



**REGION 4**

ATLANTA, GA 30303

October 31, 2024

Mr. Richard Rogers  
Director, Division of Water Resources  
North Carolina Department of Environmental Quality  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Subject: General Objection to National Pollutant Discharge Elimination System Permit for City of  
Asheboro Wastewater Treatment Plant (NC0026123)

Dear Mr. Rogers:

On October 7, 2024, the U.S. Environmental Protection Agency Region 4 received the National Pollutant Discharge Elimination System (NPDES) permit for the city of Asheboro wastewater treatment plant from the North Carolina Department of Environmental Quality (NCDEQ). The permit was sent to the EPA pursuant to state of North Carolina/EPA NPDES Memorandum of Agreement (MOA) Section IV.I<sup>1</sup> because it was changed in response to a decision by the North Carolina Office of Administrative Hearings (OAH). In the final decision on summary judgement issued by the OAH, the Administrative Law Judge purported to void<sup>2</sup> the interim and final effluent limitations for 1,4-dioxane that were established in the permit issued by the NCDEQ's Division of Water Resources and appealed to the OAH.

Under the Clean Water Act (CWA) Section 402(d), 40 CFR 123.44(b), and MOA Sections IV.B.7 and IV.I, the EPA is hereby exercising its general objection authority for this permit as described herein. Based on our preliminary review of the permit, the EPA notes that the removal of effluent limits for 1,4-dioxane may not be consistent with the CWA Section 301(b)(1)(C) and 40 CFR 122.44(d), which require NPDES permits to include effluent limits as stringent as necessary to meet state water quality standards.

Pursuant to 40 CFR 123.44(a)(1), 123.44(b), and the MOA, which allow 90-days to supply the specific grounds for any general objection, the EPA will provide additional specific comments or objections, if

---

<sup>1</sup> MOA Section IV.I: "Administrative or Court Action - If the terms of any permit, including any permit for which review has been waived by EPA, are affected in any manner by an administrative or court action, the State shall timely transmit a copy of the permit, with changes identified to the EPA and shall allow thirty (30) calendar days for EPA to review, comment on, or make written objections to the changed permit pursuant to CWA Section 402(d)."

<sup>2</sup> In the OAH decision that voided the effluent limit for 1,4-dioxane, it is unclear whether the ALJ was claiming to be effectively modifying the permit on his own initiative rather than issuing an order remanding the permit to DWR to modify the permit in accordance with his decision. Only NCDEQ has authority to modify and issue NPDES Permits in accordance with North Carolina's authorized NPDES Program, as OAH has explicitly acknowledged in previous correspondence with EPA Region 4. In any case, EPA retains its authority to review a modified permit under the MOA and applicable statutory and regulatory provisions, and the permit cannot be effective for CWA purposes until EPA's review opportunity has been completed and any EPA objections to the permit have been resolved.

any, by January 6, 2025. Should the EPA follow this general objection with a specific objection, the state or any interested party may request a public hearing on the objection within 90-days of the EPA's specific objection. In such case, if a public hearing is not held, and NCDEQ does not submit a proposed permit that has been revised to meet a specific objection within 90-days of receipt of a specific objection, exclusive authority to issue the permit passes to the EPA in accordance with 40 CFR 123.44(h). In accordance with 40 CFR 122.4(c) and 123.44, a final NPDES permit may not be issued until completion of the objection process.

Pursuant to 40 CFR 123.44(a)(1), the EPA will forward a copy of this objection letter to the permit applicant. Should you require any further information, please have your staff contact Ms. Susanna Bains at (404) 562-9747 or [Bains.Susanna@epa.gov](mailto:Bains.Susanna@epa.gov).

Sincerely,

**KATHLENE  
BUTLER**

Digitally signed by  
KATHLENE BUTLER  
Date: 2024.10.31  
17:26:57 -04'00'

Katie Butler  
Director  
Water Division

cc: Mr. Michael Rhoney  
Water Resources Director  
City of Asheboro, North Carolina (via email)