

MEMORANDUM OF AGREEMENT

This AGREEMENT ("Agreement") is made by and between the DIVISION OF WATER QUALITY, NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, or its successor agency or department ("DWQ"), and the NPDES Dischargers who have voluntarily approved this Agreement, listed in Appendix A, known and referenced collectively as ("PERMITTEES"). This Agreement does not affect any of the NPDES permit requirements of individual PERMITTEES, with the one exception of performing upstream and downstream water quality monitoring.

The purpose of this Agreement is to establish a formal agreement between DWQ and the PERMITTEES whose responsibilities include surface water monitoring and reporting within the Middle Cape Fear River Basin to monitor strategically located surface water sites to obtain information on water quality in the basin. PERMITTEES shall subcontract with one organization to collect instream monitoring data normally collected by the individual permittees. Monitoring sites and parameters have been established by DWQ such that the instream monitoring is more efficient, effective, flexible, and basin-oriented.

The PERMITTEES who are participating in this Agreement, listed in Appendix A, are exempted from any instream monitoring as specified in their individual NPDES permits beginning on the effective date of this Agreement and continuing for the duration of each permittee's participation in this agreement.

The PERMITTEES will collectively contract for the performance of the monitoring activities described herein with a contract lab other organization or agency approved by DWQ, who shall subcontract, as necessary, with a laboratory appropriately certified by DWQ for the required analysis. Sample collection and field measurements will be made by the PERMITTEES, the contractor or a subcontractor who will act as agent(s) of the PERMITTEES. Each permittee has the right to review and comment on work, data or reports prepared by any contractor on behalf of the PERMITTEES prior to its submission to DWQ and to notify DWQ of any objection or disagreement with any portion of the work, data, or reports. Unless such notice is made within thirty (30) days of submission to DWQ, data and reports submitted shall be deemed to be approved by the PERMITTEES. It will be the responsibility of the PERMITTEES or their contractor to coordinate the collection and analyses of the water quality monitoring data at the locations, parameters, and frequencies specified in Appendix B. Sample collection and field measurement methods shall follow procedures outlined in Appendix B. Laboratory test procedures to be used are also specified, as appropriate, in Appendix B. The PERMITTEES or their contractor shall submit the water quality data to DWQ within 90 days of collection. This data will be entered into the EPA STORET system by the PERMITTEES or their contractor within 90 days of the end of the month in which the sampling was performed. All data sheets shall be archived by the PERMITTEES or their contractor for a period of 10 years.

PERMITTEES, or their contractor shall submit an annual written notice of its compliance or non-compliance with the monitoring requirements as specified within this Agreement no later than 30 days after the end of the year and 30 days after the end of each subsequent year that this Memorandum of Agreement is in effect. The notice shall include the NPDES permit number of each actively participating permittee, the cause of any non-compliance, any remedial action taken and the probability of meeting the next schedule requirements. One signed copy of these and any other reports required

herein, shall be submitted to Division of Water Quality, Water Quality Section, Attention: Central Files, PO Box 29535 Raleigh NC 27626-0535 and one signed copy shall be submitted to the primary contact for Division of Water Quality identified pursuant to the terms of this Agreement.

Failure by PERMITTEES or their contractor to collect the water quality data as described in this Agreement or to enter the data in the STORET system may result in the revocation of this Agreement by DWQ and the return to individual upstream and downstream monitoring requirements, as specified in individual NPDES permits of the PERMITTEES.

Stream sampling may be discontinued at such times as flow conditions in the receiving waters or extreme weather conditions will result in a substantial risk of injury or death to persons collecting samples. In such cases, on each day that sampling is discontinued, written justification for the discontinuance shall be required by the end of the month in which the event occurred. This provision shall be strictly construed and may not be utilized to avoid the requirements of this Agreement when performance of these requirements is attainable. When there is a discontinuance pursuant to this provision, sampling shall be resumed at the first opportunity after the risk period has ceased.

This Agreement may be modified by written consent of both parties. DWQ anticipates that it may intermittently request substitution of the instream monitoring parameters for one month with monitoring at an increased number of locations for field parameters only. DWQ may also determine that it is necessary to request changes in monitoring frequency, parameters or sites to be sampled. Any such changes can only be made by a written amendment to this Agreement agreed by DWQ and a majority of the PERMITTEES then parties to the Agreement. The amendment shall be signed by PERMITTEES' primary contact and by DWQ. Such amendments may be entered into at any time.

The parties may also desire to allow Dischargers 1) who, subsequent to the date of this Agreement, receive NPDES permits within the Middle Cape Fear River Basin or 2) who have NPDES permits within the Middle Cape Fear River Basin but are not parties to this Agreement to enter into this Agreement subsequent to the effective date hereof. Any such changes can only be made by a written amendment to this Agreement agreed to by DWQ and a majority of the PERMITTEES then party to the Agreement. The amendment shall be signed by PERMITTEES' primary contact and by DWQ and, if appropriate, by an authorized officer of any such Discharger who wishes to enter into the Agreement subsequent to the effective date hereof. DWQ will consider modification of existing monitoring requirements for any such discharger similar to those in effect for the existing PERMITTEES. Such amendments may be made a) annually, on or before July 1 of each year that this Agreement is in effect and there are dischargers that desire to be added and b) at such other times as are agreed to by the parties.

Within seven days after the effective date of this Agreement, each party will identify a primary contact for receipt of notices and issues regarding implementation of this Agreement.

This Agreement shall be effective until June 30, 2003 unless extended by the consent of both parties. Upon 60 days written notice, DWQ or a majority of the PERMITTEES then party to the Agreement may terminate this Agreement for any reason. Upon termination of this Agreement, the monitoring requirements contained in the individual NPDES permits of the PERMITTEES shall become effective immediately.

An individual permittee may terminate and cancel its participation in this Agreement by providing 60 days written notice to DWQ. The monitoring requirements contained in the individual NPDES permit shall become effective immediately upon such cancellation or termination.

IN WITNESS WHEREOF, the parties have caused the execution of this instrument by authority duly given, to be effective as of the date executed by DWQ.

DIVISION OF WATER QUALITY

PERMITTEES

By: _____
A. Preston Howard, Jr. P.E.
Division of Water Quality

By: _____

Dated: _____

Dated: _____

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| Permittee | NPDES Number | Signature |
|-----------|--------------|-----------|
| Dunn WWTP | NC0043176 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|---------------------------------|-----------|-------|
| CP&L – Cape Fear SE Power Plant | NC0003433 | _____ |
|---------------------------------|-----------|-------|

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|----------------------------|-----------|-------|
| CP&L – Nuclear Power Plant | NC0039586 | <hr/> |
|----------------------------|-----------|-------|

Appendix A

Middle Cape Fear River Basin Association Members

(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|--------------------|---------------------|------------------|
| Fayetteville PWC | | |
| Cross Creek WRF | NC0023957 | |
| Rockfish Creek WRF | NC0050105 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|--------------------|---------------------|------------------|
| Elizabethtown WWTP | NC0026671 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| Permittee | NPDES Number | Signature |
|------------|--------------|-----------|
| Erwin WWTP | NC0064521 | _____ |

Appendix A

Middle Cape Fear River Basin Association Members

(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

U.S. Department of the Army
Fort Bragg, PWBC Facility
Maintenance Division WWTP

NC0003964

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| Permittee | NPDES Number | Signature |
|--------------------------------------|--------------|-----------|
| Fuquay-Varina Kenneth Branch WWTP | NC0028118 | <hr/> |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|--------------------|-----------|-------|
| Holly Springs WWTP | NC0063096 | _____ |
|--------------------|-----------|-------|

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| Permittee | NPDES Number | Signature |
|-----------------|--------------|-----------|
| Lillington WWTP | NC0021636 | <hr/> |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
| Monsanto WWTP | NC0003719 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| Permittee | NPDES Number | Signature |
|--------------|--------------|-----------|
| Raeford WWTP | NC0026514 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|--|-----------|-------|
| Smithfield Packing/ Carolina Food Processors WWTP | NC0078344 | _____ |
|--|-----------|-------|

Appendix A

Middle Cape Fear River Basin Association Members

(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
| Spring Lake WWTP | NC0030970 | _____ |

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|---------------------|-----------|-------|
| Swift Textiles WWTP | NC0001406 | _____ |
|---------------------|-----------|-------|

Appendix A
Middle Cape Fear River Basin Association Members
(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|-----------------------|-----------|-------|
| Danaher Controls WWTP | NC0001121 | _____ |
|-----------------------|-----------|-------|

Appendix A

Middle Cape Fear River Basin Association Members

(Where Permittees have multiple NPDES discharges, all discharges are listed)

| <u>Permittee</u> | <u>NPDES Number</u> | <u>Signature</u> |
|------------------|---------------------|------------------|
|------------------|---------------------|------------------|

| | | |
|--------------------------------|-----------|-------|
| DuPont/Fayetteville Works WWTP | NC0003573 | _____ |
|--------------------------------|-----------|-------|

