



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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## GENERAL PERMIT FOR DISCHARGES FROM MINERAL MINES, QUARRIES, BORROW PITS AND CONCRETE AND ASPHALT PLANTS

GENERAL DISCHARGE PERMIT NO. 10MM

NPDES PERMIT NO. MDG49

Effective Date: May 1, 2010

Expiration Date: April 30, 2015

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### **PART I. PERMIT APPLICABILITY AND COVERAGE**

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. and implementing regulations, the Department of the Environment hereby authorizes wastewater discharges from mineral mines, quarries, borrow pits, and concrete and asphalt (bituminous concrete) plants registered under this permit according to its conditions.

#### **A. Geographic Coverage**

This permit covers mineral mines, quarries, borrow pits, and ready-mix concrete plants having wastewater discharges to surface or ground waters within the territorial boundaries of the State of Maryland. It also covers storm water from asphalt plants.

#### **B. Applicable Discharges**

This permit covers discharges from:

1. Ground water that infiltrates mines and is pumped to surface waters;
2. Process-generated wastewater to surface or ground waters;
3. Storm water runoff from preparation and mining of sites, concrete plants, brick factories with mines, and asphalt plants to surface waters;
4. Wastewater from hosing down vehicles, including washing concrete mixer trucks, mixing equipment, and moulds or forms, to surface or ground waters;
5. Miscellaneous wastewater from spillage at ready-mix plants and concrete manufacturing plants to surface or ground waters; and
6. Storm water treated, if necessary, to meet permit limits.

#### **C. Ineligible Discharges**

The following discharges are not covered under this general permit:

1. Discharges from coal mines and associated facilities as regulated by 40 CFR 434;
2. Discharges from industrial sand facilities as regulated by 40 CFR 436.40;
3. Process-generated wastewater from asphalt plants;
4. Vehicle wash water from steam cleaning or cleaning with detergents; and
5. New discharges that would negatively impact waters impaired by sediment.

#### **D. Limitations on Coverage**

This general permit does not authorize new discharges to receiving streams included in Maryland's '303(d) List' of impaired water bodies listed for "Sediment" unless the sediment loading from the site as developed is not significantly different from the current loading. An applicant for a new permit shall view the list of impaired water bodies in Maryland at [www.mde.state.md.us](http://www.mde.state.md.us).

If the proposed discharge is to a water body on this list, the applicant shall delineate the site, and calculate the current loading using the delivery coefficient established in the Chesapeake Bay Program Model. If the loading from the planned facility is equal to or less than the original site loading, the facility is eligible for coverage under the general permit, and shall submit the

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sediment calculations with the NOI. Alternatively, the discharge may be authorized if it is consistent with the allocations provided under a final approved total maximum daily load (TMDL) for the receiving waters.

### **E. Alternative Coverage under an Individual Permit**

1. If a permittee is determined to cause an in-stream exceedance of water quality standards, additional actions or an application for an individual permit may be required.
2. The Department may require any person authorized by this permit to apply for and obtain an individual State or State/NPDES discharge permit if there is evidence indicating potential or realizable impacts on water quality due to any activity covered by this permit. If the owner or operator fails to submit an application for an individual State or State/NPDES discharge permit as required by the Department under this condition, the coverage of the owner or operator under this permit is automatically terminated at the end of the day specified by the Department for submission of the application.
3. Any person authorized by this permit may request to be excluded from coverage under this permit by applying for an individual State or State/NPDES discharge permit. The request may be granted by issuing an individual State or State/NPDES discharge permit if the reasons cited by the owner or operator are adequate to support the request.
4. When an individual State or State/NPDES discharge permit is issued to a person for the discharge registered under this permit, the applicability of this general permit to the permittee is automatically terminated on the effective date of the individual State or State/NPDES discharge permit.
5. If a person otherwise covered under this permit is denied an individual State or State/NPDES discharge permit, the denial automatically terminates, on the date of the denial, the person's coverage under this general permit, unless otherwise specified by the Department.
6. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:
  - a. The NOI contained false or inaccurate information;
  - b. Conditions or requirements of the discharge permit have been or are about to be violated;
  - c. Substantial deviation from plans, specifications or requirements has occurred;
  - d. The Department has been refused entry to the premises for an inspection to insure compliance with the conditions of the discharge permit;
  - e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;
  - f. Any State or federal water quality stream standard or effluent standard has been or is threatened to be violated; or
  - g. Any other good cause exists for denying coverage under this permit.

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7. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow registration of the facility under the general permit without compromising water quality. Such circumstances may occur when a facility proposes to discharge to impaired waters, with or without an existing TMDL, or for discharges to high quality waters.

### **F. Authorization**

To be authorized to discharge under this general permit, a person is required to submit a complete and accurate NOI in accordance with the requirements of Part III of this permit, to pay the required fee and to comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the Department notifies the applicant in writing of its acceptance of the NOI and the fee is paid to the Department in accordance with the terms stipulated in Part III below. A person who submits such an NOI, who is notified of its acceptance by the Department, who complies with the terms and conditions of this permit, and who pays the required fee is authorized to discharge under the terms and conditions of this permit.

If the permit fee is paid by check that is mailed to the Department, the fee is considered paid on the date of mailing. If the fee is paid to the Department in any other manner than by mailing a check, the fee is considered paid on the date the Department receives the payment. If a check does not clear for any reason, the person will be given 30 calendar days to make proper payment including any interest and other charges that are due. If payment is not made within this time, coverage under this permit shall be considered void from the outset. The permittee should save the canceled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department on request.

### **G. Transfer of Authorization**

1. The authorization under this permit is not transferable to any person except in accordance with this section.
2. Authorization to discharge under this permit may be transferred to another person if:
  - a. The current permittee notifies the Department in writing of the proposed transfer;
  - b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with the terms and conditions of this permit, is submitted to the Department; and
  - c. The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or updates this information;
  - d. The new permittee confirms in writing that either the existing storm water pollution prevention plan will be followed or that a new plan has been developed and will be implemented upon transfer; and
  - e. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days, of intent to terminate coverage under this permit.
3. The Department may continue coverage for the new permittee under this permit or may require the new permittee to apply for and obtain an individual State or State/NPDES discharge permit.
4. A new owner of a facility is responsible for any fees unpaid by the former owner.

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### H. Continuation of an Expired General Permit

The terms and conditions of this permit and authorized permit registrations are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit unless the permit or authorization is revoked or terminated by the Department.

### I. Terminating Coverage

A permittee may request termination of permit coverage for a closed site (a location where all activities associated with permit coverage have been terminated with no intention to return to operation in the future) by submitting a notice of termination form (MDE/WMA/PER.005) or a letter that includes the same information. In addition to discontinuing all activities at the site, restoration of the site must be completed.

1. A mining site is considered restored when the Department has completely released the reclamation bond. Processing sites (including concrete and asphalt batch operations) are considered restored when processing equipment and residual exposed pollutants associated with the activity have been removed to the satisfaction of the Department.
2. A termination request will also be accepted if the site has progressed directly to development for other purposes, provided that, if the site remains disturbed, it is covered by an individual or general permit for storm water associated with construction activity.
3. If the Department terminates permit coverage as a result of one of the conditions listed in Part I.E.6, the permittee must apply for an individual permit immediately. The permittee must also cease operation until coverage is granted under an individual permit. If operations continue after termination of the permit, the operator and owner of the facility are in violation of State and federal law and are subject to penalty as detailed in Part VIII.

### J. Change in Location

Registration under this permit is specific to a geographic location. If a facility moves, the registration can remain with the facility providing that all activities have ceased at the original site; coverage on the original site has been terminated, as described in this Part; the permittee has submitted a modified NOI for the new location; and the Department approves the registration at the new site.

## PART II. DEFINITIONS

- A. **"Asphalt"** means bituminous concrete
- B. **"Best management practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of this State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may include any type of pollution prevention and pollution control measure necessary to achieve compliance with this General Permit.
- C. **"Bypass"** means the intentional diversion of wastes from any portion of a treatment facility.
- D. **"CFR"** means Code of Federal Regulations.
- E. **"COMAR"** means Code of Maryland Regulations.

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- F. **"Concrete Plant"** means a facility at which concrete is mixed for use on or off site, and includes any area where concrete products are made
  - G. **"Department"** means the Maryland Department of the Environment.
  - H. **"Detergent"** means a cleaner including surfactants, dispersants, or emulsifiers, designed to act as a wetting agent and made from chemical compounds rather than from fats and lye.
  - I. **"Discharge Monitoring Report (DMR)"** means a report submitted by a permittee to the Department summarizing the effluent monitoring results obtained by the permittee over periods of time as specified in the permit.
  - J. **"Effluent Limitation"** means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the State.
  - K. **"Federal Act"** means the federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), its amendments, and all rules and regulations adopted under the Act.
  - L. **"Freeboard"** means the height above the water level and below the overflow level of a pond or other structure.
  - M. **"General permit"** means a discharge permit issued for a class of dischargers.
  - N. **"Grab sample"** means an individual sample collected in less than 15 minutes. Grab samples for pH shall be analyzed within 15 minutes of sample collection.
  - O. **"Ground water"** means underground water in a zone of saturation.
  - P. **"Immersion-stabilization"** means a calibrated device immersed in the effluent stream or other measuring location until the reading is stabilized.
  - Q. **"Impaired Water"** means a body of water whose quality does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters:
    - 1. For which TMDLs have been established,
    - 2. For which existing controls such as permits are expected to resolve the impairment, or
    - 3. For which a TMDL is required.
- Impaired waters compilations are also sometimes referred to as §303(d) lists, and are included in the Integrated Report of Surface Water Quality in Maryland as parts F4 and F5, found at [www.mde.state.md.us](http://www.mde.state.md.us).
- R. **"Impervious area"** means any surface that does not allow storm water to infiltrate into the ground, including any area that is paved or used for vehicular storage or traffic.
  - S. **"Includes" or "including"** means includes or including by way of illustration and not by way of limitation.
  - T. **"Measured flow"** means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

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- U. **“Mine”** means an area of land, surface or underground, actively mined for the production of crushed, broken, and dimension stone, sand, clay, shale, and fill dirt from natural deposits. For the purposes of this permit, mine does not include coal mine facilities regulated by 40 CFR 434.
- V. **“NPDES permit”** means a National Pollutant Discharge Elimination System permit issued under the federal Clean Water Act.
- W. **“NOI”** means Notice of Intent to be covered by this permit (see Part III of this permit).
- X. **“Operator”** means that person or those persons with responsibility for the management and performance of each facility.
- Y. **“Permittee”** means the person holding a permit, including registration under a general permit issued by the Department.
- Z. **“Person”** means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this State, any county, municipal corporation or other political subdivision of this State or any of their units.
- AA. **“Pervious”** means vegetative area that is not used for the storage of vehicles or heavy equipment and is not open to vehicular traffic.
- BB. **“Process-generated wastewater”** means any wastewater used in the slurry transport of mined material, dust control, or processing, including product preparation and washing, exclusive of mining. The term shall also include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater.
- CC. **“SARA”** means the Superfund Amendments and Reauthorization Act of 1986.
- DD. **“Section 313 water priority chemical”** means a chemical or chemical categories which: (1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; (2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and (3) meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the Act at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria. (See Attachments for list)
- EE. **“State discharge permit”** means a discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
- FF. **“Storm water”** means that portion of precipitation including snow melt runoff that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, and the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the State.
- GG. **“Surface waters”** means all waters of this State which are not ground waters.



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**HH. "Thermal mixing zone"** means, for streams wider than 50 feet, an area extending 50 feet radially from the point of discharge. The mixing zone may not form a thermal barrier to aquatic life.

**II. "Total Maximum Daily Loads (TMDLs)"** - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount among the pollutant's sources.

**JJ. "Toxicity Reduction Evaluation"** means an investigation conducted to identify the causative agents of wastewater toxicity, isolate the source(s), determine the effectiveness of control options, implement the necessary control measures and then confirm the reduction in toxicity.

**KK. "Upset"** means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**LL. "Wastewater"** means any:

1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics which will pollute any waters of the State.

**MM. "Water"** means the liquid substance which is derived from a ground water source, a surface source, a piped supply, or any combination of these sources, and which will be discharged, without change in quality, into the waters of this State, with the exception of storm water runoff.

**NN. "Waters of this State"** includes:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
2. The flood plain of free-flowing waters determined by the Department on the basis of the 100-year flood frequency.

**OO. "Water Quality Standard"** means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in COMAR 26.08.02

**PP. "Wet weather"** means the period during which precipitation or melting snow causes visible runoff from the facility that results in discharge from an outfall.

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### **PART III. OBTAINING AUTHORIZATION TO DISCHARGE**

#### **A. Deadlines for Notification**

1. Existing Facility. Any permittee who has an individual State or State/NPDES discharge permit for activities covered under this general permit may request coverage under this general permit by submitting, at least 180 calendar days prior to the expiration of the individual State or State/NPDES discharge permit, an NOI requesting coverage under this general permit, a storm water pollution prevention plan (SWPPP), and fee.
2. New Facility. At least 60 days prior to the commencement of any new activity covered under this general permit, a permittee shall request coverage by submitting an NOI, a storm water pollution prevention plan, and fee in accordance with the requirements of this Part. The Department may bring an enforcement action for failure to submit a NOI in a timely manner or for any unauthorized discharges that occur prior to obtaining coverage under this permit.
3. Renewal of 00MM Discharge Permit Authorizations. Within 90 days after the effective date of this permit, any permittee currently registered under General Permit 00MM shall submit to the Department a new NOI, a storm water pollution prevention plan, and fee in order to obtain coverage under this permit. Failure to provide the required NOI will result in automatic termination of coverage under General Permit 00MM and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit. Permittees who submit timely notification for continued permit coverage shall operate under the administratively extended permit 00MM until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

#### **B. Notice of Intent**

A permittee shall obtain the appropriate NOI form from the Department, or the Department's website at [www.mde.state.md.us](http://www.mde.state.md.us) and shall provide the following information: permittee name, address, and telephone number; facility location including address and latitude and longitude; mining permit number; receiving water body(s) for each outfall; and discharge type and flow (expressed as gallons per day) for each outfall. The permittee shall also describe each outfall and monitoring point, and provide a map showing the topography and location of the facility and each outfall and monitoring point. The permittee shall also submit an electronic SWPPP, as detailed in Part III. E., below.

#### **C. Annual Permit Fee**

1. The permittee shall pay an annual permit fee as specified in COMAR 26.08.04.09-1F. The first annual fee shall be submitted to the Department with the NOI form.
2. The Department will bill the permittee annually, and the fee shall be paid by the anniversary date of the permit each year after the first.
3. Any permittee making facility modifications to reduce paved surface areas, collect and divert roof runoff, and incorporate vegetated buffers between such areas and natural waterways in the SWPPP may be entitled to a fee reduction equivalent to the percentage of impervious surface eliminated for each year after the first year of the permit. The permittee shall submit before and after photographs and site plans documenting changes made to the Department at least 90 days before the anniversary date of the permit.

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### D. Required Signatures

1. Certification. Any person signing an NOI shall make the following certification as part of the NOI:

*"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 fine and imprisonment for knowing violations."*

2. Signatories. The NOI shall be signed as follows:

- a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - i.) 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
  - ii.) The manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated property 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.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in Part III.D. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under §122.22(a) (1) (ii) rather than to specific individuals.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipal, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
    - i.) The chief executive officer of the agency; or
    - ii.) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
3. Report Submission.
    - a. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III D.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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- i.)* The authorization is made in writing by a person described in Part III D.2;
  - ii.)* The authorization specifies 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, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and
  - iii.)* The written authorization is submitted to the Department.
- b.** If an authorization under this subsection is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III D.3 (a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

### **E. Electronic Storm Water Pollution Prevention Plan (SWPPP)**

The permittee shall provide the Department a copy of the SWPPP:

1. By mailing a Portable Document Format (.PDF) file on electronic media (CD, DVD, USB drive, or other approved media) to: Wastewater Permits Program, MDE; Suite 455; 1800 Washington Blvd; Baltimore, MD 21230;
2. By emailing the required PDF file to [SWPPP@mde.state.md.us](mailto:SWPPP@mde.state.md.us) (not to exceed 8 MB file size);
3. By providing a link on a publicly available company website; OR
4. By other electronic means as approved by the Department.

The SWPPP submitted shall not contain confidential information, and shall be suitable for review by the public.

### **F. Where to Submit**

A permittee shall submit a signed copy of the NOI and the required fee, made payable to the Maryland Department of the Environment, to the following address:

Maryland Department of the Environment  
P.O. Box 2057  
Baltimore MD 21203-2057

### **G. Failure to Notify**

Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of this State without an individual State or State/NPDES discharge permit, are in violation of the federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

### **H. Change in Discharge**

1. The permittee shall submit a new NOI and fee for additional, enlarged, or relocated outfalls and process changes or additions which will result in an increased discharge of pollutants, the discharge of additional pollutants or a new discharge point. Each modification shall be submitted with a fee equivalent to the annual fee, based upon the modified flow. Based on its evaluation of the NOI, the Department may:
  - a. Continue to authorize the discharge under this general permit; or

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- b. Require the permittee to apply for an individual State or State/NPDES discharge permit or obtain coverage under another general permit.
- 2. The permittee shall provide to the Department's Wastewater Discharge Permits Program by 90 days before the anniversary date of the permit an updated average discharge flow value for the next billing period if the flow changes to a different fee category or if the flow changes by 20 % or more. If the flow for the most recent period differs from information provided on the most recent NOI, the permittee shall provide the Department in writing the reason for any differences. If the flow is expected to remain lower than that on the most recent NOI, a modified NOI shall be submitted without a fee.

### **I. Flow Monitoring**

In lieu of providing measured flow (defined in Part II.T.), the permittee may estimate flows and submit the following information with the NOI, and with the discharge monitoring report in the first quarter of each calendar year:

- 1. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
- 2. Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, location, and persons performing the measurements/observation should also be provided; and
- 3. A description of the factors (e.g. batch discharges, intermittent operation, etc) which cause flow at the outfall to fluctuate significantly from the estimate provided.

## ***PART IV. SPECIAL CONDITIONS***

### **A. Notification of the Discharge of a Pollutant Not Limited in This Permit**

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in the 40 CFR § 122.42.

### **B. Discharges to Groundwater**

For discharges to groundwater via treatment, holding, or seepage facilities that are designed with no means for overflow, mining and process-generated wastewater from crushed, broken, and dimension stone, sand, gravel, clay, shale, fill dirt and ready mix operations, the discharge limits and monitoring requirements below (Part IV.L.) are waived. Discharges of vehicle wash water to ground water must be observed for oil and grease.

### **C. Wastewater Treatment Chemicals and Concrete Admixtures [Reserved]**

[This section's text was redacted per Circuit Court for Anne Arundel Case #02C10151440, Document No. 28/Sequence No. 0]

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**D. Concrete Admixtures [Reserved]**

[This section's text was redacted per Circuit Court for Anne Arundel Case #02C10151440, Document No. 28/Sequence No. 0]

**E. Biomonitoring Program for Concrete Admixtures [Reserved]**

[This section's text was redacted per Circuit Court for Anne Arundel Case #02C10151440, Document No. 28/Sequence No. 0]

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**F. Biomonitoring Results Evaluation [Reserved]**

[This section's text was redacted per Circuit Court for Anne Arundel Case #02C10151440, Document No. 28/Sequence No. 0]

**G. *Related Permits***

1. All mineral mines, quarries and borrow pits should have a mining permit issued by the Land Management Administration and a sediment and erosion control plan reviewed and approved by the Soil Conservation District, and be operated in accordance with those documents.
2. All mines that are dewatering groundwater in excess of 5,000 gallons per day (as an annual average) or dewatering groundwater within a source water protection area should obtain and maintain, if necessary, an appropriation and use permit from the Department's Water Supply Program.

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**H. *Removed Substances***

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from entering waters of this State.

**I. *Hazardous Substances***

Discharges of hazardous substances or oil in excess of reporting quantities caused by non-storm water discharges (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. In the event of a spill, the requirements of Sections 301 and 302 of the Clean Water Act continue to apply.

**J. *Outfall Design***

The permittee shall convey the discharge from the outfalls to State waters in a manner that will not result in soil erosion or entrainment of other contaminants from the drainage path. If the discharge is not by a discreet conveyance, such as a pipe, the permittee shall install a trap, weir, or any other appropriate alteration that will allow retrieval of effluent samples.

**K. *System Maintenance***

The permittee shall remove sediments from settling ponds, basins, or traps before the accumulation at the halfway point between the inlet and outlet reaches one half the depth of the basin. The permittee shall also maintain at least one foot of freeboard in all basins and ponds at all times. The permittee shall establish a record of the design depth of the basin and provide a means to measure sediment accumulation.



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**L. Discharge Limits**

Numeric effluent limitations are imposed for the following discharges under this permit

**1. Quarries, crushed and dimension stone, and shale operations**

As specified below, all discharges from the mine pit and of process-generated wastewater (including any drainage or storm water that commingles with process-generated wastewater), to surface waters of this State shall be limited and monitored by the permittee at each point of discharge. If two or more types of discharge are commingled, the more stringent limitations shall apply or the discharge streams shall be monitored separately prior to mixing.

Parameter	Quantity or loading			Quality or concentration				Frequency	Sample type	Notes
	Monthly avg.	Daily max	Units	Minimum	Monthly Avg.	Maximum	Units			
Flow	Report	Report	gpd					1/month	measured	
pH				6.5		8.5	s.u.	1/month	grab	<b>a</b> (impaired waters)
pH				6.0		8.5	s.u.	1/month	grab	<b>a</b> (non-impaired waters)
pH difference				0		0	s.u.	1/month	grab	<b>b</b> report if above limit is not met
Total suspended solids					<b>c</b>	<b>c</b>	mg/l	1/month	grab	Varies with rock and discharge type
The monthly average TSS limit applies in every month during which there are more than two discharges. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.										
Settleable solids					NA	0.5	mL/L	1/month	grab	<b>d</b> Applicable to wet weather discharges and areas undergoing reclamation
Temperature, Use III						68	F	1/month	i-s	June - September only; varies with receiving water
Temperature, Use IV						75	F	1/month	i-s	
Temperature difference				0			F	1/month	i-s	<b>e</b> Report only if temperature is high

No visible sheen is permissible on any water leaving the facility. The permittee shall observe any vehicle wash water on each day the facility is in operation to verify compliance with this requirement.

- (a)** If the pH of the wastewater is between 8.5 and 9.0 in pH impaired waters, or between 6.0 and 6.5 or 8.5 and 9.0 in non-pH impaired waters, the permittee may also measure the pH of the receiving waters no farther than ten feet directly downstream (or down current on tidewater) of the point of discharge, and record that value for the pH to determine compliance.
- (b)** If the pH at the point of discharge or at the downstream monitoring point does not meet the pH limit stated, the permittee shall also record the "pH difference". "**pH Difference**" is a calculated value, arrived at by subtracting the pH of the ambient receiving water from the pH of the discharge or from the pH of the water downstream of the mixing zone. The permittee shall measure the pH of the receiving water upstream of the discharge to determine the ambient pH. If the pH downstream of the discharge is lower than 6.5 SU, the permittee shall record the pH difference as a minimum which may not be less than zero. If the pH downstream is higher than 8.5, the permittee shall record the pH difference as a maximum which may not be greater than zero. The permittee shall maintain a record of all pH measurements and their location, to be submitted as an addendum to each discharge monitoring report, if requested.

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- (c) The limitations vary according to the type of mine and the type of discharge as shown in the chart below. Monthly average limits apply to every facility that discharges three or more times during the month. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.

Type of mine or discharge	Monthly Average (mg/L)	Daily Maximum (mg/L)
Carbonate quarry discharge, dry weather	15	31
Carbonate quarry discharge, wet weather	[Reserved]	[Reserved]
Carbonate process discharge	17	37
Non-carbonate quarry discharge, dry weather	30	66
Non-carbonate quarry discharge, wet weather	[Reserved]	[Reserved]
Non-carbonate process discharge	45	60

**If dry weather discharges occur during the calendar month, the permittee shall monitor at least once during dry weather conditions.** The permittee shall test for both total suspended solids and settleable solids each month if discharges occur during both dry and wet weather conditions.

- (d) **If wet weather conditions occur during the calendar month, the permittee shall monitor at least once during wet weather conditions.** The permittee shall test for both total suspended solids and settleable solids each month if discharges occur during both dry and wet weather conditions.

All wet weather limits apply for up to the ten-year frequency 24-hour storm (see Appendix). The permittee shall maintain a rain gauge on site and record the precipitation on the day of wet weather monitoring in a log that shall be made available for inspection by Department personnel, or shall indicate upon submission of the NOI the name and location of a weather station within ten miles of the facility from which s/he shall use the recorded rainfall in every instance. The limits for process discharges and discharges from quarries under reclamation apply under all weather conditions. If discharges are solely from dewatering, the limits and monitoring requirements apply until the mineral extraction permanently ceases.

- (e) **“Temperature Difference”** is a calculated value, arrived at by subtracting the ambient receiving water temperature or receiving water standard, whichever is higher, from the effluent temperature or the temperature of the receiving water at the edge of a mixing zone, whichever is lower. The mixing zone may not form a thermal barrier to aquatic life, and may extend no further than 50 feet radially from the point of discharge. If the temperature of the effluent is equal to or less than the receiving water standard, the only temperature measurement necessary to calculate the “temperature difference” shall be one measured at the point of discharge to State Water or a representative internal monitoring point. The permittee shall maintain a record of all temperature measurements and their location, to be submitted as an addendum to each discharge monitoring report, if requested.

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**2. Sand and gravel operations, borrow pits, and clay mines**

As specified below, all discharges from the mine pit and process-generated wastewater (including the drainage from material storage piles, if commingled with process wastewater) to surface waters of this State shall be limited and monitored by the permittee at each point of discharge. If two or more types of discharge are commingled, the more stringent limitations shall apply or the discharge streams shall be monitored separately prior to mixing.

Parameter	Quantity or loading			Quality or concentration				Frequency	Sample type	Notes
	Monthly avg.	Daily max	Units	Minimum	Monthly Avg.	Maximum	Units			
Flow	Report	Report	gpd						measured	
pH				6.5		8.5	s.u.	1/month	grab	<b>a</b> (impaired waters)
pH				6.0		8.5	s.u.	1/month	grab	(non-impaired waters)
pH difference				0		0	s.u.	1/month	grab	<b>b</b> report if above limit is not met
Total Suspended Solids					30	60	mg/L	1/month	grab	<b>c</b> During dry weather
	The monthly average TSS applies in every month in which there are more than two discharges. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.									
Settleable solids					NA	0.5	mL/L	1/month	grab	<b>d</b> During wet weather
Temperature, Use III						68	F	1/month	i-s	June - September only, varies with receiving water
Temperature, Use IV						75	F	1/month	i-s	
Temperature difference						0	F	1/month	i-s	<b>e</b> report if above limit is not met

No visible sheen is permissible on any water leaving the facility. The permittee shall observe any vehicle wash water on each day the facility is in operation to verify compliance with this requirement.

- (a)** If the pH of the wastewater is between 8.5 and 9.0 in pH impaired waters, or between 6.0 and 6.5 or 8.5 and 9.0 in non-pH impaired waters, the permittee may also measure the pH of the receiving waters no farther than ten feet directly downstream (or down current on tidewater) of the point of discharge, and record that value for the pH to determine compliance.
- (b)** If the pH at the point of discharge or at the downstream monitoring point does not meet the pH limit stated, the permittee shall also record the "pH difference". "**pH Difference**" is a calculated value, arrived at by subtracting the pH of the ambient receiving water from the pH of the discharge or from the pH of the water downstream of the mixing zone. The permittee shall measure the pH of the receiving water upstream of the discharge to determine the ambient pH. If the pH downstream of the discharge is lower than 6.5 SU, the permittee shall record the pH difference as a minimum which may not be less than zero. If the pH downstream is higher than 8.5, the permittee shall record the pH difference as a maximum which may not be greater than zero. The permittee shall maintain a record of all pH measurements and their location, to be submitted as an addendum to each discharge monitoring report, if requested.

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- (c) If dry weather discharges occur during the calendar month, the permittee shall monitor at least once during dry weather conditions. The permittee shall test for both total suspended solids and settleable solids each month if discharges occur during both dry and wet weather conditions.
- (d) If wet weather conditions occur during the calendar month, the permittee shall monitor at least once during wet weather conditions. The permittee shall test for both total suspended solids and settleable solids each month if discharges occur during both dry and wet weather conditions.  
All wet weather limits apply for up to the ten-year frequency 24-hour storm (see Appendix). The permittee shall maintain a rain gauge on site and record the precipitation on the day of wet weather monitoring in a log that shall be made available for inspection by Department personnel, or shall indicate upon submission of the NOI the name and location of a weather station within ten miles of the facility from which s/he shall use the recorded rainfall in every instance. The limits for process discharges and discharges from quarries under reclamation apply under all weather conditions. If discharges are solely from dewatering, the limits and monitoring requirements apply until the mineral extraction permanently ceases.
- (e) **“Temperature Difference”** is a calculated value, arrived at by subtracting the ambient receiving water temperature or receiving water standard, whichever is higher, from the effluent temperature or the temperature of the receiving water at the edge of a mixing zone, whichever is lower. The mixing zone may not form a thermal barrier to aquatic life, and may extend no further than 50 feet radially from the point of discharge. If the temperature of the effluent is equal to or less than the receiving water standard, the only temperature measurement necessary to calculate the “temperature difference” shall be one measured at the point of discharge to State Water or a representative internal monitoring point. The permittee shall maintain a record of all temperature measurements and their location, to be submitted as an addendum to each discharge monitoring report.

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**3. Concrete Plants**

As specified below, all discharges from washing mixer trucks, moulds, buildings and equipment and of excess feed water to surface waters of this State shall be monitored by the permittee at each point of discharge. Wastewater from concrete plants using moulds shall be monitored for oil and grease prior to being discharged to ground waters.

Parameter	Quantity or loading			Quality or concentration				Frequency	Sample type	Notes
	Monthly avg.	Daily max	Units	Minimum	Monthly Avg.	Maximum	Units			
Flow	Report	Report	gpd					1/month	measured	
pH				6.5		8.5	s.u.	1/month	grab	<b>a</b> impaired waters
pH				6.0		8.5	s.u.	1/month	grab	<b>a</b> non-impaired waters
pH difference				0		0	s.u.	1/month	grab	<b>b</b>
Total Suspended Solids					30	60	mg/L	1/month	grab	
	The monthly average TSS applies in every month in which there are more than two discharges. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.									
Oil & Grease						15	mg/L	1/month	grab	<b>c</b> For concrete plants using moulds only

No visible sheen is permissible on any water leaving the facility. The permittee shall observe any vehicle wash water on each day the facility is in operation to verify compliance with this requirement.

**NOTES**

- (a)** If the pH of the wastewater is between 8.5 and 9.0 in pH impaired waters, or between 6.0 and 6.5 or 8.5 and 9.0 in non-pH impaired waters, the permittee may also measure the pH of the receiving waters no farther than ten feet directly downstream (or down current on tidewater) of the point of discharge, and record that value to determine compliance.
- (b)** If the pH at the point of discharge or at the downstream monitoring point does not meet the pH limit stated, the permittee shall also record the "pH difference". "**pH Difference**" is a calculated value, arrived at by subtracting the pH of the ambient receiving water from the pH of the discharge or from the pH of the water downstream of the mixing zone. The permittee shall measure the pH of the receiving water upstream of the discharge to determine the ambient pH. If the pH downstream of the discharge is lower than 6.5 SU, the permittee shall record the pH difference as a minimum which may not be less than zero. If the pH downstream is higher than 8.5, the permittee shall record the pH difference as a maximum which may not be greater than zero. The permittee shall maintain a record of all pH measurements and their location, to be submitted as an addendum to each discharge monitoring report, if requested.
- (c)** Pertains to SIC 3272 concrete plants only.

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### **PART IV. STORM WATER MANAGEMENT**

With submission of the NOI, a "Storm Water Pollution Prevention Plan" (SWPPP) shall be submitted for the facility. The primary objective of the plan is to identify ongoing or potential sources of storm water pollution and to select Best Management Practices (BMPs) which will minimize pollutants in storm water runoff. The plan shall include the details and mechanisms used to meet the requirements listed below.

#### **A. Administrative**

1. A guide for developing storm water management plans is available at [http://www.epa.gov/npdes/pubs/industrial\\_swppp\\_guide.pdf](http://www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf). The plan shall be signed in accordance with Part III Section D of this permit, and be retained on site except as provided in Part V.A.5, below. The plan shall be completed and implemented by the later of
  - a. the date operations begin or
  - b. the effective date of coverage under this general permit.The permittee shall make its plan available to the operator of a municipal storm sewerage system into which it discharges if that system is regulated by an NPDES permit. Local storm sewerage systems under NPDES permits are listed at [http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/storm\\_gen\\_permit.asp](http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/storm_gen_permit.asp). Contacts for large systems are available at [http://www.mde.state.md.us/assets/document/sedimentstormwater/NPDES\\_Phase\\_1\\_Contacts.pdf](http://www.mde.state.md.us/assets/document/sedimentstormwater/NPDES_Phase_1_Contacts.pdf)
2. The Storm Water Pollution Prevention Plan must include a site map, sketch, or plan with:
  - a. mine site boundaries,
  - b. access and haul roads,
  - c. each storm water outfall for the facility and the drainage area for each outfall,
  - d. each existing structural control measure to reduce pollutants in storm water runoff,
  - e. surface waters of the state that could receive discharges from the facility,
  - f. outfalls or recycle paths of mine drainage or any other process water,
  - g. dedicated asphalt or concrete batch plants,
  - h. each area used for outdoor storage or disposal of significant materials within the past ten years, and
  - i. previously paved areas, if the permittee will be requesting fee reductions for reductions of impervious area.
3. **SWPPP Review**

The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan and its implementation to meet the objections of the Department within 30 days and shall submit to the Department a written certification that the requested changes have been made.
4. **Keep the Plan Current**

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State. The permittee shall also amend the plan if it proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department in the same manner as Part V.A.3 above.

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### 5. Inactive Sites

If any industrial site covered under the permit is inactive, a modified NOI shall be submitted to the Department which clearly state dates of inactivity, the location at which the SWPPP will be available during normal business hours, and a facility contact phone number.

### 6. Inspections

Inspections shall be performed at least twice per year, at least 120 days apart, and must be documented with a checklist or other summary that shall be retained for at least three years. The record shall include a certification that the site is in compliance with the SWPPP and this permit, or note any deficiencies noted and the necessary follow up actions. Records shall include a description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges.

## B. Narrative Effluent Limits

1. Facility security shall be provided to prevent accidental or intentional entry which could cause a discharge.
2. A Pollution Prevention Committee shall be formed, and shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision.
3. Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan, and shall include spill response, good housekeeping and material management practices. Members of the pollution prevention committee shall also be trained in monitoring, inspection, planning, reporting, and documentation requirements for the pollution prevention plan. Records of training dates and participants shall be kept with the plan.
4. Salt stored for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. Best management practices must be implemented to reduce the potential of material such as chemicals and wastes, and activities such as loading and maintenance, to contribute pollutants to storm water. Best management practices such as swales, infiltration devices, and storm water retention structures shall be employed to minimize the exposure of manufacturing, processing, and material storage areas (including storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. Reuse of collected storm water (such as for a process or as an irrigation source) is encouraged.
  - a. The operation shall practice good housekeeping procedures to maintain a clean, orderly facility.
  - b. Equipment for cleaning up spills shall be maintained in a consistent and marked area, and available to all personnel.
  - c. The operation shall follow a sediment control plan to prevent the discharge of sediment to surface water.
  - d. The industrial equipment and systems on site must be regularly inspected, tested, maintained, and repaired to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters.
  - e. All control measures that are used to achieve the effluent limits required by this permit in effective operating condition shall be maintained. If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

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**C. In areas with priority chemicals identified in SARA Title 3, Section 313, additional storm water controls may be necessary.**

Develop, implement, and maintain such storm water management controls to minimize the exposure of storm water entering and leaving the property to these significant sources of pollutants. The storm water pollution prevention plan shall include a discussion of the facility's choices from the following appropriate guidelines:

1. Containment shall be composed of compatible materials, and in suitable conditions of storage such as pressure and temperature.
  - a. Secondary containment shall be at least as large as the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation.
  - b. A strong spill contingency and integrity testing plan shall be included.
  - c. Control discharges from secondary containment with manual open and close valves, pumps, or other positive means.
2. Drainage control shall include curbing or gutters, and/or diversionary structures. In lieu of drainage, materials may be isolated with roofs and covers.
3. Minimize discharges at loading and unloading areas with the placement and maintenance of a collection and disposal mechanism in areas where spillage is likely to occur.
4. The plan shall include a description of incidents such as spills, or other discharges, along with other information describing the quantity released to land or water of SARA Title III water priority chemicals during the past three years.

**Part VI. MONITORING AND REPORTING**

**A. Representative Sampling**

Required samples and measurements shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

**B. Sampling and Analytical Methods**

The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

**C. Data Recording Requirements**

For each measurement or sample taken to satisfy the requirements of this permit, the permittee shall record the following information:

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;



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3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

**D. *Monitoring Equipment Maintenance***

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

**E. *Additional Monitoring by Permittee***

If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Section F below.

**F. *Reporting Monitoring Results***

1. For any calendar quarter in which no discharge is observed, a single monitoring report for the quarter shall be sufficient.
2. Except as noted above, all monitoring results obtained by the permittee during each month shall be summarized on a separate Discharge Monitoring Report form (EPA No. 3320-1) and results shall be submitted quarterly to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter, at the address below:

Maryland Department of the Environment  
Mining Program, Suite 655  
Land Management Administration  
1800 Washington Blvd.  
Baltimore MD 21230

3. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III.D.2 or by a duly authorized representative of that person as described in Part III.D.2.

**G. *Noncompliance with Discharge Limits***

The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit. If, for any reason, the permittee does not comply with or will be unable to comply with any of the effluent limitations in this permit, the permittee shall notify, within 24 hours of discovery of the noncompliance, the:

Maryland Department of the Environment  
Mining Program, Suite 655  
Land Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230  
(410) 537-3557 (410) 537-3573 FAX

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1. Within five calendar days thereafter, the permittee shall provide the Department with the following information in writing at the above address:
  - a. A description of the noncompliant discharge, including its impact on the receiving water;
  - b. The cause of the noncompliance;
  - c. The anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;
  - d. Steps taken by the permittee to eliminate the noncompliant discharge;
  - e. Steps planned or implemented by the permittee to prevent the recurrence of the noncompliance;
  - f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
2. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this State or to human health from noncompliance with any effluent limitations specified in this permit.

### **H. Records Retention**

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of three years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

## ***Part VII. FACILITY OPERATION AND MAINTENANCE***

### **A. Facility Operation**

The permittee shall maintain in good working order and efficiently operate all systems used or installed and all treatment and control facilities.

### **B. Bypasses**

Any bypass of treatment facilities needed to maintain compliance with the terms and conditions of this permit is prohibited unless:

1. The bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. There are no feasible alternatives;
3. Except under emergency conditions, the permittee notifies the Department ten calendar days in advance of the date of the anticipated bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days;
4. Under emergency conditions, the permittee notifies the Department within 24 hours of becoming aware of the bypass. If the notification is given orally, the permittee shall follow the oral notification with written notification to the Department within five calendar days of the oral notification; and

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5. The bypass is allowed by the Department under conditions determined by the Department to be necessary to minimize adverse effects.

### C. Demonstration of an Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
3. The permittee submitted notification of upset within 24 hours. If the notification was given orally, the permittee submitted written notification to the Department within five calendar days following the oral notification; and
4. The permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. The permittee complied with any remedial measures required to minimize adverse impact.

### D. Power Failure

In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or
2. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

## Part VIII. VIOLATION OF PERMIT CONDITIONS

### A. Compliance with This General Permit and Water Pollution Abatement Statutes

The permittee shall comply at all times with the terms and conditions of this permit, the provisions of the Title 7, Subtitle 2, and Title 9, Subtitles 2 and 3 of the Environment Article, Annotated Code of Maryland, and the federal Clean Water Act.

### B. Civil and Criminal Liability

In issuing or reissuing this permit, the Department does not waive or surrender any right to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or reissuance of this permit. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other State law or regulation.

### C. Civil Penalties for Violations of Permit Conditions

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such

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sections in a permit issued under Section 402 of the federal Clean Water Act or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a civil penalty not to exceed \$27,500 per day for each violation.

### **D. *Criminal Penalties for Violations of Permit Conditions***

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$2,500 nor more than \$27,500 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person who is an organization shall, upon conviction of violating this paragraph, be subject to a fine of not more than \$1,000,000.

### **E. *Penalties for Falsification and Tampering***

The Environment Article, Section 9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or 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 6 months per violation, or by both. The federal Clean Water Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, or who knowingly makes any false statement, representation, or certification in any records or other documents 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 \$10,000, or by imprisonment for not more than 2 years, or by both.

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**Part IX. GENERAL CONDITIONS**

**A. *Right of Entry***

The permittee shall permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. To sample, at reasonable times, any discharge of pollutants;
6. To install ground water monitoring wells; and
7. To take photographs.

**B. *Property Rights/Compliance with Other Requirements***

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 does it authorize any infringement of federal, State or local laws or regulations.

**C. *Duty to Provide Information***

The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

**D. *Other Information***

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall submit, within 30 calendar days, the facts or information.

**E. *Availability of Reports***

Except for data determined to be confidential under the Maryland Public Information Act, and 40 CFR § 123.25, all submitted data shall be available for public inspection at the Department.

**F. *Toxic Pollutants***

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

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**G. *Oil and Hazardous Substances Prohibited***

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under the federal Clean Water Act or under the Annotated Code of Maryland.

**H. *Water Construction and Obstruction***

This permit does not authorize the construction or placing of physical structures, facilities, or debris or the undertaking of related activities in any waters of the State.

**I. *Total Maximum Daily Load (TMDL)***

The permit may be reopened in accordance with Maryland's Administrative Procedures Act to incorporate future Total Maximum Daily Load requirements.

**J. *Severability***

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

***Part X. AUTHORITY TO ISSUE GENERAL NPDES PERMITS***

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section §402 of the federal Clean Water Act, 33 U.S.C. §Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

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Jay G. Sakai, Director  
Water Management Administration

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Appendix: Ten-Year, 24-Hour Storm by County

<u>County</u>	<u>Inches</u>
Allegany	4.5
Anne Arundel	5.2
Baltimore (and City)	5.1
Calvert	5.3
Caroline	5.3
Carroll	5.0
Cecil	5.1
Charles	5.3
Dorchester	5.4
Frederick	5.0
Garrett	4.3
Harford	5.1
Howard	5.1
Kent	5.2
Montgomery	5.1
Prince George's	5.3
Queen Anne's	5.3
St. Mary's	5.4
Somerset	5.6
Talbot	5.3
Washington	4.8
Wicomico	5.6
Worcester	5.6