



NORTH CAROLINA
Environmental Quality

2/14/2025

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director

Mr. Charles Smithwick, Jr., Chairman
Neuse River Compliance Association
PO Box 1410
Clayton, NC 27528-1410

Subject: Issuance of NPDES Permit
NCC000001
Neuse River Compliance Association

Dear Mr. Smithwick:

Division personnel have reviewed and approved your application for renewal of the subject permit. This permit renewal is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

The Division published notices in newspapers of general circulation in the affected counties, inviting public comments on the draft permit. The Division received comments and has addressed them in the final permit and fact sheet. The Association's Estuary TN Limit remains unchanged from the draft permit at 1,248,609 lb/yr.

This final permit includes list changes from the draft permit previously sent to you on November 1, 2024:

- Updated language for the definition of Reserve TN Allocation in Section A.(1).(o).
- Updated language to clarify how Co-Permittee's Estuary TN loads should be calculated in Section A.(3).(a).(i).
- Updated language to clarify how Co-Permittee's Estuary TN loads should be calculated in Section A.(5).(d).(i).

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings (6714 Mail Service Center, Raleigh, North Carolina 27699-6714). Unless such demand is made, this decision shall be final and binding.

Please note that this permit is not transferable except after notice to the Division. The Division may require modification or revocation and reissuance of the permit. This permit does not affect



the legal requirements to obtain any other Federal, State, or Local governmental permit that may be required.

If you have any questions concerning the permit, please contact Siying Chen at siying.chen@deq.nc.gov or Matthew Nevills at matthew.nevills@deq.nc.gov.

Sincerely,

DocuSigned by:

Mike Montebello

C464531431644FE...

Michael Montebello, Branch Chief
NPDES Permitting Unit
Division of Water Resources

Enclosures: Final NPDES Permit No. NCC000001

cc: NPDES Unit Files [Laserfiche]
Haywood Phthisic, Executive Director, NRCA
NPDES Permitting Section, Region IV, EPA
Vanessa Manuel, Raleigh Regional Offices, Water Quality Permitting
David May, Washington Regional Offices, Water Quality Permitting
Michael Montebello, NPDES Permitting Branch
Karen Preston, NPDES Municipal Permitting Unit
Doug Dowden, NPDES Industrial Permitting Unit
Nora Deamer, Basin Planning Branch



STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

PERMIT

TO DISCHARGE WASTEWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions 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, the

**The Neuse River Compliance Association
and Its Co-Permittee Members**

are hereby authorized to discharge Total Nitrogen from the Co-Permittee Member treatment facilities listed herein

to receiving waters in the Neuse River Basin in accordance with effluent limitations, monitoring and reporting requirements, and other conditions set forth in this permit.

This permit shall become effective March 1, 2025.

This permit and the authorization to discharge shall expire at midnight on December 31, 2028.

Signed this day..... 2/14/2025

DocuSigned by:
Mike Montebello
C464531431644FE...

Michael Montebello, Branch Chief
NPDES Permitting Unit
Division of Water Resources

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PART I SPECIAL CONDITIONS

A.(1.) DEFINITIONS

[G.S. 143-215.1(b), 15A NCAC 02B.0701]

- (a.) Active TN Allocation: Allocation that is included in calculation of TN Load Limits. Allocation held by a permittee is active by default but may be designated as reserve allocation by the Division or at the request of the permittee. (See also Reserve TN Allocation.)
- (b.) Allocation (or "TN Allocation"): (1) The mass quantity (as of TN) that a discharger or group of dischargers (such as the Association) is potentially allowed to release to surface waters in accordance with the Neuse River rule. TN Allocations may be expressed as Estuary TN Allocation or as the equivalent Discharge TN Allocation; also as active or reserve allocation. (2) In practice, the term can refer to a permittee's or group's allocation as a whole or to some lesser quantity.
- (c.) Association: The Neuse River Compliance Association, a not-for-profit corporation comprised of NPDES-permitted dischargers in the Neuse River Basin; established voluntarily under the Neuse Wastewater rule to meet the aggregate Estuary TN Allocation of its Co-Permittee Members.
- (d.) Co-Permittee Members: Those NPDES dischargers that for a given calendar year are members of the Association and are listed in Appendix A of this permit.
- (e.) Discharge TN Allocation: TN Allocation specified as applying at the point of discharge (or "end-of-pipe").
- (f.) Discharge TN Load: Actual TN Load measured at a Co-Permittee Member's point of discharge (or "end-of-pipe").
- (g.) Estuary: The Neuse River estuary, which extends from approximately Streets Ferry to the Pamlico Sound.
- (h.) Estuary TN Allocation: TN Allocation specified as applying at the estuary. A Co-Permittee Member's Estuary TN Allocation is equivalent to its Discharge TN Allocation multiplied by the applicable Transport Factor.
- (i.) Estuary TN Limitation: The sum of active TN allocations held by the Association and its Co-Permittee Members (group limit) or a Co-Permittee Member (individual limits), as listed in Appendix A of this permit.
- (j.) Estuary TN Load: TN Load estimated to be delivered to the estuary. A Co-Permittee Member's Estuary TN Load is equivalent to its Discharge TN Load multiplied by the applicable Transport Factor.
- (k.) Limitation (or "TN Limit(ation)" or "TN Load Limit(ation)"): The mass quantity of TN specified in an NPDES permit as the maximum that an individual discharger or group of dischargers is authorized to discharge to surface waters. The TN Limitation is the sum of active allocations held by an individual Co-Permittee Member (in the case of individual limitations) or held in the aggregate by the Association and its Co-Permittee Members (in the case of the group limitation). For the purposes of this permit, TN Load Limits are expressed in terms of Estuary TN Load.
- (l.) Load (or "TN Load"): The actual mass quantity (as of TN) that a discharger or group of dischargers releases into surface waters of the Neuse River Basin. TN Loads may be expressed as Discharge TN Load or as the equivalent Estuary TN Load.
- (m.) Neuse Wastewater Rule: The Neuse River Basin Nutrient Sensitive Waters Management Strategy: Wastewater Discharge Requirements rule (15A NCAC 2B .0713)
- (n.) Regionalization: The consolidation of wastewater collection and/or treatment systems that results in the elimination of one or more NPDES-permitted discharges.
- (o.) Reserve TN Allocation: Allocation that is not included in calculation of TN Limits.

- (p.) Total Maximum Daily Load (of TMDL): (1) Generally, the allowable load of a pollutant that can be discharged to a water body without causing loss of that water's designated uses. (2) In the context of this permit, refers to *Phase II of the Total Maximum Daily Load for Total Nitrogen to the Neuse River Estuary, North Carolina*, approved by the U.S. Environmental Protection Agency on March 19, 2002, and subsequent revisions approved by the EPA.
- (q.) Total Nitrogen (TN): The sum of the organic, nitrate, nitrite, and ammonia species of nitrogen in a water or wastewater.
- (r.) Transport Factor (TF): Fraction of the TN in a discharge that is predicted to reach the estuary, see Appendix A and B of this permit.
- (s.) Water Quality-Based Effluent Limitations (WQBELs): Limitations calculated specifically to ensure that a discharge does not cause an exceedance of water quality standards either in the vicinity of the discharge or further downstream. In the context of this permit, applies only to Total Nitrogen.

A.(2.) CO-PERMITTEES AND TN ALLOCATIONS

[G.S. 143- 215.1(b)]

- (a.) Co-Permittees to this permit shall be the Neuse River Compliance Association (the "Association") and each of its Co-Permittee Members. The Co-Permittee Members, the Transport Factors assigned to each, the Members' individual TN allocations, and the Association Estuary TN Allocation shall be as listed in Appendix A, which is hereby incorporated into this permit in its entirety.
- (b.) Upon timely and proper notification by the Association as described elsewhere in this permit, the Division shall revise Appendix A to incorporate changes in Association membership, allowable changes in TN Allocations, or reapportionment by the Association.
 - (i.) Changes in membership.
 - (A) Enrollment. In the event that a discharger is admitted to the Association, the Division shall add the discharger and its TN Allocation to Appendix A as a Co-Permittee Member and adjust the Association's Estuary TN Allocation accordingly.
 - (B) Termination. In the event that a Co-Permittee Member's membership is terminated, the Division shall delete the departing Member and its TN Allocation from Appendix A and adjust the Association's Estuary TN Allocation accordingly.
 - (ii.) For the purposes of this permit, allowable changes in TN Allocations include those resulting from purchase of allocation from the Wetlands Restoration Fund or other authorized source; purchase, sale, trade, or lease of allocation among the Association, its members, and non-member dischargers; regionalization; and other transactions approved by the Division.
 - (iii.) The Association and its Co-Permittee Members may reapportion their TN Allocations among themselves; however, the Division shall only incorporate the corresponding changes into Appendix A when specifically requested in writing by the Association and after such changes have been incorporated into the affected individual permits.
- (c.) For the purposes of this permit, Association membership, individual or Association TN Allocations and associated limits, and allocation status (active or reserve) are effective on a calendar year basis, and any changes shall become effective no sooner than January 1 of the following calendar year.

A.(3.) EFFLUENT LIMITATIONS

[G.S. 143- 215.1(b), 15A NCAC 02B.0713]

- (a.) Beginning on the effective date of this permit and lasting no later than the expiration date, the Co-Permittees are authorized to discharge Total Nitrogen (TN) from the treatment facilities listed in Appendix A subject to the following effluent limitations.

- (i.) Association TN Limitation. In any calendar year, the Association's Estuary TN Load shall not exceed its Estuary TN Limitation as specified in Appendix A.

Association TN Limitation: For any calendar year,

$$\text{Association Estuary TN Load} \leq \text{Association Estuary TN Limitation}$$

where

Association Estuary TN Load (or Limitation) = Sum of Estuary TN Loads (or Limitations) for All Co-Permittee Members and the Association, Co-Permittee Estuary TN Loads Measured in Accordance with Their Respective NPDES Permits.

- (ii.) Co-Permittee Member TN Limitations. In any calendar year, a Co-Permittee Member shall be in compliance with its Estuary TN Limitation in Appendix A if:
 - (A) the Association Estuary TN Load complies with the Association Estuary TN Limitation in Appendix A, or
 - (B) in the event that the Association Estuary TN Load exceeds its Estuary TN Limitation, the Co-Permittee Member's Estuary TN Load does not exceed that Member's Estuary TN Limitation in Appendix A.
- (b.) Individual WQBELs: If the Division determines that a Co-Permittee Member's TN discharge has reasonable potential to cause localized water quality impacts, it may determine an individual water quality-based TN Limit for the Member pursuant to Neuse rule (specifically, T15A NCAC 02B .0713(6)(c), .0713(7)(g), and .0713(8)(g)). The Division will then propose to incorporate the new limit into the Member's individual NPDES permit and this group permit according to standard permitting procedures. Once the individual WQBEL becomes effective in this group permit, the Member is subject to the new limit in lieu of the Association TN Limit. If a Member's individual WQBEL is less than its active TN allocation, the difference is designated as reserve allocation.
- (c.) Other Individual Limitations. In the event that a Co-Permittee Member's membership in the Association is terminated, the departing Member shall no longer be eligible for coverage under this permit and shall become subject to the TN limitation set forth in its individual NPDES permit.
 - (i.) Termination of co-permittee status and re-imposition of a discharger's individual TN limitation shall become effective only at the beginning of a calendar year (January 1).
 - (ii.) The Association shall notify the Division if it determines that any Member will depart at the end of a calendar year and shall provide an accounting of all allowable changes in the Member's TN Allocation since the most recent issuance of the departing Member's individual NPDES permit.
 - (iii.) Upon receipt of the notification and accounting described above, the Division shall modify the TN limitation in the departing Member's individual NPDES permit as necessary, effective January 1 of the succeeding year, to reflect all allowable changes in the outgoing Member's TN Allocation and shall also modify Appendix A of this permit accordingly.

A.(4.) MONITORING REQUIREMENTS

[G.S. 143- 215.1(b)]

- (a.) Each Co-Permittee Member shall continue to monitor its discharge(s) and report the results to the Division as specified in its individual NPDES permit.

- (b.) The Association shall assemble the results of its Co-Permittee Members and report the combined results to the Division as specified in Condition A.(5.), below.

A.(5.) REPORTING REQUIREMENTS

[G.S. 143- 215.1(b)]

- (a.) The Association shall serve as the primary point of contact between the Division and the Co-Permittee Members on matters related to this permit, unless otherwise noted. The Association's responsibilities in this regard include:
- (i.) preparation and submittal of any reports required by this permit or of related information requested by the Division;
 - (ii.) submittal of any request for modification or renewal of this permit; and
 - (iii.) distribution to the Co-Permittee Members of correspondence from the Division, including but not limited to that pertaining to permit issuance, modification, and renewal; compliance; and reporting.
- (b.) Notification of Membership/ Allocation Changes. No later than July 1 of each year, the Association shall request modification of this permit to reflect changes in membership or TN allocations to become effective in the following calendar year. The Association may revise its request through its Mid-Year Report or other proper written notification.
- (c.) Mid-Year Report. No later than September 30 of each year, the Association shall submit a mid-year report to the Division. The report shall include, at a minimum, the following information:
- (i.) for the period beginning July 1 of the preceding year and ending June 30 of the current year, a report, for informational purposes only, of each Co-Permittee Member's Discharge and Estuary TN Loads and the Association's Estuary TN Load; this requirement is waived if the Association's Estuary TN Load for the previous calendar year was less than 80 percent of the TN Limitation in that year; and
 - (ii.) notification of any further changes in Association membership or TN Allocations to become effective in the following calendar year.
- (d.) Year-End Report. No later than March 31 of each year, the Association shall submit a year-end report to the Division. The report shall include, at a minimum, the following information for the previous calendar year:
- (i.) for the period from January 1 through December 31 of the preceding year, a report of the Association's Estuary TN Load and each Co-Permittee Member's Discharge and Estuary TN Loads, consistent with the effluent limitations in the respective NPDES permits of the Co-Permittee Members;
 - (ii.) a summary of changes in Association membership; and
 - (iii.) a summary of all regionalization of discharges, purchases, sales, trades, leases, and other transactions affecting the TN Allocations of the Association or its Co-Permittee Members.
- (e.) Five-Year Report. No later than July 1, 2028, in conjunction with application for renewal of this permit, the Association shall submit a 5-year report to the Division. The report shall include, at a minimum, the following information:
- (i.) a detailed summary of all membership changes and allowable changes in TN Allocations of the Association or its Co-Permittee Members occurring during the term of this permit;
 - (ii.) a description of the Association's TN control strategy during that time;
 - (iii.) a summary of substantial new measures undertaken during that time to control TN discharges;
 - (iv.) a general assessment of progress made; and
 - (v.) a description of efforts planned for the upcoming permit term, if known.

A.(6.) COMPLIANCE

[G.S. 143- 215.1(b), 15A NCAC 02B.0703]

- (a.) In the event that the Association exceeds its Estuary TN Limitation in a given calendar year, the Association shall make offset payments for that excess TN at a rate consistent with the Nutrient Offsets Payment rule (15A NCAC 2B .0703) or such other rate as may be adopted by the Commission. Payment shall be made no later than May 1 of the year following the exceedance and shall be submitted to:

NCDEQ/ Division of Mitigation Services
Attn: Wetlands Restoration/ In-Lieu Fee Program
1652 Mail Service Center
Raleigh, NC 27699-1652

or other approved mitigation banker, and three copies shall be submitted to:

NCDEQ/ DWR/ Wastewater Branch
Attn: Neuse River Basin Offset Payments
1617 Mail Service Center
Raleigh, NC 27699-1617

- (b.) For any calendar year in which the Association exceeds its Estuary TN Limitation, the Association shall be in violation of this permit, and the Division may take appropriate enforcement action against the Association.
- (c.) For any calendar year in which the Association exceeds its Estuary TN Limitation, any Co-Permittee Member that exceeds its Estuary TN Limitation shall also be in violation of this permit, and the Division may take appropriate enforcement action against the Member for such exceedance.
- (d.) For any calendar year, regardless of Association compliance, any Co-Permittee Member that exceeds an applicable WQBEL for TN shall also be in violation of this permit, and the Division may take appropriate enforcement action against the Member for such exceedance.
- (e.) Submittal of offset payments shall not limit the Division's authority to enforce the terms and conditions of this permit nor shall it relieve the Association or its Co-Permittee Members of their responsibility to comply with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree. In determining the amount of any penalty to be assessed against the Association or its Co-Permittee Members, the Division shall credit the Association or its Members for any offset payments submitted by each, provided that the Association includes with the offset payment submittal an accounting of each Member's contribution.
- (f.) No Co-Permittee Member shall be liable for any other Co-Permittee Member's non-compliance with this permit.

- END OF PART I -

**APPENDIX A
CO-PERMITTEES, TRANSPORT FACTORS (TF), AND TN ALLOCATIONS AND OFFSET CREDITS
NEUSE RIVER COMPLIANCE ASSOCIATION**

Permittee	Permit	Facility	TF	Discharge TN Allocations		Estuary TN Allocations/ Limits	
				Holdings	Facility Total	Holdings	Facility Total
1 Apex, Town of	1.1 NC0064050	Apex WRF	50%	40,547	40,547	20,274	20,274
2 Aqua North Carolina, Inc.	2.1 NC0064564	Neuse Colony WWTP	50%	8,447	8,447	4,224	4,224
3 Benson, Town of	3.1 NC0020389	Benson WWTP	50%	33,790	33,070	16,895	16,535
		<i>3.1.1 Sale to Central Johnston County WWTP, NC0030716</i>		<i>-720</i>		<i>-360</i>	
4 Cary, Town of	4.1 NC0048879	North Cary WRF	50%	135,158	143,246	67,579	71,623
		<i>4.1.1 Connection formerly Morrisville WWTP, NC0050041</i>		<i>4,044</i>		<i>2,022</i>	
		<i>4.1.2 Connection formerly Morrisville WWTP, NC0050938</i>		<i>4,044</i>		<i>2,022</i>	
	4.2 NC0065102	South Cary WRF	50%	180,211	180,211	90,105	90,105
5 Clayton, Town of	5.1 NC0025453	Sam's Branch WRF	50%	21,400	26,636	10,700	13,318
		<i>5.1.1 Purchase From South Granville WSA, NC0026824</i>		<i>1,946</i>		<i>973</i>	
		<i>5.1.2 Purchase from UNIFI-Kinston, NC0003760</i>		<i>3,290</i>		<i>1,645</i>	
6 Contentnea Metropolitan Sewerage District	6.1 NC0032077	Contentnea Sewerage District WWTP	70%	32,100	37,100	22,470	25,970
		<i>6.1.1 Purchase from UNIFI-Kinston, NC0003760</i>		<i>5,000</i>		<i>3,500</i>	
7 CWS Systems, Inc.	7.1 NC0033111	Fairfield Harbour WWTP	100%	11,263	11,263	11,263	11,263
8 Craven County	8.1 NC0089460	Craven County WTP	100%	0	0	0 ¹	0
9 Duke Energy Progress, Inc.	9.1 NC0003417	Lee Steam Electric Plant	70%	0	0	0 ²	0
10 Durham, City of	10.1 NC0023841	North WRF	10%	97,665	97,665	9,767	9,767
11 Covation Biomaterials LLC	11.1 NC0003760	Covation Biomaterials Kinston Site	70%	35,193	25,493	24,635	17,845
		<i>11.1.1 Sale to Town of Clayton WWTP, NC0025453</i>		<i>-2,350</i>		<i>-1,645</i>	
		<i>11.1.2 Sale to Central Johnston County WWTP, NC0030716</i>		<i>-2,350</i>		<i>-1,645</i>	
		<i>11.1.3 Sale to Contentnea MSD WWTP, NC0032077</i>		<i>-5,000</i>		<i>-3,500</i>	
12 Farmville, Town of	12.1 NC0029572	Farmville WWTP	50%	39,421	42,211	19,711	21,106
		<i>12.1.1 Connection formerly Walstonburg WWTP, NC0020362</i>		<i>2,790</i>		<i>1,395</i>	

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APPENDIX A - NEUSE RIVER COMPLIANCE ASSOCIATION (CONTINUED)

Permittee	Permit	Facility	TF	Discharge TN Allocations		Estuary TN Allocations/ Limits	
				Holdings	Facility Total	Holdings	Facility Total
13 Goldsboro, City of	13.1 NC0023949	Goldsboro WRF	70%	189,221	199,822	132,455	139,876
	<i>13.1.1 Connection</i>	<i>formerly Genoa Industrial Park WWTP, NC0030392</i>		<i>8,088</i>		<i>5,662</i>	
	<i>13.1.2 Connection</i>	<i>formerly Town of Eureka WWTP, NC0048062</i>		<i>578</i>		<i>404</i>	
	<i>13.1.3 Connection</i>	<i>formerly Walnut Creek WWTP, NC0039233</i>		<i>1,618</i>		<i>1,132</i>	
	<i>13.1.4 Connection</i>	<i>formerly Norwayne Jr. HS WWTP, NC0034801</i>		<i>173</i>		<i>121</i>	
	<i>13.1.5 Connection</i>	<i>formerly C.B. Aycock HS WWTP, NC0034819</i>		<i>144</i>		<i>101</i>	
14 Havelock, City of	14.1 NC0021253	Havelock WWTP	100%	21,400	21,400	21,400	21,400
15 Hillsborough, Town of	15.1 NC0026433	Hillsborough WWTP	10%	10,422	10,422	1,042	1,042
16 Johnston County	16.1 NC0030716	Central Johnston County WWTP	50%	56,203	107,213	28,102	53,607
	<i>16.1.1 Connection</i>	<i>formerly White Oak Plantation WWTP, NC0060330</i>		<i>5,632</i>		<i>2,816</i>	
	<i>16.1.2 Agreement</i>	<i>formerly Buffalo Creek WWTP, NC0064556</i>		<i>5,632</i>		<i>2,816</i>	
	<i>16.1.3 Purchase</i>	<i>from UNIFI-Kinston, NC0003760</i>		<i>3,290</i>		<i>1,645</i>	
	<i>16.1.4 Purchase</i>	<i>from Town of Benson, NC0020389</i>		<i>720</i>		<i>360</i>	
	<i>16.1.5 Purchase</i>	<i>from Phillips Plating, NC0001881</i>		<i>2,000</i>		<i>1,000</i>	
	<i>16.1.6 Purchase</i>	<i>from International Paper – New Bern, NC0003191</i>		<i>20,000</i>		<i>10,000</i>	
	<i>16.1.7 Purchase</i>	<i>from Restoration Systems</i>		<i>13,736</i>		<i>6,868</i>	
17 Kenly, Town of	17.1 NC0064891	Kenly Regional WWTP	50%	7,096	7,096	3,548	3,548
18 Kinston, City of	18.1 NC0024236	Johnnie Mosley Regional WRF	70%	50,684	126,711	35,479	88,697
	<i>18.1.1 Connection</i>	<i>formerly Peachtree WWTP, NC0020541</i>		<i>76,026</i>		<i>53,218</i>	
19 La Grange, Town of	19.1 NC0021644	La Grange WWTP	70%	8,447	8,447	5,913	5,913
20 New Bern, City of	20.1 NC0025348	New Bern WWTP	100%	52,937	64,210	52,937	64,210
	<i>20.1.1 Connection</i>	<i>formerly Zachary Taylor-Hwy 55 Site, NC0066613</i>		<i>5,632</i>		<i>5,632</i>	
	<i>20.1.2 Connection</i>	<i>formerly Neuse Woods Apts., NC0042430</i>		<i>243</i>		<i>243</i>	
	<i>20.1.3 Connection</i>	<i>formerly W. Craven MS, NC0029904</i>		<i>344</i>		<i>344</i>	
	<i>20.1.4 Connection</i>	<i>formerly Neuse River W&SD, NC0070084</i>		<i>2,022</i>		<i>2,022</i>	
	<i>20.1.5 Connection</i>	<i>formerly Craven Co. W&S-Trent River, NC0056545</i>		<i>3,033</i>		<i>3,033</i>	

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APPENDIX A - NEUSE RIVER COMPLIANCE ASSOCIATION (CONTINUED)

Permittee	Permit	Facility	TF	Discharge TN Allocations		Estuary TN Allocations/ Limits	
				Holdings	Facility Total	Holdings	Facility Total
21 Raleigh, City of	21.1	NC0029033 Neuse River RRF	50%	675,790	743,373	337,895	371,687
		<i>21.1.1 Connection formerly Plantation Inn WWTP, NC0027570</i>		<i>506</i>		<i>253</i>	
		<i>21.1.2 Connection formerly Falls Village WWTP, NC0046230</i>		<i>121</i>		<i>61</i>	
		<i>21.1.3 Connection formerly Neuse Crossings WWTP, NC0064408</i>		<i>6,066</i>		<i>3,033</i>	
		<i>21.1.4 Purchase from SGWASA WWTP, NC0026824</i>		<i>4,890</i>		<i>2,445</i>	
		<i>21.1.5 Purchase from International Paper – New Bern, NC0003191</i>		<i>26,000</i>		<i>13,000</i>	
		<i>21.1.6 Purchase from International Paper – New Bern, NC0003191</i>		<i>30,000</i>		<i>15,000</i>	
	21.2	NC0030759 Smith Creek RRF	50%	67,579	70,814	33,790	35,407
		<i>21.2.1 Connection formerly Jones Dairy Farm WWTP, NC0064149</i>		<i>3,235</i>		<i>1,618</i>	
	21.3	NC0079316 Little Creek RRF	50%	20,837	26,660	10,418	13,330
		<i>21.3.1 Connection formerly Middlesex WWTP, NC0022363</i>		<i>1,618</i>		<i>809</i>	
		<i>21.3.2 Connection formerly Indian Creek Overlook, NC0060771</i>		<i>2,265</i>		<i>1,132</i>	
		<i>21.3.3 Connection formerly Riverwalk MHP, NC0039292</i>		<i>1,031</i>		<i>516</i>	
		<i>21.3.4 Connection formerly Mill Run MHP, NC0056499</i>		<i>910</i>		<i>455</i>	
22 Snow Hill, Town of	21.1 NC0020842 Snow Hill WWTP		5,632	5,632	2,816	2,816	
23 South Granville Water & Sewer Authority	23.1 NC0026824 SGWASA WWTP	10%	22,420	22,420	2,242	2,242	
24 US MCAS Cherry Point	24.1 NC0003816 Cherry Point WWTP	100%	39,421	39,421	39,421	39,421	
25 Wilson, City of	25.1 NC0023906 Hominy Creek WRF	50%	157,684	157,886	78,842	78,943	
		<i>25.1.1 Connection formerly Willow Springs Country Club, NC0031640</i>		<i>202</i>		<i>101</i>	

(Continued next page)

APPENDIX A - NEUSE RIVER COMPLIANCE ASSOCIATION (CONTINUED)

Permittee	Permit	Facility	TF	Discharge TN Allocations		Estuary TN Allocations/ Limits	
				Holdings	Facility Total	Holdings	Facility Total
26 NRCA and Co-Permittee Members	26.1	Group allocation held in common			N/A		24,440
	26.1.1	<i>Deeded</i>	<i>by Burlington Industries, formerly NC0001376</i>			24,440 ³	
	26.2	Individual allocation/credits held in reserve			N/A		N/A
	26.2.1	<i>Purchase by Clayton, NC0025453</i>	<i>from SGWASA, NC0026824 (previously purchased from Bay River MSD)</i>			2,695 ⁴	
	26.2.2	<i>Purchase by Clayton, NC0025453</i>	<i>Nutrient Offset Credits from RS Flat Swamp</i>			15,908 ⁴	
	26.2.3	<i>Purchase by Clayton, NC0025453</i>	<i>from International Paper – New Bern, NC0003191</i>			13,000 ⁴	
	26.3	Individual Falls Lake allocations held in reserve			N/A		N/A
	26.3.1	<i>Held by SGWASA, NC0026824</i>	<i>estuary allocations held in reserve due to more stringent allocations/ limits set in Falls Lake nutrient strategy</i>			3,618 ⁵	
	26.3.2	<i>Held by Durham, NC0023841</i>				23,777 ⁵	
	26.3.3	<i>Held by Hillsborough, NC0026433</i>				3,981 ⁵	
				Association Estuary TN Limit		1,248,609	
				Estuary Reserve ⁶		62,979	
				Estuary Total ⁶		1,311,588	

Footnotes:

- Craven County is currently leasing Total Nitrogen (TN) allocation from other NRCA members until a determination is made as to the allocation needed for its discharge.
- Duke Energy's Lee Steam Electric Plant is allowed a baseline TN load of 3,260 lb/yr at its Outfall 001 (2,282 lb/yr at the estuary). Incremental loads above the baseline allowance are subject to the Neuse Nutrient Strategy - Wastewater Discharge Requirements, 15A NCAC 02B .0713 (formerly .0234).
- In 1999, Burlington Industries deeded its TN allocation (since adjusted to 24,400 lb/yr at the estuary) for use by the Association and its Co-Permittee Members. At present, the allocation is a group holding assigned to this group permit and is not associated with any individual permit. Unless noted otherwise in this Appendix A, the entire amount of the allocation is active and is included in the Association Estuary TN Allocation and Limit.
- This allocation and offset credits have been purchased by the co-permittee member and will be held in reserve until activated. Activation must be consistent with the Neuse River TMDL.
- This allocation is being held in reserve by the co-permittee member. Due to the more stringent TN limit applied in the Falls Lake nutrient strategy, which became effective with CY2016, this portion of the allocation is not available for the permittee's use for its existing discharge.
- For the purposes of this permit, "Estuary Reserve" means the reserved TN allocations and nitrogen offset credits held by the Association and its Co-Permittee Members, and "Estuary Total" means the combination of active and reserved TN allocations and nitrogen offset credits held by the Association and its Co-Permittee Members.

APPENDIX B POINT SOURCE FACILITIES ASSIGNED TOTAL NITROGEN ALLOCATIONS NEUSE RIVER BASIN

The following is a list of all treatment facilities that, as holders of individual NPDES permits in 1995, are assigned a Total Nitrogen (TN) allocation pursuant to state rule T15A NCAC 2B .0713, *Neuse River Basin Nutrient Sensitive Waters Management Strategy - Wastewater Discharge Requirements*, adopted December 1997 and revised October 2002.

The rule establishes an aggregate Estuary TN Allocation of **1.64 million pounds TN per year** for these facilities and prescribes how the allocation is to be divided among the individual facilities. The allocations, individual and aggregate, become effective with calendar year 2003.

The *Total Maximum Daily Load for Total Nitrogen to the Neuse River Estuary, North Carolina*, approved by the USEPA Region 4 in July 1999, also concludes that this aggregate allocation is the maximum allowable contribution from point source dischargers to the Neuse River estuary.

	NPDES Permit No.	Permittee	Facility	Subbasin	Transport Factor
1.	NC0037869	Arbor Hills MHP - 1	Arbor Hills Mobile Home Park	30401	10%
2.	NC0066109	Bay River MSD	Bayboro WWTP	30410	100%
3.	NC0057011	Bay River MSD	Oriental WWTP	30410	100%
4.	NC0058785	Bible Baptist Church	Bible Baptist Church WWTP	30401	10%
5.	NC0027570	Bobby L. Murray	Plantation Inn WWTP	30402	50%
6.	NC0001376	Burlington Industries	Wake Plant WWTP	30402	50%
7.	NC0051322	Carolina Water Service, Inc. of NC	Ashley Hill WWTP	30402	50%
8.	NC0056618	Carolina Water Service, Inc. of NC	Carolina Pines WWTP	30410	100%
9.	NC0062219	Carolina Water Service, Inc. of NC	Kings Grant Subdivision WWTP	30402	50%
10.	NC0033111	Carolina Water Service, Inc. of NC	NE Craven WWTP	30410	100%
11.	NC0064378	Carolina Water Service, Inc. of NC	Willowbrook WWTP	30402	50%
12.	NC0023841	City of Durham	North Durham WRF	30401	10%
13.	NC0023949	City of Goldsboro	Goldsboro WWTP	30405	70%
14.	NC0021253	City of Havelock	Havelock WWTP	30410	100%
15.	NC0024236	City of Kinston	Northside WWTP	30405	70%
16.	NC0020541	City of Kinston	Peachtree WWTP	30405	70%
17.	NC0025348	City of New Bern	New Bern WWTP	30410	100%
18.	NC0029033	City of Raleigh	Neuse River WWTP	30402	50%
19.	NC0023906	City of Wilson	Wilson WWTP	30407	50%
20.	NC0032077	Contentnea Metropolitan Sewerage Dist.	Contentnea Sewerage District WWTP	30407	70%
21.	NC0029904	Craven County Schools	West Craven Middle School WWTP	30408	100%
22.	NC0070084	Craven County Water & Sewer	Stately Pines WWTP	30410	100%
23.	NC0056545	Craven County Water & Sewer	Trent River WWTP	30410	100%
24.	NC0065706	Crosby Utilities	Crosby Utilities/Cottonwood	30402	50%
25.	NC0046230	Crosby Water and Sewer, Inc.	Falls Village WWTP	30402	50%
26.	NC0022853	Durham Products	Eno Sewage Facility	30401	10%
27.	NC0003760	E. I. Dupont de Nemours & Company, Inc.	Kinston Plant	30405	70%
28.	NC0066150	FMRK, Inc.	Brighton Forest WWTP	30403	50%
29.	NC0024520	G & S Associates	Days Inn - Durham	30401	10%
30.	NC0043389	Gorman Baptist Church	Gorman BC WWTP	30401	10%

	NPDES Permit No.	Permittee	Facility	Subbasin	Transport Factor
31.	NC0040606	Heater Utilities, Inc.	Barclay Downs WWTP	30402	50%
32.	NC0060577	Heater Utilities, Inc.	Beachwood WWTP	30402	50%
33.	NC0062740	Heater Utilities, Inc.	Briarwood Farms WWTP	30403	50%
34.	NC0062715	Heater Utilities, Inc.	Crooked Creek WWTP	30403	50%
35.	NC0056391	Heater Utilities, Inc.	Cross Creek Mobile Estates WWTP	30402	50%
36.	NC0049662	Heater Utilities, Inc.	Hawthorne Subdivision WWTP	30401	10%
37.	NC0058505	Heater Utilities, Inc.	Mallard Crossing WWTP	30402	50%
38.	NC0064564	Heater Utilities, Inc.	Neuse Colony WWTP	30402	50%
39.	NC0063614	Heater Utilities, Inc.	Wildwood Green WWTP	30401	10%
40.	NC0060771	Indian Creek Overlook	Indian Creek Overlook	30402	50%
41.	NC0063746	Ira D Lee & Associates	Deerchase WWTP	30402	50%
42.	NC0073318	Ira D Lee & Associates	Whippoorwill Valley WWTP	30402	50%
43.	NC0030716	Johnston County	Central Johnston County WWTP	30402	50%
44.	NC0060330	Johnston County	White Oak Plantation WWTP	30402	50%
45.	NC0038938	Johnston County Board of Education	Corinth-Holder Elementary & Middle School	30406	50%
46.	NC0064149	Jones Dairy Farm Utilities	Jones Dairy Farm WWTP	30402	50%
47.	NC0040266	Knightdale MHP Limited Partnership	Knightdale MHP Limited Partnership	30402	50%
48.	NC0059099	Lake Ridge Aero Park	Lake Ridge Aero Park	30401	10%
49.	NC0032573	Lenoir County Public Schools	Moss Hill Elementary School WWTP	30405	70%
50.	NC0032565	Lenoir County Public Schools	North Lenoir High School WWTP	30407	50%
51.	NC0032557	Lenoir County Public Schools	South Lenoir High School WWTP	30407	50%
52.	NC0061492	Maury Sanitary Land District	Maury Sanitary Land District WWTP	30407	50%
53.	NC0049034	Mount Auburn Training Center	Mount Auburn Training Center	30402	50%
54.	NC0043001	Mt. Sylvan United Methodist Church	Mt. Sylvan UMC WWTP	30401	10%
55.	NC0037915	Nash/Rocky Mount Schools	Southern Nash High School	30407	50%
56.	NC0035181	NC Center For Mature Adults	NC Center For Mature Adults	30403	50%
57.	NC0026824	NC DHHS	Butner WWTP	30401	10%
58.	NC0042340	Neuse Woods Apartments	Neuse Woods Apartments	30410	100%
59.	NC0064246	Pace Mobile Home Park	Pace Mobile Home Park	30402	50%
60.	NC0036471	Person County Schools	Helena Elementary School WWTP	30401	10%
61.	NC0001881	Phillips Plating Company	Phillips Plating Company	30410	100%
62.	NC0060526	Pope Industrial Park II Ltd	Pope Industrial Park II Ltd	30402	50%
63.	NC0051071	Redwood Partners LLC	Redwood Academy WWTP	30401	10%
64.	NC0049042	Riley Hill Baptist Church Inc	Riley Hill Baptist Church Inc	30406	50%
65.	NC0064556	River Dell Utilities, Inc.	Buffalo Creek WWTP	30406	50%
66.	NC0056278	River Mill Homeowners Association, Inc.	River Mill WWTP	30402	50%
67.	NC0038784	Riverview Mobile Home Park	Riverview Mobile Home Park	30402	50%
68.	NC0030724	Southside MHP	Southside MHP WWTP	30403	50%
69.	NC0056731	The Chesson Group	Grande Oak Subdivision WWTP	30401	10%
70.	NC0064050	Town of Apex	Middle Creek WWTP	30403	50%
71.	NC0020389	Town of Benson	Benson WWTP	30404	50%
72.	NC0074837	Town of Bridgeton	Bridgeton WWTP	30410	100%
73.	NC0048879	Town of Cary	North WWTP	30402	50%
74.	NC0065102	Town of Cary	South WWTP	30403	50%
75.	NC0025453	Town of Clayton	Little Creek WWTP	30402	50%
76.	NC0048062	Town of Eureka	Eureka Town- WWTP	30407	50%
77.	NC0029572	Town of Farmville	Farmville WWTP	30407	50%
78.	NC0066516	Town of Fuquay-Varina	Terrible Creek WWTP	30403	50%
79.	NC0026433	Town of Hillsborough	Hillsborough WWTP	30401	10%

	NPDES Permit No.	Permittee	Facility	Subbasin	Transport Factor
80.	NC0025712	Town of Hookerton	Hookerton WWTP	30407	50%
81.	NC0064891	Town of Kenly	Kenly Regional WWTP	30406	50%
82.	NC0021644	Town of La Grange	La Grange WWTP	30405	70%
83.	NC0022363	Town of Middlesex	Middlesex WWTP	30407	50%
84.	NC0050938	Town of Morrisville	Morrisville WTP	30402	50%
85.	NC0050041	Town of Morrisville	Morrisville WWTP	30402	50%
86.	NC0026662	Town of Princeton	Princeton WWTP	30406	50%
87.	NC0030406	Town of River Bend	River Bend WWTP	30411	100%
88.	NC0020842	Town of Snow Hill	Snow Hill WWTP	30407	50%
89.	NC0057606	Town of Stantonsburg	Stantonsburg WWTP	30407	50%
90.	NC0021342	Town of Trenton	Trenton WWTP	30411	100%
91.	NC0031828	Town of Vanceboro	Vanceboro WWTP	30409	100%
92.	NC0030759	Town of Wake Forest	Wake Forest WWTP	30402	50%
93.	NC0020362	Town of Walstonburg	Walstonburg WWTP	30407	50%
94.	NC0079316	Town of Zebulon	Little Creek WWTP	30407	50%
95.	NC0065714	Tradewinds Homeowners Association, Inc.	Tradewinds WWTP	30402	50%
96.	NC0056499	Uniprop, Inc.	Mill Run Mobile Home Park	30402	50%
97.	NC0039292	Uniprop, Inc.	Riverwalk Mobile Home Park	30402	50%
98.	NC0003816	US MCAS Cherry Point	Cherry Point WWTP	30410	100%
99.	NC0061638	Utilities Inc	Amherst WWTP	30403	50%
100.	NC0039233	Village of Walnut Creek	Walnut Creek WWTP	30405	70%
101.	NC0025631	Wake Technical Institute	Wake Tech WWTP	30403	50%
102.	NC0030392	Wayne County	Genoa Industrial Park WWTP	30405	70%
103.	NC0034819	Wayne County Board of Education	Charles B. Aycock High School	30407	50%
104.	NC0034801	Wayne County Board of Education	Norwayne Junior High School	30407	50%
105.	NC0003191	Weyerhaeuser Company	New Bern Mill	30408	100%
106.	NC0064408	Whitewood Prop Inc	Neuse Crossing WWTP	30402	50%
107.	NC0031640	Willow Springs Country Club	Willow Springs CC WWTP	30407	50%
108.	NC0081752	Willowhaven Country Club	Willowhaven CC WWTP	30401	10%
109.	NC0066613	Zachary Taylor	Hwy 55 Site WWTP	30410	100%

- END OF APPENDIX B -

PART II STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A - APPLICABILITY OF PARTS II AND III

Parts II and III of this permit contain standard conditions that apply specifically to individual permittees that own or operate a treatment facility. These (or similar) conditions are routinely found in North Carolina's NPDES wastewater permits, including those of the Neuse River Compliance Association's co-permittee members. The conditions do not necessarily apply to the Association or its members within the context of this group permit. The group permit includes those standard conditions that apply here at least in part. For the purposes of determining compliance with this permit, these conditions shall be read with the following understanding:

- a. The Neuse River Compliance Association serves as a governing body for its Members. It neither owns nor operates treatment facilities. Consequently, the standard conditions in Parts II and III of this permit which by their terms or meaning regulate a permittee that owns or operates a treatment facility, or which are inconsistent with the Special Conditions in Part I of this permit, shall neither be applicable to nor enforceable against the Association.
- b. Each of the Co-Permittee Members governed by this Association permit owns or operates one or more treatment facilities. Each holds an individual NPDES permit for each facility and remains subject to the standard conditions in its permit(s). Consequently, the standard conditions in this Association permit shall neither be applicable to nor enforceable against the individual Co-Permittee Members under this group permit unless such is clearly consistent with the construction of the permit.
- c. Wherever a standard condition in this Association permit is by its terms or meaning applicable to the Association or to the membership in its entirety, and it refers to "the permittee," it shall be construed to mean the Association and its Co-Permittee Members.

SECTION B - DEFINITIONS

1. Act or "the Act"
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
2. DWR or "the Division"
The Division of Water Resources, Department of Environment Quality.
3. EMC
The North Carolina Environmental Management Commission.
4. EPA
The United States Environmental Protection Agency.
5. Permit Issuing Authority
The Director of the Division of Water Resources.

SECTION C - GENERAL CONDITIONS**1. Duty to Comply**

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

- a. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- b. The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. [33 USC 1319(d) and 40 CFR 122.41(a)(2)]
- c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)]
- d. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)]
- e. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions. [40 CFR 122.41(a)(2)]
- f. Under state law, a civil penalty of not more than \$25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [North Carolina General Statutes § 143-215.6A]
- g. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500. Penalties for Class II violations are not to exceed \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)]

2. Duty to Mitigate

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

3. Civil and Criminal Liability

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

4. Oil and Hazardous Substance Liability

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

5. Property Rights

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

6. Onshore or Offshore Construction

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

7. Severability

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

8. Duty to Provide Information

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

9. 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 unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) [40 CFR 122.21(d)] 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]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:
"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

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 02H .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 02H .0105(b)(2) may cause this Division to initiate action to revoke the permit.

SECTION D - MONITORING AND RECORDS

1. Representative Sampling

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

2. Reporting

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

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

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

3. Flow Measurements

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

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

4. Test Procedures

Laboratories used for sample analysis must be certified by the Division. Permittees should contact the Division's Laboratory Certification Section (919 733-3908 or

<https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/laboratory-certification-branch>) for information regarding laboratory certifications.

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

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

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

5. Penalties for Tampering

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

6. Records Retention

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

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

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

7. Recording Results

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

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

8. Inspection and Entry

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

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

SECTION E - REPORTING REQUIREMENTS

1. Change in Discharge

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

2. Planned Changes

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

- a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or
- c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3. Anticipated Noncompliance

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

4. Transfers

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

5. Monitoring Reports

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

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

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

6. Twenty-four Hour Reporting

- a. The Permittee shall report to the Director or the appropriate Regional Office any noncompliance that potentially threatens public health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR 122.41(l)(6)].
- b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.
- c. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

7. Other Noncompliance

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

8. Other Information

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

9. Noncompliance Notification

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

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

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

10. Availability of Reports

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

11. Penalties for Falsification of Reports

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

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.

The report shall be sent to:

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

PART III OTHER REQUIREMENTS

SECTION A - CONSTRUCTION

- a. The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless (1) the Division has issued an Authorization to Construct (ATC) permit or (2) the Permittee is exempted from such ATC permit requirements under Item b. of this Section.
- b. In accordance with NCGS 143-215.1(a5) [SL 2011-394], no permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment work or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's principle function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation.
- c. Issuance of an ATC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

- END OF PARTS II & III -