Michael F. Easley, Governor

wastewater

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

March 14, 2007

Jack Bray
Domtar Paper Company, LLC
P.O. Box 747
Plymouth, NC 27962

Subject: NPDES Permit Modification
Permit NC0000680
Domtar Paper Company, LLC
formerly Weyerhauser Co.
Martin County

Dear Mr. Bray:

Division personnel have reviewed and approved your request to transfer ownership of the subject permit, received on March 14 2007. This permit modification documents the change in ownership.

Please find enclosed the revised permit. All other terms and conditions contained in the original permit remain unchanged and in full effect. This permit modification is issued under the requirements of North Carolina General Statutes 143-215.1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency.

If you have any questions concerning this permit modification, please contact the Point Source Branch at (919) 733-5083 extension 363.

Sincerely,

Phil Vinzani

for: Alan W. Klimek, P.E.

cc: Central Files
Washington Regional Office, Surface Water Protection
Aquatic Toxicology Unit
Mr. Roosevelt Childress, EPA Region IV
NPDES Unit File

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

PERMIT

TO DISCHARGE WASTEWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Domtar Paper Company, LLC

is hereby authorized to discharge wastewater from a facility located at the

Domtar Paper Company, LLC
NCSR 1565
Martin County

to receiving waters designated as the Roanoke River in the Roanoke River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

This permit shall become effective March 15, 2007.

This permit and authorization to discharge shall expire at midnight on February 28, 2011.

Signed this day March 15, 2007.

for: Alan Klimek, P.E., Director
Division of Water Quality
By Authority of the Environmental Management Commission

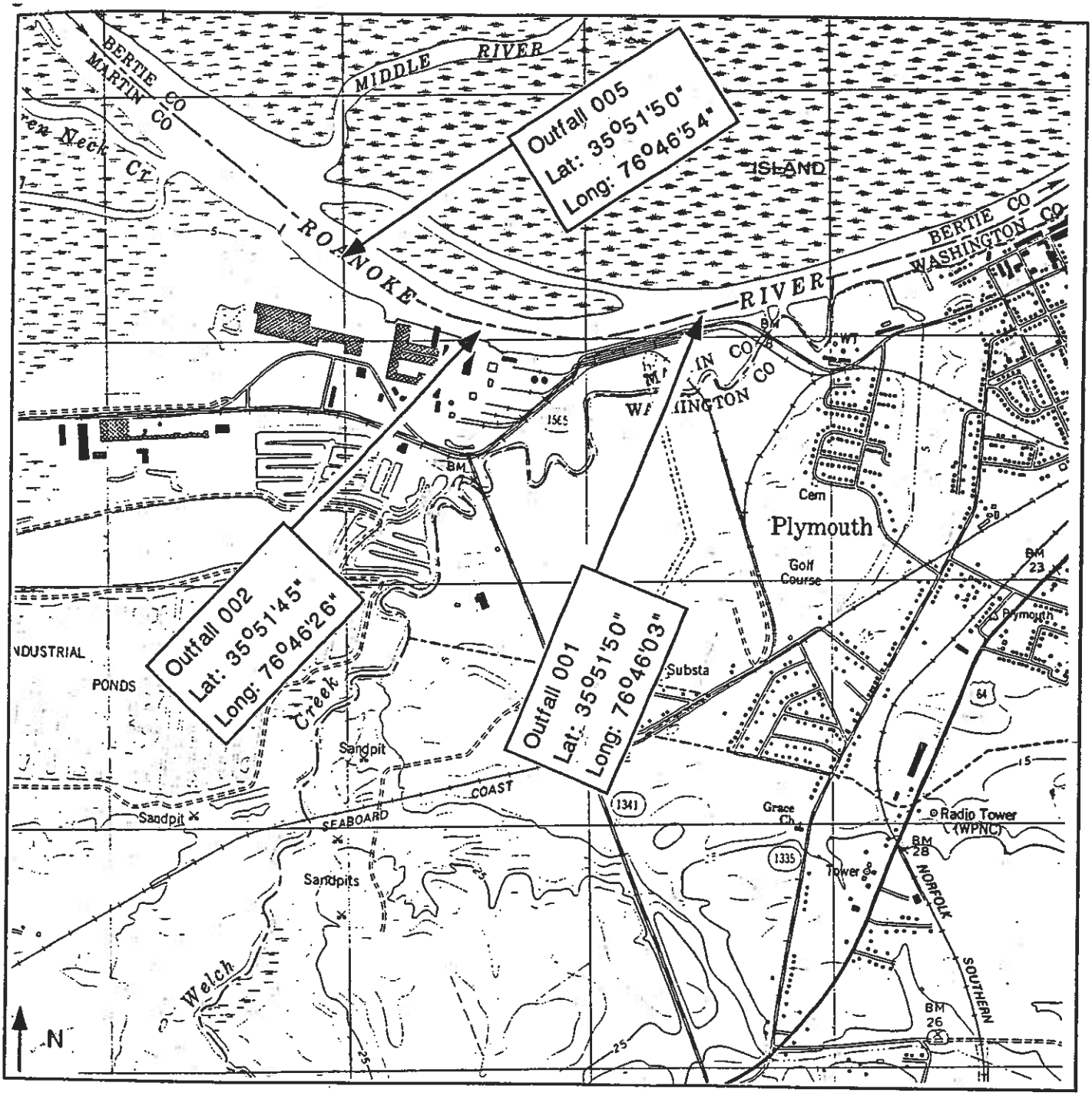
SUPPLEMENT TO PERMIT COVER SHEET

All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked. As of this permit issuance, any previously issued permit bearing this number is no longer effective. Therefore, the exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions included herein.

The Domtar Paper Company, LLC is hereby authorized to:

1. Continue to operate existing treatment facilities (outfall 001) consisting of two primary settling ponds with a total area of 71.3 acres, a 72 acre aeration pond, two retention ponds containing a total of 292.5 acres and sludge ponds, discharge non-contact turbine cooling water (outfall 002) and discharge stormwater runoff and, during rain events exceeding 3.8"/day (0.16"/hr), ice maker drain water, non-contact air conditioning cooling water, and non-contact drip pan water (outfall 005), from the Domtar Paper Company, LLC Facility located on NCSR 1565, Martin County, and

2. Discharge from said treatment works at the locations specified on the attached map into the Roanoke River which is classified C-Swamp waters in the Roanoke River Basin.



Latitude: see above
Longitude: see above
Design Q 55.0 MGD
Discharge Class: 100% Industrial
Stream Class: C-Swamp
Receiving Stream: The Roanoke River
Sub-Basin: 03-02-09
Permitted Flow: 0.0053 MGD

NC0000680

Domtar Paper Company, LLC

North

Facility Location

SCALE 1:24000

A. (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfall(s) serial number 001. Such discharges shall be limited and monitored by the Permittee as specified below

EFFLUENT CHARACTERISTICS	LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location[1]
Flow (MGD)	55.0		82.5	Continuous	Recording	E
BOD, 5-day, 20°C (Summer)	9340 lbs/day		18119 lbs/day	Daily	Composite	E
BOD, 5-day, 20°C (Winter)	18680 lbs/day		36239 lbs/day	Daily	Composite	E
Total Suspended Residue	40793 lbs/day		77218 lbs/day	Daily	Composite	E
NH_3-N (Summer)	1600 lbs/day		2400 lbs/day	Daily	Composite	E
NH_3-N (Winter)	3200 lbs/day		4800 lbs/day	Daily	Composite	E
Temperature (°C)				Daily	Grab	E
Dissolved Oxygen				Daily	Grab	E
pH[2]				Daily	Grab	E
Total Phosphorus (lbs/day)				Monthly	Composite	E
Total Nitrogen (NO_2+NO_3+TKN) (lbs/day)				Monthly	Composite	E
Chronic Toxicity[3]				Quarterly	Composite	E
Dioxin[4]			1.3 pg/L	Quarterly	Composite	E
AOX[5]	2,167.2 lb/day		3,308.2 lb/day	Daily	Composite	E
Trichlorophenol[6]			31.2 lb/day	Suspended	Composite	E
Pentachlorophenol[6]			6.5 lb/day	Suspended	Composite	E
Temperature (°C)				See A. (8)	Grab	U, D
Dissolved Oxygen				See A. (8)	Grab	U, D
Conductivity				See A. (8)	Grab	U, D

Notes:

1. Sample Locations: E - Effluent. For instream monitoring information, see item A (9) of the *Supplement to Effluent Limitations and Monitoring* page.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

3. Chronic Toxicity (Ceriodaphnia) P/F at 6.8%; February, May, August and November; see item A. (5) of the *Supplement to Effluent Limitations and Monitoring* page.

4. For compliance purposes, the dioxin "effluent" sample shall be collected at the combined inlet to the wastewater treatment plant; see item A (9) 10 of the *Supplement to Effluent Limitations and Monitoring* page.

5. AOX monitoring shall be in accordance with the Weyerhaeuser Cluster Rule Sampling Plan (dated 8/11/2000) or subsequent modifications approved by the Division. AOX data shall be submitted on a quarterly basis along with other Cluster Rule chemical data; refer to A. (11) 12 Effluent Guideline Sampling Plan Special Condition.

6. Monitoring is suspended for these compounds as long as chlorophenolic-containing biocides are not used at the facility.

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

Summer shall mean April 1 - October 31, while winter shall mean November 1 - March 31.

A (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfall(s) serial number 002. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location[1]
Flow (MGD)				Monthly	Instantaneous	E
Temperature (°C)[2]				Monthly	Grab	E
Total Residual Chlorine[3]				Monthly	Grab	E
pH[4]				Monthly	Grab	E

Notes:

THERE SHALL BE NO CHROMIUM, ZINC OR COPPER ADDED TO THE TREATMENT SYSTEM EXCEPT AS PRE-APPROVED ADDITIVES TO BIOCIDAL COMPOUNDS.

1. Sample Locations: E - Effluent.

2. The temperature of the effluent shall be such as not to cause an increase in the temperature of the receiving stream of more than 2.8°C and in no case cause the ambient water temperature to exceed 32.0°C.

3. Monitoring requirements only apply if chlorine is added to the cooling water.

4. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The permittee shall obtain authorization from the Division of Water Quality prior to utilizing any biocide in the cooling water; see item A (5) of the *Supplement to Effluent Limitations and Monitoring* page.

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

(3) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfall(s) serial number 005. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location[1]
Flow (MGD)				Annually	Instantaneous	E
Temperature (°C)[2]				Annually	Grab	E
Total Residual Chlorine[3]				Annually	Grab	E
pH[4]				Annually	Grab	E

Notes:

THERE SHALL BE NO CHROMIUM, ZINC OR COPPER ADDED TO THE TREATMENT SYSTEM EXCEPT AS PRE-APPROVED ADDITIVES TO BIOCIDAL COMPOUNDS.

1. Sample Locations: E - Effluent.

2. The temperature of the effluent shall be such as not to cause an increase in the temperature of the receiving stream of more than 2.8°C and in no case cause the ambient water temperature to exceed 32.0°C.

Monitoring requirements only apply if chlorine is added to the cooling water.

4. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The permittee shall obtain authorization from the Division of Water Quality prior to utilizing any biocide in the cooling water; see item A (5) of the *Supplement to Effluent Limitations and Monitoring* page.

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

.. (4) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning upon the effective date of the permit and lasting until expiration, the discharge of **wastewater from the bleach plant 6 and bleach plant 7** through outfall(s) **006,** shall be limited and monitored by the Permittee as specified below and in A. (12) Effluent Guideline Sampling Plan Special Condition:

Effluent Characteristics	LIMITS		MONITORING REQUIREMENTS[2]		
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type[3]	Sample Location[1]
Flow[2]			Weekly	Calculated	E
Chloroform[4]	14.4 lb/day	24.1 lb/day	Weekly	Grab	E
2,3,7,8 Tetrachloro-dibenzo-p-dioxin (TCDD)		< 10 pg/L	Monthly	Composite	E
2,3,7,8 Tetrachloro-dibenzo-p-furan (TCDF)		31.9 pg/L	Monthly	Composite	E
Trichlorosyringol		< 2.5 µg/L[5]	Monthly	Composite	E
3,4,5-Trichlorocatechol		< 5.0 µg/L[5]	Monthly	Composite	E
3,4,6-Trichlorocatechol		< 5.0 µg/L[5]	Monthly	Composite	E
3,4,5-Trichloroguaiacol		< 2.5 µg/L[5]	Monthly	Composite	E
3,4,6-Trichloroguaiacol		< 2.5 µg/L[5]	Monthly	Composite	E
4,5,6-Trichloroguaiacol		< 2.5 µg/L[5]	Monthly	Composite	E
2,4,5-Trichlorophenol		< 2.5 µg/L[5]	Monthly	Composite	E
2,4,6-Trichlorophenol		< 2.5 µg/L[5]	Monthly	Composite	E
Tetrachlorocatechol		< 5.0 µg/L[5]	Monthly	Composite	E
Tetrachloroguaiacol		< 5.0 µg/L[5]	Monthly	Composite	E
2,3,4,6-Tetrachlorophenol		< 2.5 µg/L[5]	Monthly	Composite	E
Pentachlorophenol		< 5.0 µg/L[5]	Monthly	Composite	E
pH of the first ClO_2 bleaching stage[6]		3.22	Weekly	Grab	E
Kappa factor of the first ClO_2 bleaching stage[6]		0.80	Weekly	Calculated	E
Total bleach line ClO_2 application rate (lb/ADT)[6]		8.50	Weekly	Calculated	E

Footnotes:

1. Sample Location: E – Discharge point of where the combined bleach plant effluent sewer enters the wastewater treatment system. Effluent is composed of **Bleach Plant 6 Effluent and Bleach Plant 7 effluent**. See A. (12) Effluent Guideline Sampling Plan Special Condition.

2. Monitoring and flow calculations monitoring shall be in accordance with the Weyerhaeuser Cluster Rule Sampling Plan (dated 8/11/2000) or subsequent modifications approved by the Division. Chemical results for Cluster Rule parameters (Internall Outfall 006 + AOX from Outfall 001) shall be reported on a quarterly basis; refer to A. (12).

3. Sample Type: **Calculated**- calculate separate flows for Bleach Plant 6 and Bleach Plant 7 by water balance or flow meters, and report total bleach plants flow (acid + alkaline waste streams) in DMRs. **Grab**- collect separate automated grab samples over a 24-hour period from sampling point using the ISCO Cluster Rule Volatile Organic Compound sampler (or similar sampler), which will then be composited separately by the lab and analyzed as 24-hr

composite sample. **Composite**- collect separate automated composite samples over a 24-hour period from sampling point, then prepare and analyze a single flow-proportioned composite sample.

4. Per 40 CFR 430.02 (f) chloroform monitoring is suspended due to the submission of "Certification in lieu of monitoring". If conditions of certification are violated and chloroform sampling is performed, then for compliance purposes, the permittee must report the total chloroform mass loading.

5. Limits are based on Minimum Levels (ML) specified in 40 CFR 430.01.

6. If limit is exceeded the permittee will be in violation unless:
   a) DWQ is notified within 30 days of the exceedence, and
   b) Compliance with the chloroform limit is demonstrated by taking one sample to monitor effluent for chloroform within 7 days of exceeding the value. If the sample demonstrates compliance, process monitoring will resume in lieu of monitoring for chloroform.

   Compliance with the chloroform effluent limit can be demonstrated by either sampling each fiberline for chloroform or by monitoring process parameters.

   In order to continue exemption from the chloroform monitoring requirements the permittee must meet conditions specified in 40 CFR 430.02 (f)(6)(2). Periods of start-up, shutdown, or instrumental malfunction will not be considered for the purposes of demonstrating compliance.

Definitions:

'b/day – Pounds per day

g/L – Picograms per liter

µg/L – Micrograms per liter

ADT – air dried ton of pulp product

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS

A. (5) CHRONIC TOXICITY PASS/FAIL PERMIT LIMIT (QUARTERLY)

The effluent discharge shall at no time exhibit observable inhibition of reproduction or significant mortality to Ceriodaphnia dubia at an effluent concentration of **6.8%.**

The permit holder shall perform at a minimum, quarterly monitoring using test procedures outlined in the "North Carolina Ceriodaphnia Chronic Effluent Bioassay Procedure," Revised February 1998, or subsequent versions or "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions. The tests will be performed during the months of February, May, August and November. Effluent sampling for this testing shall be performed at the NPDES permitted final effluent discharge below all treatment processes.

If the test procedure performed as the first test of any single quarter results in a failure or ChV below the permit limit, then multiple-concentration testing shall be performed at a minimum, in each of the two following months as described in "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions.

The chronic value for multiple concentration tests will be determined using the geometric mean of the highest concentration having no detectable impairment of reproduction or survival and the lowest concentration that does have a detectable impairment of reproduction or survival. The definition of "detectable impairment," collection methods, exposure regimes, and further statistical methods are specified in the "North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure" (Revised-February 1998) or subsequent versions.

All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Monitoring Form (MR-1) for the months in which tests were performed, using the parameter code TGP3B for the pass/fail results and THP3B for the Chronic Value. Additionally, DWQ Form AT-3 (original) is to be sent to the following address:

Attention: NC DENR / DWQ / Environmental Sciences Section
1621 Mail Service Center
Raleigh, North Carolina 27699-1621

Completed Aquatic Toxicity Test Forms shall be filed with the Environmental Sciences Branch no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete, accurate, include all supporting chemical/physical measurements and all concentration/response data, and be certified by laboratory supervisor and ORC or approved designate signature. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should there be no discharge of flow from the facility during a month in which toxicity monitoring is required, the permittee will complete the information located at the top of the aquatic toxicity (AT) test form indicating the facility name, permit number, pipe number, county, and the month/year of the report with the notation of "No Flow" in the comment area of the form. The report shall be submitted to the Environmental Sciences Branch at the address cited above.

Should the permittee fail to monitor during a month in which toxicity monitoring is required, monitoring will be required during the following month.

Should any test data from this monitoring requirement or tests performed by the North Carolina Division of Water Quality indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

NOTE: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival, minimum control organism reproduction, and appropriate environmental controls, shall constitute an invalid test and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

A. (6) BIOCIDE CONDITION

The Permittee shall obtain authorization from the Division of Water Quality prior to utilizing any biocide in the cooling water. The Permittee shall notify the Director in writing not later than ninety (90) days prior to instituting use of any additional biocide used in cooling systems which may be toxic to aquatic life or other than those previously reported to the Division of Water Quality. Such notification shall include completion of Biocide Worksheet Form 101 and a map locating the discharge point and receiving stream. Concentrations of chromium, copper or zinc added to biocides shall not exceed applicable water quality standards or action levels in the receiving stream, as determined by calculations from the Biocide Worksheet From 101 with Supplemental Metals Analysis worksheet.

A. (7) NUTRIENT CONDITION FOR PERMITS WITHOUR PHOSPHORUS LIMITS

This permit may be modified, or revoked and reissued to include an effluent limitation on nutrients for this discharge depending upon the following:

1. The findings of a study by the Division of Water Quality determining that nutrient control is necessary.

2. Local actions do not successfully reduce the nutrient loading on the receiving waters.

3. The onset of problem conditions in the receiving waters

A (7). The Permittee may not discharge any wastewater if the dissolved oxygen concentration in the Roanoke River is below 4.0 mg/L for more than 24 hours, unless such discharge is authorized by the Director or his/her designee.

A. (8) STREAM SAMPLING

Upstream samples shall be taken at a point in-line with the access road to the old pumphouse at a location near the center of the Roanoke River. Downstream samples shall be taken at river marker 17.

Stream sampling shall be conducted three (3) times per week during the months of June, July, August and September as water column profile samples at the surface and at one meter depth increments to, but not including, the river bottom. Stream samples during the remaining months of the year shall be taken once per week at the surface only. During events of instream dissolved oxygen levels at or below 4.0 mg/L, the facility will monitor instream at the above locations, the NC 45 bridge, Conaby Creek and River Marker #10. The instream monitoring during these events shall be water column profiles as described above.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

A. (9) DIOXIN MONITORING

For compliance purposes, the point of compliance shall be defined as the influent before the wastewater treatment facility. Compliance with the daily maximum permit limit shall be demonstrated by determining the TCDD concentration at the influent to the wastewater treatment facility.

Adequate sample volume shall be collected to perform the analysis. The total sample volume shall be collected and preserved in accordance with Part II, Section C Monitoring and Records. The sample shall be analyzed in accordance with the appropriate method of analysis specified in Analytical Procedures and Quality Assurance for Multimedia Analysis of Polychlorinated Dibenzo-para-dioxins and Polychlorinated Dibenzofurans by High Resolution Gas Chromatography/High Resolution Mass Spectrometry, EPA, 1987 (EPA Method 1613), or another equivalent analytical protocol approved by DWQ. A single sample may be analyzed to determine compliance with the daily maximum effluent limitation. Alternatively, a sample volume may be collected to enable the sample to be split (duplicate analysis). If the analysis of either split sample is below the detection limit, the quantity, for the purposes of compliance evaluation, is considered to be zero. If both splits are positive, the results of the two analyses shall be averaged to determine compliance with the daily maximum effluent limitation. If the measurement is below detection limits, the quantity for the purposes of compliance evaluation is considered to be zero. The detection limit using these methods for the purpose of compliance evaluation is considered to be 10 picograms per liter. The dioxin isomer to be monitored and limited by this permit is 2, 3, 7, 8, TCDD.

Fish tissue analysis will be performed, as a minimum, at one station established upstream of the discharge and at two stations downstream in accordance with the Division of Water Quality approved monitoring plan. The monitoring plan is an enforceable part of this permit. All dioxin data collected as part of this monitoring requirement will be reported within three months of receiving the finalized analyses from the data collection.

The Permittee shall perform the following analysis for dioxin in addition to the monitoring as specified on the effluent pages:

1. Fish tissue analysis — Annually (TCDD and TCDF)

A. (10) CLUSTER RULE BMPs

The permittee must implement the BMPs specified in Section A below. The primary BMP objective is to prevent leaks and spills of spent pulping liquors, soap, and turpentine. A secondary objective is to contain, collect, and recover at the immediate process area, or otherwise control, those leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine that do occur. BMPs must be developed according to best engineering practices and must be implemented in a manner that takes into account the specific circumstances at the mill.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

Section A. BMP Implementation Requirements

1. The permittee must return spilled or diverted spent pulping liquors, soap, and turpentine to the process to the maximum extent practicable as determined by the mill, recover such materials outside the process, or discharge spilled or diverted material at a rate that does not disrupt the receiving wastewater treatment system.
2. The permittee must establish a program to identify and repair leaking equipment items. This program must include: (i) Regular daily visual inspections of process area with equipment items in spent pulping liquor, soap, and turpentine service; (ii) Immediate repair of leaking equipment items, when possible. Leaking equipment items that cannot be repaired during normal operations must be identified, temporary means for mitigating the leaks must be provided, and the leaking equipment items repaired during the next maintenance outage; (iii) Identification of conditions under which production will be curtailed or halted to repair leaking equipment items or to prevent pulping liquor, soap, and turpentine leaks and spills; and (iv) A means for tracking repairs over time to identify those equipment items where upgrade or replacement may be warranted based on frequency and severity of leaks, spills, or failures.
3. The permittee must operate continuous, automatic monitoring systems that the mill determines are necessary to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine. These monitoring systems should be integrated with the mill process control system and may include, e.g., high level monitors and alarms on storage tanks; process area conductivity (or pH) monitors and alarms; and process area sewer, process wastewater, and wastewater treatment plant conductivity (or pH) monitors and alarms.
4. The permittee must establish a program of initial and refresher training of operators, maintenance personnel, and other technical and supervisory personnel who have responsibility for operating, maintaining, or supervising the operation and maintenance of equipment items in spent pulping liquor, soap, and turpentine service. The refresher training must be conducted at least annually and the training program must be documented.
5. The permittee must prepare a brief report that evaluates each spill of spent pulping liquor, soap, or turpentine that is not contained at the immediate process area and any intentional diversion of spent pulping liquor, soap, or turpentine that is not contained at the immediate process area. The report must describe the equipment items involved, the circumstances leading to the incident, the effectiveness of the corrective actions taken to contain and recover the spill or intentional diversion, and plans to develop changes to equipment and operating and maintenance practices as necessary to prevent recurrence. Discussion of the reports must be included as part of the annual refresher training.
6. The permittee must establish a program to review any planned modifications to the pulping and chemical recovery facilities and any construction activities in the pulping and chemical recovery areas before these activities commence. The purpose of such review is to prevent leaks and spills of spent pulping liquor, soap, and turpentine during the planned modifications, and to ensure that construction and supervisory personnel are aware of possible liquor diversions and of the requirement to prevent leaks and spills of spent pulping liquors, soap, and turpentine during construction.
7. The permittee must install and maintain secondary containment (i.e., containment constructed of materials impervious to pulping liquors) for spent pulping liquor bulk storage tanks equivalent to the volume of the largest tank plus sufficient freeboard for precipitation. An annual tank integrity testing

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

program, if coupled with other containment or diversion structures, may be substituted for secondary containment for spent pulping liquor bulk storage tanks.

8. The permittee must install and maintain secondary containment for turpentine bulk storage tanks.
9. The permittee must install and maintain curbing, diking or other means of isolating soap and turpentine processing and loading areas from the wastewater treatment facilities.
10. The permittee must conduct wastewater monitoring to detect leaks and spills, to track the effectiveness of the BMPs, and to detect trends in spent pulping liquor losses. Such monitoring must be performed in accordance with Section E.

Section B. BMP Plan Requirements

1. The permittee must prepare and implement a BMP Plan. The BMP Plan must be based on a detailed engineering review as described in this section. The BMP Plan must specify the procedures and the practices required for the mill to meet the requirements of Section A, the construction the mill determines is necessary to meet those requirements including a schedule for such construction, and the monitoring program (including the statistically derived action levels) that will be used to meet the requirements of Section E. The BMP Plan also must specify the period of time that the mill determines the action levels established under Section D may be exceeded without triggering the responses specified in Section E.
2. The permittee must conduct a detailed engineering review of the pulping and chemical recovery operations--including but not limited to process equipment, storage tanks, pipelines and pumping systems, loading and unloading facilities, and other appurtenant pulping and chemical recovery equipment items in spent pulping liquor, soap, and turpentine service--for the purpose of determining the magnitude and routing of potential leaks, spills, and intentional diversions of spent pulping liquors, soap, and turpentine during the following periods of operation: (i) Process start-ups and shut downs; (ii) Maintenance; (iii) Production grade changes; (iv) Storm or other weather events; (v) Power failures; and (vi) Normal operations.
3. As part of the engineering review, the permittee must determine whether existing spent pulping liquor containment facilities are of adequate capacity for collection and storage of anticipated intentional liquor diversions with sufficient contingency for collection and containment of spills. The engineering review must also consider: (i) The need for continuous, automatic monitoring systems to detect and control leaks and spills of spent pulping liquor, soap, and turpentine; (ii) The need for process wastewater diversion facilities to protect end-of-pipe wastewater treatment facilities from adverse effects of spills and diversions of spent pulping liquors, soap, and turpentine; (iii) The potential for contamination of storm water from the immediate process areas; and (iv) The extent to which segregation and/or collection and treatment of contaminated storm water from the immediate process areas is appropriate.
4. The permittee must amend its BMP Plan whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, turpentine, or soap from the immediate process areas.
5. The permittee must complete a review and evaluation of the BMP Plan five years after the first BMP Plan is prepared and, except as provided in Section B.4., once every five years thereafter. As a result of this review and evaluation, the permittee must amend the BMP Plan within three months of the review if

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

the mill determines that any new or modified management practices and engineered controls are necessary to reduce significantly the likelihood of spent pulping liquor, soap, and turpentine leaks, spills, or intentional diversions from the immediate process areas, including a schedule for implementation of such practices and controls.

6. The BMP Plan, and any amendments thereto, must be reviewed by the senior technical manager at the mill and approved and signed by the mill manager. Any person signing the BMP Plan or its amendments must certify to the Division under penalty of law that the BMP Plan (or its amendments) has been prepared in accordance with good engineering practices and in accordance with this regulation. The permittee is not required to obtain approval from the Division of the BMP Plan or any amendments thereto.

Section C. BMP Recordkeeping Requirements

1. The permittee must maintain on its premises a complete copy of the current BMP Plan and the records specified in Section C.2 and must make such BMP Plan and records available to the Division for review upon request.
2. The permittee must maintain the following records for three years from the date they are created: (i) Records tracking the repairs performed in accordance with the repair program described in Section A; (ii) Records of initial and refresher training conducted in accordance with Section A; (iii) Reports prepared in accordance with Section A; and (iv) Records of monitoring required by Sections A and E.

Section D. Establishment of Wastewater Treatment System Influent Action Levels

1. The permittee must conduct a monitoring program per Section D.2, for the purpose of defining wastewater treatment system influent characteristics (or action levels), described in Section D.3, that will trigger requirements to initiate investigations on BMP effectiveness and to take corrective action.
2. The permittee must employ the following procedures in order to develop the action levels required by Section D:

- Monitoring parameters. The permittee must collect 24-hour composite samples and analyze the samples for a measure of organic content (e.g., Chemical Oxygen Demand (COD) or Total Organic Carbon (TOC)). Alternatively, the mill may use a measure related to spent pulping liquor losses measured continuously and averaged over 24 hours (e.g., specific conductivity or color).
- Monitoring locations. The permittee must conduct monitoring at the point influent enters the wastewater treatment system. For the purposes of this requirement, the permittee may select alternate monitoring point(s) in order to isolate possible sources of spent pulping liquor, soap, or turpentine from other possible sources of organic wastewaters that are tributary to the wastewater treatment facilities (e.g., bleach plants, paper machines and secondary fiber operations).

3. By April 15, 1999 or permit effective date, the permittee must complete an initial six-month monitoring program using the procedures specified in Section D and must establish initial action levels based on the results of that program. A wastewater treatment influent action level is a statistically determined

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

pollutant loading determined by a statistical analysis of six months of daily measurements. The action levels must consist of a lower action level, which if exceeded will trigger the investigation requirements described in Section E, and an upper action level, which if exceeded will trigger the corrective action requirements described in Section E.

4. By January 15, 2002, the permittee must complete a second six-month monitoring program using the procedures specified in Section D and must establish revised action levels based on the results of that program. The initial action levels shall remain in effect until replaced by revised action levels.
5. Action levels developed under this Section must be revised using six months of monitoring data after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, soap, or turpentine from the immediate process areas.

Section E. BMP Monitoring, Corrective Action, and Reporting Requirements

1. The permittee must conduct daily monitoring of the influent to the wastewater treatment system in accordance with the procedures described in Section D for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses.
2. Whenever monitoring results exceed the lower action level for the period of time specified in the BMP Plan, the permittee must conduct an investigation to determine the cause of such exceedance. Whenever monitoring results exceed the upper action level for the period of time specified in the BMP Plan, the permittee must complete corrective action to bring the wastewater treatment system influent mass loading below the lower action level as soon as practicable.
3. Although exceedances of the action levels will not constitute violations of an NPDES permit, failure to take the actions required by Section E.2 as soon as practicable will be a permit violation.
4. The permittee must report to the Division the results of the daily monitoring conducted pursuant to Section E.1. Such reports must include a summary of the monitoring results, the number and dates of exceedances of the applicable action levels, and brief descriptions of any corrective actions taken to respond to such exceedances. Submission of such reports shall be annually, by March 31st of the following year.

Section F. BMP Compliance Deadlines

1. The permittee is subject to the following BMP deadlines:

- Prepare BMP Plans and certify to the Division that the BMP Plan has been prepared in accordance with this regulation not later than April 15, 1999 or permit effective date.
- Implement all BMPs specified in Section A that do not require the construction of containment or diversion structures or the installation of monitoring and alarm systems not later than April 15, 1999, or permit effective date.
- Establish initial action levels required by Section D not later than April 15, 1999, or permit effective date.
- Commence operation of any new or upgraded continuous, automatic monitoring systems that the mill determines to be necessary under Section A (other than those associated with construction of containment or diversion structures) not later than April 17, 2000, or permit effective date.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

- Complete construction and commence operation of any spent pulping liquor, collection, containment, diversion, or other facilities, including any associated continuous monitoring systems, necessary to fully implement BMPs specified in Section A not later than April 16, 2001.
- Establish revised action levels required by Section D as soon as possible after fully implementing the BMPs specified in Section A, but not later than January 15, 2002.
- Submit Annual Reports required by Section E.4 to the Division by March 31st of the following year.

Section G. BMP Definitions

1. Action Level: A daily pollutant loading that when exceeded triggers investigative or corrective action. Mills determine action levels by a statistical analysis of six months of daily measurements collected at the mill. For example, the lower action level may be the 75th percentile of the running seven-day averages (that value exceeded by 25 percent of the running seven-day averages) and the upper action level may be the 90th percentile of the running seven-day averages (that value exceeded by 10 percent of the running seven-day averages).
2. Division: North Carolina DENR, Division of Water Quality, 1617 Mail Service Center, Raleigh, North Carolina 27699-1617.
3. Equipment Items in Spent Pulping Liquor, Soap, and Turpentine Service: Any process vessel, storage tank, pumping system, evaporator, heat exchanger, recovery furnace or boiler, pipeline, valve, fitting, or other device that contains, processes, transports, or comes into contact with spent pulping liquor, soap, or turpentine. Sometimes referred to as ``equipment items."
4. Immediate Process Area: The location at the mill where pulping, screening, knotting, pulp washing, pulping liquor concentration, pulping liquor processing, and chemical recovery facilities are located, generally the battery limits of the aforementioned processes. ``Immediate process area" includes spent pulping liquor storage and spill control tanks located at the mill, whether or not they are located in the immediate process area.
5. Intentional Diversion: The planned removal of spent pulping liquor, soap, or turpentine from equipment items in spent pulping liquor, soap, or turpentine service by the mill for any purpose including, but not limited to, maintenance, grade changes, or process shutdowns.
6. Mill: The owner or operator of a direct or indirect discharging pulp, paper, or paperboard manufacturing facility subject to this section.
7. Senior Technical Manager: The person designated by the mill manager to review the BMP Plan. The senior technical manager shall be the chief engineer at the mill, the manager of pulping and chemical recovery operations, or other such responsible person designated by the mill manager who has knowledge of and responsibility for pulping and chemical recovery operations.
8. Soap: The product of reaction between the alkali in kraft pulping liquor and fatty acid portions of the wood, which precipitate out when water is evaporated from the spent pulping liquor.
9. Spent Pulping Liquor: For kraft and soda mills ``spent pulping liquor" means black liquor that is used, generated, stored, or processed at any point in the pulping and chemical recovery processes.
10. Turpentine: A mixture of terpenes, principally pinene, obtained by the steam distillation of pine gum recovered from the condensation of digester relief gases from the cooking of softwoods by the kraft pulping process. Sometimes referred to as sulfate turpentine.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

A. (11) EFFLUENT GUIDELINE SAMPLING PLAN SPECIAL CONDITION

The bleach plant effluent sample (Outfall 006 located at the confluence of the effluent lines for Bleach Plant 6 and Bleach Plant 7) shall be analyzed for 2,3,7,8-TCDD in accordance with EPA Method 1613. A single sample may be analyzed to determine compliance with the daily maximum effluent limitation. Alternatively, a sample volume may be collected to enable the sample to be split (duplicate analysis). If the analysis of either split sample is below the Minimum Level (ML), the quantity is considered to be zero for compliance evaluation. If both splits are positive, the results of two analyses shall be averaged to determine compliance. The Minimum Level for 2,3,7,8-TCDD by EPA Method 1613 is 10 pg/l.

The bleach plants effluent sample (Outfall 006) shall be analyzed for the 12 chlorinated phenolic compounds in Part I, A(2) in accordance with EPA Method 1653. A single sample may be analyzed to determine compliance with the daily maximum effluent limitation. Alternatively, a sample volume may be collected to enable the sample to be split (duplicate analysis). If the analysis of either split sample is below the Minimum Level (ML), the quantity is considered to be zero for compliance evaluation. If both splits are positive, the results of two analyses shall be averaged to determine compliance. The Minimum Levels for each of the 12 chlorinated compounds are the same as the Daily Maximum concentrations listed in Part I, A(2).

The final wastewater treatment plant effluent sample (Outfall 001) shall be analyzed for AOX in accordance with EPA Method 1650, or subsequent test methods approved by the Division.

The permittee may request future monitoring modifications to the Cluster Rule requirements, including 1) use of ECF certification in lieu of monitoring for chloroform in the bleach plant effluent (Outfall 006) when this rule is promulgated by EPA; 2) demonstrating compliance using samples collected less frequently than every four hours; 3) using automated composite volatile samplers for chloroform sampling; and 4) using automated composite samplers for chlorophenolic and TCDD/DF sampling. Such future requests will be evaluated in accordance with 15A NCAC 2H.0114.

The flow calculations for internal Outfall 006 shall not be subject to accuracy requirements specified under Part II, Section D.3. This exclusion is similar to that provided for pump log flow calculations.

Chemical data for Cluster Rule parameters (all Outfall 006 parameters + AOX from Outfall 001) shall be submitted to the Division on a quarterly basis (January- March, April- June, July- September, October- December). Quarterly submissions shall be due 60 days following the last day of each quarter (Due dates = May 31, August 31, November 30, February 28). Chemical data shall be submitted on Division-approved DMR forms, with a separate form provided for each month.

SUPPLEMENT TO EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS SPECIAL CONDITIONS (Continued)

A. (12) SLUDGE RESIDUALS FROM PLYMOUTH WWTP

Weyerhaeuser Plymouth is authorized to accept wastewater sludge residuals from the Town of Plymouth Municipal Wastewater Treatment Plant in situations deemed an emergency by both the Division and the POTW (situations such as abnormally prolonged rainfall). Sludge residuals shall be added into the influent of the Weyerhaeuser wastewater treatment system.

A. (13) VARIANCE TO 24-HOUR STAFFING BY CERTIFIED OPERATOR

The request by Weyerhaeuser for the variance to 24-hour staffing coverage at your WWTP by certified operators is hereby granted with the following conditions:

1. The facility shall maintain at least all current systems, operating strategies, monitoring and operator training as outlined in your letter dated January 30, 2006 (Review comments to Draft NPDES Permit).
2. Maintain and have available for review by Division staff the documentation of the Wastewater Treatment Operator's Training.
3. Failure of the monitoring system to detect and report a malfunction, or the failure of an appropriate person in responding to a problem must be documented and reported to the Washington Regional Office. Failure of a monitoring device or failure to respond to a problem will not be a mitigating factor in any enforcement action.
4. This variance shall remain in effect until February 28, 2011, and will be reviewed with the renewal of the NPDES permit for this facility. A request for renewal of this variance should be submitted with the permit renewal request.
5. The remote alarm system must be a polling SCADA alarm. If the existing alarm system is different from the required, the upgrade must be completed before this variance can be considered valid.
6. Security guards must conduct surveillance routes around entire wastewater system every 4 hours when ORC is not on site. Security guards must be trained to recognize potential problems at the site and report them immediately to the member of the environmental team who is currently on call.
7. 48-hours before, during and after (until operation of the WWTP is stabilized) a major storm event the facility must keep a certified operator on site 24 hours per day.
8. The variance may be rescinded at the discretion of the Director in the event that the compliance status or the conditions at the facility change.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

2/Month
Samples are collected twice per month with at least ten calendar days between sampling events.

3/Week
Samples are collected three times per week on three separate calendar days.

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

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

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

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

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

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

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

(1) Continuous: a single, continuous sample collected over a 24-hour period proportional to the rate of flow.
(2) Constant time/variable volume: a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or
(3) Variable time/constant volume: a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
(4) Constant time/constant volume: a series of grab samples of equal volume collected over a 24-hour period at a constant time interval. **This method may only be used in situations where effluent flow rates vary less than 15 percent.** The grab samples shall be taken at intervals of no greater than 20 minutes apart during any 24-hour period and must be of equal size and of no less than 100 milliliters. **Use of this method requires prior approval by the Director.**

In accordance with (4) above, influent grab samples shall not be collected more than once per hour. Effluent grab samples shall not be collected more than once per hour except at wastewater treatment system. having a detention time of greater than 24 hours. In such cases, effluent grab samples may be collected at intervals evenly spaced over the 24-hour period that are equal in number of hours to the detention time of the system in number of days. However, the interval between effluent grab samples may not exceed six hours nor the number of samples less than four during a 24-hour sampling period.

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

Daily Discharge
The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. The "daily discharge" concentration comprises the mean concentration for a 24-hour sampling period as either a composite sample concentration or the arithmetic mean of all grab samples collected during that period. (40 CFR 122.3)

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

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

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

EMC
The North Carolina Environmental Management Commission.

Facility Closure
The cessation of wastewater treatment at a permitted facility, or the cessation of all activities that require coverage under the NPDES. Completion of facility closure will allow this permit to be rescinded.

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

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

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

Instantaneous flow measurement
A measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.

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

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

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

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

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

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

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

Section B. General Conditions

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

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

   b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. [40 CFR 122.41 (a) (2)]

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

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

e. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions. [40 CFR 122.41 (a) (2)]

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

g. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000. [40 CF 122.41 (a) (3)]

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

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

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

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

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

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

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

9. Duty to Reapply
If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit [40 CFR 122.41 (b)].

10. Expiration of Permit
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 such information, forms, and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date. Any Permittee that has not requested renewal at least 180 days prior to expiration, or any Permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will subject the Permittee to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et. seq.

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

a. **All permit applications shall be signed as follows:**
   (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures .
   (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
   (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official [40 CFR 122.22].

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by a person described above;
   2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
   3. The written authorization is submitted to the Permit Issuing Authority [40 CFR 122.22]

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

d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]:
"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."

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

13. Permit Modification, Revocation and Reissuance, or Termination
The issuance of this permit does not prohibit the permit issuing authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

14. Annual Administering and Compliance Monitoring Fee Requirements
The Permittee must pay the annual administering and compliance monitoring fee within thirty days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H.0105 (b) (4) may cause this Division to initiate action to revoke the permit.

Section C. Operation and Maintenance of Pollution Controls

1. Certified Operator
Upon classification of the permitted facility by the Certification Commission, the Permittee shall employ a certified water pollution control treatment system operator in responsible charge (ORC) of the water pollution control treatment system. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the water pollution control treatment system by the Certification Commission. The Permittee must also employ one or more certified Back-up ORCs who possess a currently valid certificate of the type of the system. Back-up ORCs must possess a grade equal to (or no more than one grade less than) the grade of the system [15A NCAC 8G.0201].

The ORC of each Class I facility must:
- Visit the facility at least weekly
- Comply with all other conditions of 15A NCAC 8G.0204.

The ORC of each Class II, III and IV facility must:
- Visit the facility at least daily, excluding weekends and holidays
- Properly manage and document daily operation and maintenance of the facility
- Comply with all other conditions of 15A NCAC 8G.0204.

Once the facility is classified, the Permittee shall submit a letter to the Certification Commission designating the operator in responsible charge:
a. Within 60 calendar days prior to wastewater being introduced into a new system

b. Within 120 calendar days of:
   - Receiving notification of a change in the classification of the system requiring the designation of a new ORC and back-up ORC
   - A vacancy in the position of ORC or back-up ORC.

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

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

4. Bypassing of Treatment Facilities
a. Bypass not exceeding limitations [40 CFR 122.41 (m) (2)]
The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.

b. Notice [40 CFR 122.41 (m) (3)]
(1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
(2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part II. E. 6. (24-hour notice).

c. Prohibition of Bypass
(1) Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass, unless:
(A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The Permittee submitted notices as required under Paragraph b. of this section.

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

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

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

noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset: A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
(1) An upset occurred and that the Permittee can identify the cause(s) of the upset;
(2) The Permittee facility was at the time being properly operated; and
(3) The Permittee submitted notice of the upset as required in Part II. E. 6. (b) (B) of this permit.
(4) The Permittee complied with any remedial measures required under Part II. B. 2. of this permit.

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

6. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials from entering waters of the State or navigable waters of the United States. The Permittee shall comply with all existing Federal regulations governing the disposal of sewage sludge. Upon promulgation of 40 CFR Part 503, any permit issued by the Permit Issuing Authority for the utilization/disposal of sludge may be reopened and modified, or revoked and reissued, to incorporate applicable requirements at 40 CFR 503. The Permittee shall comply with applicable 40 CFR 503 Standards for the Use and Disposal of Sewage Sludge (when promulgated) within the time provided in the regulation, even if the permit is not modified to incorporate the requirement. The Permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures
The Permittee is responsible for maintaining adequate safeguards (as required by 15A NCAC 2H.0124 – Reliability) to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

Section D. Monitoring and Records

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

2. Reporting
Monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a monthly Discharge Monitoring Report (DMR) Form (MR 1, 1.1, 2, 3) or alternative forms approved by the Director, postmarked no later than the 28th day following the completed reporting period.

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

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

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

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

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

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

5. Penalties for Tampering
The 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 [40 CFR 122.41].

6. Records Retention
Except for records of monitoring information required by this permit related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the Permittee shall retain records of all monitoring information, including:
- all calibration and maintenance records
- all original strip chart recordings for continuous monitoring instrumentation
- copies of all reports required by this permit
- copies of all data used to complete the application for this permit

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

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

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and
f. The results of such analyses.

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

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

Section E. Reporting Requirements

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

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

a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29 (b); or
b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42 (a) (l).
c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alternation, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

4. Transfers
This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to document the change of ownership. Any such action may incorporate other requirements as may be necessary under the Clean Water Act [40 CFR 122.41 (l) (3)].

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

a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II. D. 2) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.
b. If the Permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the DMR.

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

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

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

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

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

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

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

   Persons reporting such occurrences by telephone shall also file a written report within 5 days following first knowledge of the occurrence.

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

11. Penalties for Falsification of Reports
    The 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 $25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

12. Annual Performance Reports
Permittees who own or operate facilities that collect or treat municipal or domestic waste shall provide an annual report to the Permit Issuing Authority and to the users/customers served by the Permittee (NCGS 143-215.1C). The report shall summarize the performance of the collection or treatment system, as well as the extent to which the facility was compliant with applicable Federal or State laws, regulations and rules pertaining to water quality. The report shall be provided no later than sixty days after the end of the calendar or fiscal year, depending upon which annual period is used for evaluation.

PART III
OTHER REQUIREMENTS

Section A. Construction
The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless the Division has issued an Authorization to Construct (AtC) permit. Issuance of an AtC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

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

Section C. Changes in Discharges of Toxic Substances
The Permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe (40 CFR 122.42):

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
   (1) One hundred micrograms per liter (100 μg/L);
   (2) Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2.4-dinitrophenol and for 2-methyl-4.6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
   (3) Five times the maximum concentration value reported for that pollutant in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
   (1) Five hundred micrograms per liter (500 μg/L);
   (2) One milligram per liter (1 mg/L) for antimony;
   (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

Section D. Evaluation of Wastewater Discharge Alternatives
The Permittee shall evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the Permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within 60 days of notification by the Division.

Section E. Facility Closure Requirements
The Permittee must notify the Division at least 90 days prior to the closure of any wastewater treatment system covered by this permit. The Division may require specific measures during deactivation of the system to prevent

adverse impacts to waters of the State. This permit cannot be rescinded while any activities requiring this permit continue at the permitted facility.

PART IV
SPECIAL CONDITIONS FOR MUNCIPAL FACILITIES

Section A. Publicly Owned Treatment Works (POTWs)

All POTWs must provide adequate notice to the Director of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced by an indirect discharger as influent to that POTW at the time of issuance of the permit.
3. For purposes of this paragraph, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

Section B. Municipal Control of Pollutants from Industrial Users.

1. Effluent limitations are listed in Part I of this permit. Other pollutants attributable to inputs from industries using the municipal system may be present in the Permittee's discharge. At such time as sufficient information becomes available to establish limitations for such pollutants, this permit may be revised to specify effluent limitations for any or all of such other pollutants in accordance with best practicable technology or water quality standards.

2. Under no circumstances shall the Permittee allow introduction of the following wastes in the waste treatment system:
   a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
   b. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
   c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
   d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
   e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Division, upon request of the POTW, approves alternate temperature limits;
   f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
   g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
   h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

3. With regard to the effluent requirements listed in Part I of this permit, it may be necessary for the Permittee to supplement the requirements of the Federal Pretreatment Standards (40 CFR, Part 403) to ensure compliance by the Permittee with all applicable effluent limitations. Such actions by the Permittee may be necessary regarding some or all of the industries discharging to the municipal system.

4. The Permittee shall require any industrial discharges sending influent to the permitted system to meet Federal Pretreatment Standards promulgated in response to Section 307(b) of the Act. Prior to accepting wastewater from any significant industrial user, the Permittee shall either develop and submit to the

Division a Pretreatment Program for approval per 15A NCAC 2H .0907(a) or modify an existing Pretreatment Program per 15A NCAC 2H .0907(b).

5. This permit shall be modified, or alternatively, revoked and reissued, to incorporate or modify an approved POTW Pretreatment Program or to include a compliance schedule for the development of a POTW Pretreatment Program as required under Section 402(b)(8) of the Clean Water Act and implementing regulations or by the requirements of the approved State pretreatment program, as appropriate.

Section C. Pretreatment Programs

Under authority of sections 307(b) and (c) and 402(b)(8) of the Clean Water Act and implementing regulations 40 CFR Part 403, North Carolina General Statute 143-215.3 (14) and implementing regulations 15A NCAC 2H .0900, and in accordance with the approved pretreatment program, all provisions and regulations contained and referenced in the Pretreatment Program Submittal are an enforceable part of this permit.

The Permittee shall operate its approved pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the Federal Pretreatment Regulations 40 CFR Part 403, the State Pretreatment Regulations 15A NCAC 2H .0900, and the legal authorities, policies, procedures, and financial provisions contained in its pretreatment program submission and Division approved modifications there of. Such operation shall include but is not limited to the implementation of the following conditions and requirements:

1. Sewer Use Ordinance (SUO)
   The Permittee shall maintain adequate legal authority to implement its approved pretreatment program.

2. Industrial Waste Survey (IWS)
   The Permittee shall update its Industrial Waste Survey (IWS) to include all users of the sewer collection system at least once every five years.

3. Monitoring Plan
   The Permittee shall implement a Division approved Monitoring Plan for the collection of facility specific data to be used in a wastewater treatment plant Headworks Analysis (HWA) for the development of specific pretreatment local limits. Effluent data from the Plan shall be reported on the DMRs (as required by Part II, Section D, and Section E.5.).

4. Headworks Analysis (HWA) and Local Limits
   The Permittee shall obtain Division approval of a Headworks Analysis (HWA) at least once every five years, and as required by the Division. Within 180 days of the effective date of this permit (or any subsequent permit modification) the Permittee shall submit to the Division a written technical evaluation of the need to revise local limits (i.e., an updated HWA or documentation of why one is not needed) [40 CFR 122.42]. The Permittee shall develop, in accordance with 40 CFR 403.5(c) and 15A NCAC 2H .0909, specific Local Limits to implement the prohibitions listed in 40 CFR 403.5(a) and (b) and 15A NCAC 2H .0909.

5. Industrial User Pretreatment Permits (IUP) & Allocation Tables
   In accordance with NCGS 143-215.1, the Permittee shall issue to all significant industrial users, permits for operation of pretreatment equipment and discharge to the Permittee's treatment works. These permits shall contain limitations, sampling protocols, reporting requirements, appropriate standard and special conditions, and compliance schedules as necessary for the installation of treatment and control technologies to assure that their wastewater discharge will meet all applicable pretreatment standards and requirements. The Permittee shall maintain a current Allocation Table (AT) which summarizes the results of the Headworks Analysis (HWA) and the limits from all Industrial User Pretreatment Permits (IUP). Permitted IUP loadings for each parameter cannot exceed the treatment capacity of the POTW as determined by the HWA.

6. Authorization to Construct (A to C)
The Permittee shall ensure that an Authorization to Construct permit (AtC) is issued to all applicable industrial users for the construction or modification of any pretreatment facility. Prior to the issuance of an AtC, the proposed pretreatment facility and treatment process must be evaluated for its capacity to comply with all Industrial User Pretreatment Permit (IUP) limitations.

7. POTW Inspection & Monitoring of their SIUs
The Permittee shall conduct inspection, surveillance, and monitoring activities as described in its Division approved pretreatment program in order to determine, independent of information supplied by industrial users, compliance with applicable pretreatment standards. The Permittee must:
   a. Inspect all Significant Industrial Users (SIUs) at least once per calendar year; and
   b. Sample all Significant Industrial Users (SIUs) at least twice per calendar year for all permit-limited pollutants, once during the period from January 1 through June 30 and once during the period from July 1 through December 31, except for organic compounds which shall be sampled once per calendar year;

8. SIU Self Monitoring and Reporting
The Permittee shall require all industrial users to comply with the applicable monitoring and reporting requirements outlined in the Division approved pretreatment program, the industry's pretreatment permit, or in 15A NCAC 2H .0908.

9. Enforcement Response Plan (ERP)
The Permittee shall enforce and obtain appropriate remedies for violations of all pretreatment standards promulgated pursuant to section 307(b) and (c) of the Clean Water Act (40 CFR 405 et. seq.), prohibitive discharge standards as set forth in 40 CFR 403.5 and 15A NCAC 2H .0909, and specific local limitations. All enforcement actions shall be consistent with the Enforcement Response Plan (ERP) approved by the Division.

10. Pretreatment Annual Reports (PAR)
The Permittee shall report to the Division in accordance with 15A NCAC 2H .0908. In lieu of submitting annual reports, Modified Pretreatment Programs developed under 15A NCAC 2H .0904 (b) may be required to meet with Division personnel periodically to discuss enforcement of pretreatment requirements and other pretreatment implementation issues.

For all other active pretreatment programs, the Permittee shall submit two copies of a Pretreatment Annual Report (PAR) describing its pretreatment activities over the previous twelve months to the Division at the following address:

NC DENR / DWQ / Pretreatment Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

These reports shall be submitted according to a schedule established by the Director and shall contain the following:

a.) Narrative
A brief discussion of reasons for, status of, and actions taken for all Significant Industrial Users (SIUs) in Significant Non-Compliance (SNC);

b.) Pretreatment Program Summary (PPS)
A pretreatment program summary (PPS) on specific forms approved by the Division;

c.) Significant Non-Compliance Report (SNCR)
The nature of the violations and the actions taken or proposed to correct the violations on specific forms approved by the Division;

d.) Industrial Data Summary Forms (IDSF)

Monitoring data from samples collected by both the POTW and the Significant Industrial User (SIU). These analytical results must be reported on Industrial Data Summary Forms (IDSF) or other specific format approved by the Division;

e.) Other Information

Copies of the POTW's allocation table, new or modified enforcement compliance schedules, public notice of SIUs in SNC, and any other information, upon request, which in the opinion of the Director is needed to determine compliance with the pretreatment implementation requirements of this permit;

11. Public Notice

The Permittee shall publish annually a list of Significant Industrial Users (SIUs) that were in Significant Non-Compliance (SNC) as defined in the Permittee's Division approved Sewer Use Ordinance with applicable pretreatment requirements and standards during the previous twelve month period. This list shall be published within four months of the applicable twelve-month period.

12. Record Keeping

The Permittee shall retain for a minimum of three years records of monitoring activities and results, along with support information including general records, water quality records, and records of industrial impact on the POTW.

13. Funding and Financial Report

The Permittee shall maintain adequate funding and staffing levels to accomplish the objectives of its approved pretreatment program.

14. Modification to Pretreatment Programs

Modifications to the approved pretreatment program including but not limited to local limits modifications, POTW monitoring of their Significant Industrial Users (SIUs), and Monitoring Plan modifications, shall be considered a permit modification and shall be governed by 15 NCAC 2H .0114 and 15A NCAC 2H .0907.