Annette Lucas, PE

The “Dirt” on the New NCG01 Permit

March 27, 2019

Department of Environmental Quality

Agenda: The "Dirt" on the New NCG01 Permit

1. What is changing?
2. Highlights of the new permit
3. Tools to help the permittee
4. Common Q&As

Web site alias: deq.nc.gov/NCG01

What is Changing?

BIG Picture Goals

NOT changing the technical requirements for Construction Projects!

Main goal: Better Organization

State requirements for E&SC Plan in the NCG01 permit

More tables, less text

All timeframes in calendar days

Department of Environmental Quality

What is Changing?

The Old NCG01 Permitting Process

- Previously, DEMLR granted “automatic coverage” under the NCG01 upon approval of the E&SC Plan.
- DEMLR and the local delegated communities sent a copy of the NCG01 permit with the approval documentation.

NORTH CAROLINA
Department of Environmental Quality

What is Changing?

Why we can't issue permits this way . . .

1. "Automatic permit coverage" is not legal per EPA.

2. EPA requires us to collect data (such as location, size, owner) on construction activities, and now we can do that efficiently.

3. Owners/operators of construction activities are not always aware of BOTH state and federal requirements for construction activities (resulting in noncompliance).

The New Application Process

e-NOI: Electronic Notice of Intent, and on-line NCG01 application form that takes about 20 minutes to complete.

COC: Certificate of Coverage, an approval issued specifically to YOUR project that indicates that you are covered under the NCG01.

It's Simple: After your E&SC Plan is approved, complete and submit an e-NOI. *You may begin land disturbance after submittal of the e-NOI.*

DEMLR will email you a COC in three business day or less.

How did we make these decisions?

Six stakeholder meetings: 4/9/18, 4/23/18, 8/3/18, 8/9/18, 9/10/18, 2/11/19

Two draft permits out to public notice:

- *Jun 15 - Jul 16:* First draft permit out to public notice
- *Sep 4 - Oct 5:* Second draft permit out to public notice

Countless meetings and conversations between DEMLR Sediment staff, SW staff and EPA.

Table of Contents

Part I: Permit Coverage

This permit applies to:

Projects that disturb ≥ 1 acre and are subject to the NC SPCA*

This permit does not apply to:

- Projects that disturb < 1 acre (even if subject to a local E&SC program)
- Projects covered under the NCG02 (Mining) or the NCG12 (Landfill) permits
- Projects that are NOT subject to the NC SPCA

* *NOTE: There is a new draft NCG25 permit that applies to projects that disturb ≥ 1 acre but are not subject to the SPCA.)*

Part II: SWPPP Organization

A. Required Components

B. Design & Construction Standards

C. Additional Standards for HQW Zones

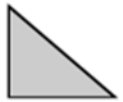
D. Construction Activity Buffers

E. Ground Stabilization

F. Materials Handling

G. Operation & Maintenance

Table 3: Required Ground Stabilization Timeframes

Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe Variations
 (a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
 (b) High Quality Water (HQW) Zones	7	None
 (c) Slopes steeper than 3:1	7	• If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
 (d) Slopes 3:1 to 4:1	14	• 7 days for slopes greater than 50' in length and with slopes steeper than 4:1 • 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed
 (e) Areas with slopes flatter than 4:1	14	• 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed unless there is zero slope.

Part II-F Materials Handling

- Polyacrylamides (PAMS) and flocculants
- Equipment fluids
- Waste materials
- Herbicide, pesticide, and rodenticides
- Concrete materials
- Earthen-material stock piles

Part III: Inspection, Records & Reporting

Section A: Self-Inspection

Section B: Recordkeeping

1. E&SC Plan Documentation
2. Additional Documentation

Section C: Reporting

1. Occurrences that Must be Reported
2. Reporting Timeframes and Other Requirements

Part III-A: Self-Inspection

Visual monitoring of the following:

- Rain gauge maintained in good working order
- E&SC Measures
- Stormwater discharge outfalls (SDOs)
- Perimeter of site
- Streams or wetlands onsite or offsite (where accessible)
- Ground stabilization measures

Once a week and after every rainfall event ≥ 1 inch (not 0.5 inch)

NORTH CAROLINA
Department of Environmental Quality

Part III-C: Reporting

What has to be reported?

- Visible sediment deposition in a stream or wetland
- Oil spills if they:
  - Are > 25 gallons,
  - Are < 25 gallons but cannot be cleaned up w/in 24 hours,
  - Cause sheen on surface waters, or
  - Are within 100 feet of surface waters.
- Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act
- Anticipated and unanticipated bypasses
- Noncompliance that impacts water quality

e-NOI

How does the e-NOI help me?

- Easy compliance with federal law,
- Frees up DEMLR staff to review permit applications, answer questions and inspect sites.
- Gateway to more e-Permitting process in DEMLR and DEQ.

NCG01 Compliance Plan Sheets

Two sample plan sheets:

- Ground stabilization and materials handling,
- Self-inspection, record-keeping and reporting.

Note you have to comply with the items on these plan sheets even if a local E&SC program does not require it.

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Soil Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. However, all details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

Temporary and Permanent Groundcover*

STABILIZATION TIMEFRAMES
(Effective Aug. 3, 2011)

Site Area Description	Stabilization	Timeframe Exceptions
Perimeter dikes, swales, ditches, slopes	7 days	None
High Quality Water (HQW) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
Slopes 3:1 or flatter	14 days	7 days for slopes greater than 50' in length.
All other areas with slopes flatter than 4:1	14 days	None, except for perimeters and HQW Zones.

*-For Falls Lake watershed, in disturbed areas where grading activities are incomplete, provide temporary groundcover no later than seven (7) days for slopes steeper than 3:1; ten (10) days for slopes equal to or flatter than 3:1; fourteen (14) days for areas with no slope.

GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

Temporary Stabilization	Permanent Stabilization
• Temporary grass seed covered with straw or other mulches and tackifiers • Hydroseeding • Rolled erosion control products with or without temporary grass seed • Appropriately applied straw or other mulch • Plastic sheeting	• Permanent grass seed covered with straw or other mulches and tackifiers • Geotextile fabrics such as permanent soil reinforcement matting • Hydroseeding • Shrubs or other permanent plantings covered with mulch • Uniform and evenly distributed ground cover sufficient to restrain erosion • Structural methods such as concrete, asphalt or retaining walls

POLYACRYLAMIDES (PAMS) AND FLOCCULANTS

1. Select flocculants that are appropriate for the soils being exposed during construction, selecting from the *NC DWR List of Approved PAMS/Flocculants*.
2. Apply flocculants at or before the inlets to Erosion and Sedimentation Control Measures.
3. Apply flocculants at the concentrations specified in the *NC DWR List of Approved PAMS/Flocculants* and in accordance with the manufacturer's instructions.
4. Provide ponding area for containment of treated Stormwater before discharging offsite.
5. Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

EQUIPMENT AND VEHICLE MAINTENANCE

1. Maintain vehicles and equipment to prevent discharge of fluids.
2. Provide drip pans under any stored equipment.
3. Identify leaks and repair as soon as feasible, or remove leaking equipment from the project.
4. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
5. Remove leaking vehicles and construction equipment from service until the problem has been corrected.
6. Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE

1. Never bury or burn waste. Place litter and debris in approved waste containers.
2. Provide a sufficient number of waste containers on site to manage the quantity of waste produced.
3. Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
4. Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland.
5. Cover waste containers at the end of each workday and before storm events. Repair or replace damaged waste containers.
6. Anchor all lightweight items in waste containers during times of high winds.
7. Empty waste containers as needed to prevent overflow.
8. Dispose waste off-site at an approved disposal facility.

PAINT AND OTHER LIQUID WASTE

1. Do not dump paint and other liquid waste into storm drains, streams or wetlands.
2. Locate paint washouts at least 50 feet away from storm drain inlets unless no other alternatives are reasonably available.
3. Contain liquid wastes in a controlled area.
4. Containment must be labeled, sized and placed appropriately for the needs of site.
5. Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.

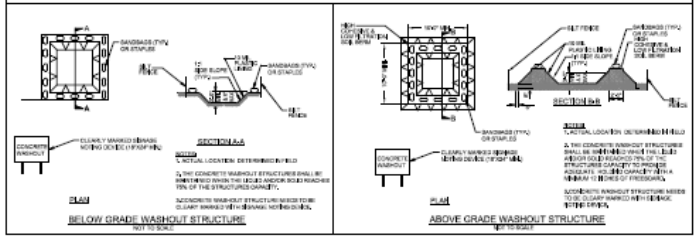
PORTABLE TOILETS

1. Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 feet offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags.
2. Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas.
3. Monitor portable toilets for leaking and properly dispose of any leaked material. Remove leaking portable toilets by a licensed sanitary waste hauler and replace with a properly operating unit.

EARTHEN STOCKPILE MANAGEMENT

1. Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available.
2. Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile.
3. Provide stable stone access point when feasible.
4. Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.

ONSITE CONCRETE WASHOUT STRUCTURE WITH LINER



CONCRETE WASHOUTS

1. Do not discharge concrete or cement slurry from the site.
2. Dispose of, or recycle settled, hardened concrete residue in accordance with local and state solid waste regulations and at an approved facility.
3. Manage washout from mortar mixers in accordance with the above item and in addition place the mixer and associated materials on impervious barrier and within lot perimeter silt fence.
4. Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approval authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail.
5. Do note use concrete washouts for dewatering or storing defective curb sections. Stormwater accumulated within the washout may not be pumped or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project.
6. Locate washouts at least 50 feet from storm drain inlets and surface waters, including wetlands, unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlet(s) closest to the washout which could receive spills or overflow.
7. Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be provided by the approving authority.
8. Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location.
9. Remove leavings from the washout when at approximately 75% capacity to limit overflow events. Replace the tarp, sand bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
10. At the completion of the concrete work, remove remaining leavings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.

HERBICIDES, PESTICIDES AND RODENTICIDES

1. Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions.
2. Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.
3. Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wells, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.
4. Do not stockpile these materials onsite.

HAZARDOUS AND TOXIC WASTE

1. Create designated hazardous waste collection areas on-site.
2. Place hazardous waste containers under cover or in secondary containment.
3. Do not store hazardous chemicals, drums or bagged materials directly on the ground.

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Inspect	Frequency (during normal business hours)	Inspection records must include [40 CFR 122.41]:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those un-attended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event > 1.0 inch in 24 hours	1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating properly, 5. Description of maintenance needs for the measure, 6. Corrective actions taken, and 7. Date of actions taken.
(3) Stormwater discharge outfalls (SDOs)	At least once per 7 calendar days and within 24 hours of a rain event > 1.0 inch in 24 hours	1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5. Indication of visible sediment leaving the site, 6. Actions taken to correct/prevent sedimentation, and 7. Date of actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event > 1.0 inch in 24 hours	If visible sedimentation is found outside site limits, then a record of the following shall be made: 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 2. Date of actions taken, and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event > 1.0 inch in 24 hours	If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made: 1. Evidence and actions taken to reduce sediment contribuations, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit of this permit.
(6) Ground stabilization measures	After each phase of grading	1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be documented in the manner described:

Item to Document	Documentation Requirements
(a) Each E&SC Measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC Plan.	Initial and date each E&SC Measure on a copy of the approved E&SC Plan or complete, date and sign an inspection report that lists each E&SC Measure shown on the approved E&SC Plan. This documentation is required upon the initial installation of the E&SC Measures or if the E&SC Measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC Plan.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC Measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC Measures.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation

In addition to the E&SC Plan documents above, the following items shall be kept on the site and available for agency inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

(a) This general permit as well as the certificate of coverage, after it is received.

(b) Records of inspections made during the previous 30 days. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.

(c) All data used to complete the Notice of Intent and older inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION C: REPORTING

1. Occurrences that must be reported

permittees shall report the following occurrences:

(a) Visible sediment deposition in a stream or wetland.

(b) Oil spills if:
- They are 25 gallons or more,
- They are less than 25 gallons but cannot be cleaned up within 24 hours,
- They cause sheen on surface waters (regardless of volume), or
- They are within 100 feet of surface waters (regardless of volume).

(c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.

(d) Anticipated bypasses and unanticipated bypasses.

(e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. 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.

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. • If the stream is named on the NC 303(d) list as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	• ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	• ***A report at least ten days before the date of the bypass, if possible***. The report shall include an evaluation of the anticipated quality and effect of the bypass.
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(l)(7)]	• ***Within 24 hours***, an oral or electronic notification. • ***Within 7 calendar days***, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6). • Division staff may waive the requirement for a written report on a case-by-case basis.

Fact Sheet on the New NCG01

Explains the new process and answers common Qs.

Available at deq.nc.gov/NCG01.

Information on the overall SW program at deq.nc.gov/SW.

Existing E&SC Plan Approvals

Q: If an E&SC Plan is approved before April 1, which permit applies?

A: Projects with existing E&SC Plans will automatically follow the new NCG01 permit, but will not need to fill out an e-NOI or pay an annual permit fee. However, the permittees should print the new permit and the two standard detail sheets, adhere to them, and have them on site.

Responsible Party

Q: Who can submit an e-NOI?

A: The e-NOI must be ***submitted*** by a responsible corporate officer of the owner or operator of the construction activity, such as the president, vice president, secretary or treasurer. (See Part IV, Section D of the permit for more info)

However, an e-NOI can be ***prepared*** by another party, who can save it as a draft, email the link to the responsible corporate officer, who can e-sign and submit it.

Project Completion

Q: What happens to the COC when the construction activity is complete?

A: When a project is complete, the permittees will contact DEMLR or the local delegated program to close out the E&SC Plan. After DEMLR or the local E&SC program inform the permittee of the project close out via inspection report, the permittee will visit deq.nc.gov/NCG01 to submit an e-NOT.

Common Q&As

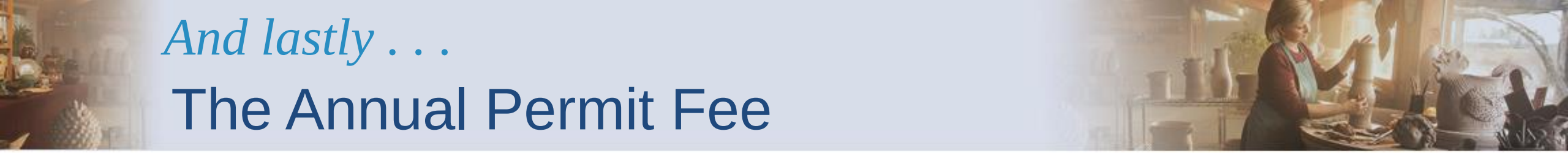
Compliance Requirements

Q: Will there be a grace period for adherence to the new process?

A: DEMLR does not have the authority to grant a grace period from a federally mandated permit. Permittees will be informed of the new process via web site, E&SC Plan approval letters and list servs.

Q: What will happen if an e-NOI is not submitted?

A: If a construction site that disturbs ≥ 1 acre fails to submit an e-NOI after approval of its E&SC Plan, this is a violation of federal permitting requirements.



And lastly . . .

The Annual Permit Fee

1. Initially, we will not charge an annual permitting fee for the NCG01 COC. However, on or after June 1, 2019, we will begin collecting a $100 annual fee per NCGS 143-215.3D.

2. This fee will allow us to improve the application process so that when you apply to DEMLR for the E&SC Plan approval, we can incorporate the NOI in the same form. (The process will likely remain separate for projects under a local E&SC program.)

Why are we proposing the NCG25?

- The NCG01 permit provides protection for projects that are subject to ***both*** the Clean Water Act ***and*** the SPCA.

- The NCG25 protects the relatively few projects that are ***subject to the Clean Water Act but not the SPCA***.

More specifically, NCG25 applies to:

Owners/operators of construction activities that meet all of the following criteria:

- result in the disturbance of a land area greater than or equal to one acre, or that are part of a common plan of development of that size or greater;
- are not subject to the North Carolina Sedimentation Pollution Control Act of 1973 (SPCA); and
- are subject to the Clean Water Act (i.e., activities that are not excluded under 40 CFR 122.3 and that meet the definition of a point source under 40 CFR 122.2).

This permit shall not apply to land-disturbing activities that are covered under the NCG020000 (Mining Activities) permit or the NCG120000 (Landfills) permit.

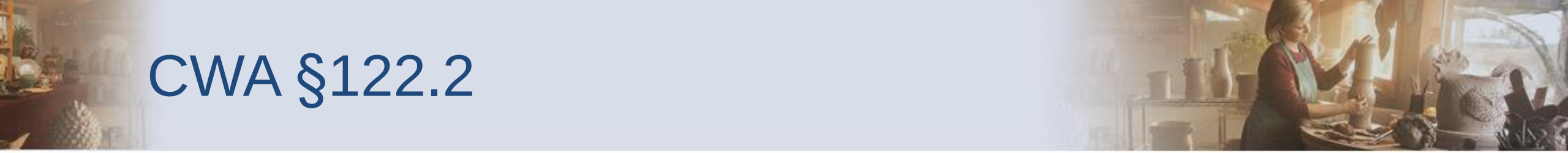
CWA §122.3

§122.3 Exclusions.
The following discharges do not require NPDES permits:

…

(e) Any introduction of pollutants from non point-source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in §122.23, discharges from concentrated aquatic animal production facilities as defined in §122.24, discharges to aquaculture projects as defined in §122.25, and discharges from silvicultural point sources as defined in §122.27.

CWA §122.2



Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (See §122.3).

If the CWA excludes nonpoint source agriculture & silvaculture, then what activities are protected under NCG25?

- *Industrial mulching operations.*
- *Federal projects subject to North Carolina's NPDES Industrial Stormwater Program under the Clean Water Act*
- *Any other construction activity that meets all three of the criteria for coverage.*

Do you still have questions?

Feel free to reach out!

Annette.lucas@ncdenr.gov

(919) 707-3639

Department of Environmental Quality