.

c) Summarize past year activities, including specific annual reporting metrics identified in the SWMP.

d) Describe the effectiveness of each program component.

e) Provide an evaluation of the program budget, including a summary of program costs, funding sources, and gap analysis.

4.2 Program Modifications

4.2.1 The permittee shall describe and justify any proposed changes to the approved SWMP in the annual report. The annual report shall include descriptions and supporting information for the proposed changes and how these changes will impact the approved SWMP (results, effectiveness, implementation schedule, fiscal analysis, etc.).

4.2.2 The permittee shall submit proposed SWMP changes to the Division for review and approval.

4.2.3 The permittee shall not implement proposed changes prior to receiving written approval from the Division.

4.3 Submittal Schedule

4.3.1 The permittee shall submit an annual report of the previous fiscal year activities to the Division no later than August 31 of each year.

4.3.2 The Division may request additional reporting and/or monitoring information as necessary to evaluate the progress and results of the permittee's SWMP.

PART 5: DOCUMENTATION STANDARDS

5.1 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.

5.2 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

5.3 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:

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

b. 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

c. The written authorization is submitted to the Division.

5.4 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."

5.5 Record Keeping Requirements

5.5.1 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.

5.5.2 The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, for a period of at least five years from the date of expiration of this permit. This period may be extended by request of the Division.

5.6 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 6: COMPLIANCE AND LIABILITY

6.1 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.

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

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

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

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

6.2 Duty to Mitigate

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

6.3 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 compliance is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

6.4 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 l43-215.3, l43-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

6.5 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 l43-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

6.6 Property Rights

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

6.7 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.

6.8 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.

6.9 Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by

imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

6.10 Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

6.11 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.

6.12 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 7: INSPECTION, ENTRY AND AVAILABILITY OF REPORTS

7.1 Inspection and Entry

The permittee shall allow the Division, or an authorized representative (including an authorized contractor acting as a representative of the Division), upon the presentation of credentials and other documents as may be required by law, to;

a. Conduct, either announce or unannounced, an audit of the permittee's MS4 program in whole or in part;

b. 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;

c. Have access to and copy, at reasonable times, any records of the permittee that shall be kept under the conditions of this permit;

d. 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

e. 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.

7.2 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 8: 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.

13. 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.

14. 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.

15. 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.

16. Permittee: The owner or operator issued this permit.

17. 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.

18. Redevelopment: "Redevelopment" has the same meaning as in G.S. 143-214.7.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

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

25. 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.

26. 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.