

**GENERAL PERMIT FOR THE DISCHARGE OF TREATED GROUND WATER  
FROM OIL CONTAMINATED GROUND WATER SOURCES TO SURFACE OR  
GROUND WATERS OF THE STATE**

**DISCHARGE PERMIT NO. 20OGR-xxxx**

**NPDES PERMIT NO. MDG91xxxx**

**Effective Date:**

**Expiration Date:** December 11, 2022

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

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA) 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Maryland Department of the Environment (the Department), herein referred to as the "Department", hereby authorizes operators located in the State of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department, to discharge treated ground water from oil contaminated ground water sources described herein to waters of the State of Maryland in accordance with the eligibility requirements and other conditions set forth in this general permit and consistent with the permittee's NOI on file with the Department.

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

This general permit covers discharges to surface or ground waters within the territorial boundaries of the State of Maryland.

### **B. Eligible Discharges.**

This general permit covers the following discharges: all new and existing discharges of treated ground water from oil-contaminated ground water sources.

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

The following discharges are not eligible for coverage under this general permit:

1. Discharges of treated ground water contaminated with other volatile organic compounds or hazardous materials (such as, but not limited to, TCE, TCA, DCE, etc.), other than oil unless prior written approval is authorized by the Department.
2. Remediation by injection of chemicals into the ground water unless prior written approval is authorized by the Department.
3. ReInjection of treated ground water into ground water wells unless prior written approval is authorized by the Department.

### **D. No General Permit Required.**

No general permit is required for establishments where there is no discharge of wastewater to waters of the State and where the operator has certified, in accordance with criteria established by the Department on form WMA/MDE/PER.067, that there is no potential for exposure of pollutants to storm water being discharged to waters of the State. This exemption is non-transferable, does not require a fee, and is valid for five years or until conditions change. The form can be found on MDE's website at <http://9nl.at/MD-NEC>.

### **E. Individual Permit Required or Another General Permit Required.**

1. If the Department determines that a discharge may cause an in-stream exceedance of water quality standards, the Department may require additional actions, including an application for an individual permit.
2. The Department may require any person authorized by this general permit to apply for and obtain an Individual State or State/NPDES discharge permit or obtain coverage under another type of general permit. If an owner or operator fails to submit, in a timely manner, an application for the Department-required individual State or State/NPDES discharge permit or a Notice of Intent (NOI) for another type of general permit as required by this condition, the applicability of this general permit to the owner or operator is automatically terminated. Effective at the end of such day that was specified by the Department for the application or NOI to be submitted, this general permit is terminated and the permittee's continuance of discharges that

are covered by the general permit is no longer authorized.

3. Any person authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual State or State/NPDES discharge permit or requesting coverage under another type of general permit. The Department may grant this request by issuing an individual State or State/NPDES permit or by granting coverage under another general 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 discharges otherwise subject to this general 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 there is evidence indicating potential or realized impacts on water quality due to any activity covered by this general permit, the owner or operator of the discharging facility may be required to obtain an individual State or State/NPDES discharge permit or coverage under another type of general permit.
6. If a person otherwise covered under this general permit is denied coverage under an individual State or a 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.
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 permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.

**F. Termination of General Permit.**

1. 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 general 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 the purpose of inspecting to insure compliance with the conditions of the general 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 likely to be violated; or
  - g. Any other good cause exists for terminating coverage under this general permit.

2. If the Department terminates permit coverage as a result of one of the conditions listed in Section F.1 above, the permittee must apply for an individual permit immediately. The permittee must also cease any and all activities listed in Part I, Section B until coverage is granted under an individual permit. If there are periods of discharge between the termination of the general permit and the effective date of the individual permit, the facility operator and owner are accountable for those discharges and any violations of State and federal law are subject to penalty as detailed in PART VI.
3. Any permittee not requesting termination of general permit coverage remains responsible for meeting all permit requirements, including monitoring and reporting. A permittee should request permit termination by submitting a Notice of Termination (NOT) MDE/LMA/PER.070 form if:
  - a. All discharges have permanently ceased;
  - b. For discharge of storm water from containment structures, all oil has been permanently removed from storage tanks and all residual contamination in the containment structures has been removed; or
  - c. A new owner or operator has taken over responsibility for the facility in accordance with Part I, Section H of this general permit.

**G. Authorization.**

1. To be authorized to discharge under this general permit, a person is required to submit an NOI in accordance with the requirements of PART III of this general permit, pay the required fee, receive notification from the Department of registration, and comply with the terms and conditions of this general permit.
2. Coverage under this general permit is effective on the date that the NOI is accepted by the Department, provided the NOI fee has been paid to the Department in accordance with the terms stipulated in PART III of this general permit. A person, who submits such an NOI, is notified of its acceptance by the Department, complies with the terms and conditions of this general permit, and pays the required fee, is authorized to discharge under the terms and conditions of this general permit.
3. If the NOI fee is paid by check which 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 received by the 31<sup>st</sup> calendar day, coverage under this general permit shall be considered void from the outset. The permittee should save the cancelled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department upon request.

**H. Transfer of Authorization.**

1. The authorization under this general permit is not transferable to a change in facility location.
2. The authorization under this general permit is not transferable to any person except in accordance with this section.
3. Authorization to discharge under this general permit may be transferred to another person if:
  - a. The current permittee notifies the Department's Oil Control Program in writing of the proposed transfer and submits form MDE/LMA/PER.079.
  - 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 and liability for the terms and conditions of this general permit, is submitted to the

Department;

- 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 submits a modified NOI; and
  - d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items 3.a – 3.c above, of intent to terminate coverage under this general permit.
4. The Department may continue coverage for the new permittee under this general permit or may require the new permittee to apply for and obtain an individual State or State/NPDES discharge permit.
  5. The new permittee is responsible for any general permit fees unpaid by the former permittee.

**I. 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 general permit until the date(s) specified under a reissued general permit unless the general permit or authorization is revoked or terminated by the Department.

**J. Change in Location.**

Registration under this general permit is specific to a geographic location. If an operation moves, the permittee must submit a Notice of Termination (NOT) MDE/LMA/PER.070 form as required in Part I, Section F of this general permit. The permittee must also apply for coverage at the new location by submitting a new NOI and general permit fee.

**K. Responsibility of Permittee with Regard to Facility Users.**

1. It is the responsibility of the permittee to ensure all employees and any user of the permitted facility (e.g., contractors, employees, renters, day users, etc) have knowledge of the general permit prohibitions and other relevant requirements of this general permit. This shall be accomplished by posting in a conspicuous location signage identifying prohibited discharges and the Department's 24 hour Emergency Spill Reporting Number (1-866-633-4686).
2. If a user's activity results in a violation of the terms of the general permit and the permittee has performed its obligations with regard to the conditions in Section K.1, then the Department may directly address the violation with the responsible user.

**PART II. DEFINITIONS.**

- A. "**BTEX**" means the sum of the benzene, toluene, ethylbenzene, and xylene concentrations.
- B. "**Bypass**" means the intentional diversion of wastes from any portion of a treatment facility.
- C. "**CFR**" means Code of Federal Regulations.
- D. "**COMAR**" means Code of Maryland Regulations.
- E. "**Daily maximum**" means the highest reading of any daily determination of effluent concentration.
- F. "**Department**" means the Maryland Department of the Environment. Unless stated otherwise, all submissions to the Department shall be directed to the attention of the Oil Control Program.
- G. "**Discharge**" means:
  1. The addition, introduction, leaking, spilling, or emitting of any oil to waters of the State; or
  2. The placing of oil in a location where it is likely to reach waters of the State.

- H. **"Estimated flow"** means a calculated volume or discharge rate that is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
- I. **"Federal Clean Water Act"** (CWA) means the Federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulation adopted there under.
- J. **"General permit"** means a discharge permit issued for a class of dischargers.
- K. **"Grab sample"** means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
- L. **"Groundwater"** means underground water in a zone of saturation.
- M. **"Impaired water"** means water whose quality does not meet its designated use(s). For purposes of this general 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 Maryland's most current list of Impaired Surface Waters (as category 4 or 5) which can be found at the following link:
- <http://mde.maryland.gov/programs/Water/TMDL/DataCenter/Pages/index.aspx>
- N. **"Impervious area"** means any surface that does not allow storm water to infiltrate into the ground. Consistent with the Maryland Critical Area Commission, it also means human-made surfaces that are not vegetated will be considered impervious. Impervious surfaces include roof tops, roads, parking lots, driveways and other surfaces which no longer allow rainfall to soak into the ground.
- O. **"Includes" or "including"** means includes or including by way of illustration and not by way of limitation.
- P. **"NOI"** means Notice of Intent to be covered by this general permit (see PART III of this general permit).
- Q. **"NPDES permit"** means a National Pollutant Discharge Elimination System permit issued under the Federal Clean Water Act.
- R. **"Oil"** means oil of any kind and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuel including biodiesel fuel regardless of whether the fuel is petroleum based, asphalt, ethanol that is to be intended to be used as a motor fuel or fuel source, and regardless of specific gravity, every other non-edible non-substituted liquid petroleum fraction unless that fraction is specifically identified as a hazardous substance under CERCLA. "Oil" does not include liquefied natural gas, liquefied propane, or any edible oils.
- S. **"Operator"** means that person or those persons with responsibility for the management and performance of each facility.
- T. **"Permittee"** means the person holding a permit issued by the Department and authorized to discharge under the provisions of this general permit.

- U. **"Persistent Foam"** means foam that does not dissipate within one half-hour of point of discharge and: forms objectionable deposits on the receiving water; forms floating masses producing a nuisance; produces objectionable color or odor; or interferes with a designated use of the water body. It does not mean foaming of the receiving water body caused by natural conditions.
- V. **"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.
- W. **"Significant modification"** means an expansion of property of 20% or more, or other change that may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State.
- X. **"State discharge permit"** means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
- Y. **"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.
- Z. **"Surface waters"** means all waters of this State that are not groundwater.
- AA. **"Territorial boundaries"** means both land and waters of the State.
- BB. **"Total Maximum Daily Load (TMDL)"** means 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 to the pollutant's sources.
- CC. **"Total Petroleum Hydrocarbons"** or "TPH" means a test method defined under EPA Method 8015B . Samples shall be collected directly into a 1-liter, wide-mouth jar with inert cap liner and preserved with HCl to a pH of <2. Maximum holding time at 4°C shall be 28 days.
- DD. **"Upset"** means an 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.
- EE. **"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 substances containing liquid, gaseous, or solid matter and having characteristics that will pollute any waters of the State.
- FF. **"Water"** means the liquid substance which is derived from a groundwater source, a surface water source, or any combination of these sources and which will be discharged, without change in quality, into waters of this State, with the exception of storm water runoff.

**GG. "Waters of the 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 non-tidal 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 of Natural Resources on the basis of the 100-year flood frequency.

**HH. "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.

**PART III. CONDITIONS OF REGISTRATION.**

**A. Requests for Registration and Fee Requirements.**

1. Notice of Intent (NOI)
  - a. Applicants shall complete all required information on this general permit's corresponding NOI Form MDE/ LMA/ PER.009 (<http://www.mde.state.md.us/Pages/Home.aspx>), including: owner and permittee names, addresses, electronic mail (email) addresses, and telephone numbers; facility address; description of treatment process to be employed; a copy of analytical data generated within the past 6 months; and estimated effluent volume in gallons per day for each outfall.
  - b. A site map identifying discharge locations shall be included with the NOI. The map should provide significant points of reference (i.e. roads, buildings, etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point and all potable, monitoring, and recovery wells on the site and surrounding properties within ¼ mile. All discharge locations shall correspond to those identified on the NOI.
  - c. A latitude and longitude must be provided for each discharge point. All locations are to be provided in North American Datum (NAD83), Geographic Projection of Latitude/Longitude in Decimal Degrees.
  - d. If a person operates multiple facilities, a separate NOI is required for each noncontiguous site.
2. Permit Fee
  - a. Persons who intend to obtain coverage under this general permit shall submit an initial fee of \$120 to the Department with the NOI form.
  - b. Facilities owned or operated by local and State governments and their consultants are not required to pay a fee.
  - c. All fees shall be made payable to the Maryland Department of the Environment and mailed with the first page of the NOI to:

Maryland Department of the Environment  
P.O. Box 1417  
Baltimore, MD 21203-1417

**B. Deadlines for Notification.**

1. New Discharges:

At least 30 days prior to the commencement of any new discharge covered under this general permit, a person shall request coverage by submitting a NOI and fee in accordance with the requirements of this Part.

2. Renewals of General Permit 2013-OGR:

Within 90 days after the effective date of this general permit, any permittee currently registered under General Permit 2013-OGR shall submit to the Department a new NOI and fee in order to obtain coverage under this general permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 18OGR 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 general permit. Permittees who submit timely notification for continued general permit coverage shall operate under the administratively extended permit until receiving notification from the Department of coverage (or denial of coverage) under the new general permit.

3. All Discharges:

The Department may bring an enforcement action for failure to submit a NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage, under this general permit.

**C. Required Signatures.**

1. Certification. Any person signing a 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. All general permit documents 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 manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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 the EPA).

3. Report Submission.

a. All reports required by the general permit, and other information requested by the Department shall be signed by a person described in PART III, Section C.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- i.) The authorization is made in writing by a person described in PART III, Section C.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, a 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 accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART III, Section C.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.

**D. Failure to Notify.**

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

**E. Change in Discharge.**

All discharges authorized herein shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant identified in this general permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this general permit. The permittee shall report any anticipated facility expansions, additional or relocated outfalls, or process modifications which will result in new, different, or an increased discharge of pollutants by submitting a new NOI at least 90 days prior to the commencement of the changed discharge. Based on its evaluation of the revised NOI, the Department may:

- 1. Continue to authorize the discharge under this general permit; or
- 2. Require the permittee to apply for an individual State or State/NPDES discharge permit.

**F. Additional Notification.**

Any facility registered under this general permit that discharges into a municipal storm sewer system shall notify the operator of that system of any single discharge of 100,000 gallons or more and make its pollution prevention plan available to the operator. Local storm sewer systems under NPDES permits are listed at:

<http://mde.maryland.gov/programs/water/www/Pages/MunicipalSurfaceWater.aspx>

**G. Permit Expiration and Renewal.**

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

**PART IV. SPECIAL CONDITIONS.**

**A. Notification of the Discharge of a Pollutant Not Limited in This General 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 general permit have been discharged at levels specified in 40 CFR Part 122.42.

**B. Effluent Limitations and Monitoring Requirements. (see Attachment 1)**

**PART V. MONITORING AND REPORTING.**

**A. Representative Sampling.**

1. 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 permitted discharges of wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this general permit.
2. The permittee shall estimate flows and submit the following information with their discharge monitoring report each calendar year:
  - a. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
  - b. 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, locations, and persons performing the measurements/observations should also be provided; and
  - c. 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.

**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 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 general 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;
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 in accordance with manufacturer's specifications 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 general permit, the permittee shall use approved analytical methods as specified in Part V. Section B and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Part V. Section F.

**F. Reporting Monitoring Results.**

1. Discharge Monitoring Report (DMR) data obtained by the permittee during each calendar quarter shall be summarized for each outfall as provided with registration under this general permit. DMR data shall be submitted electronically via the EPA's online Central Data Exchange (CDX) system no later than the 28<sup>th</sup> day of the month following the end of each calendar quarter (March, June, September, and December). To obtain information regarding the CDX system and DMR submissions, please contact the Department's Water and Science Administration via email at [mde.netdmr@maryland.gov](mailto:mde.netdmr@maryland.gov) or by telephone at (410) 537-3520.
2. Permittees shall submit the name and address of the laboratory performing analyses within 30 days of registration under this general permit. If the permittee changes laboratories during the general permit term, the Department shall be notified in writing within 30 days. This information shall be sent to the address listed in Part V, Section F.1
3. All reports required by this general permit and other information requested by the Department shall be signed by a person described in Part III, Section C.2, or by a duly authorized representative of that person, as described in Part III, Section C.3.

**G. Records Retention.**

All records and information resulting from the monitoring activities required by this general 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 five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

#### H. **Noncompliance with Discharge Limits.**

The discharge of any pollutant identified in this general permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this general permit.

1. If for any reason the permittee does not comply with or will be unable to comply with any of the effluent limitations in this general permit, the permittee shall notify, within 24 hours of discovery of the noncompliance, the:

Maryland Department of the Environment  
Land and Materials Administration  
Oil Control Program - Permits  
1800 Washington Boulevard, Suite 620  
Baltimore MD 21230-1719  
PH: (410) 537-3442 FAX: (410) 537-3092

2. The permittee shall take all reasonable steps including shutting down the treatment system and ceasing any discharge, 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 general permit.
3. Within five calendar days of notifying the Department, the permittee shall provide the Department with the following information in writing:
  - a. A description of the noncomplying discharge including its impact upon the receiving waters;
  - b. The estimated length of time the noncompliance occurred prior to discovery;
  - c. The cause of noncompliance;
  - d. The anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
  - e. Steps taken by the permittee to reduce and eliminate the noncomplying discharge;
  - f. Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
  - g. A description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

#### **PART VI. VIOLATION OF GENERAL 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 general permit, the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the Federal Clean Water Act, 33 U.S.C. §1251 et seq.

##### B. **Civil and Criminal Liability.**

Except as provided in the general permit conditions on "bypassing" and "upset" (see Part VII), nothing in this general permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any civil or criminal responsibilities, liabilities, and/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. **Action on Violations.**

The act to issue or reissue this general permit does not constitute a decision by the State not to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or re-issuance of this general permit, nor a waiver of the State's right to do so.

**D. Civil Penalties for Violations of General 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 (CWA) provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the CWA, is subject to a civil penalty not to exceed \$37,500 per day for each violation.

**E. Criminal Penalties for Violations of General 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 CWA provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than \$2,500 nor more than \$25,000 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 CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, 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 CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, 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 that is a corporation, shall, upon conviction, be subject to a penalty of not more than \$1,000,000.

**F. Penalties for Falsification and Tampering.**

The Environment Article, §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 CWA, 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 two years, or by both.

## **PART VII. 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 permittees premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this general permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this general permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this general permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this general permit;
5. To sample, at reasonable times, any discharge of pollutants; and
6. To take photographs.

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

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

### **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 whether cause exists for modifying, revoking and reissuing, or terminating this general permit, or to determine compliance with this general permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this general permit.

### **D. Bypassing.**

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this general 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. Notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days) of the permittee becoming aware of the bypass. Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
4. The bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

**E. Conditions Necessary for 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 to the Department notification of an upset within 24 hours in accordance with the reporting requirements identified in PART V, Section H (Noncompliance with Discharge Limits) of this general permit;
4. The permittee submitted to the Department, within five calendar days of becoming aware of the upset, documentation to support and justify the upset in accordance with the reporting requirements identified in Part V, Section H.
5. The permittee complied with any remedial measures required to minimize adverse impact.

**F. Removed Substances.**

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed in a manner to prevent any removed substances or runoff from such substances from being discharged to Waters of the State. The permittee shall keep a record of the following information and make it available to the Department upon request:

1. The location of all areas used for the disposal of any removed substances as described above;
2. The physical, chemical, and biological characteristics of the removed substances (as appropriate), quantities of any removed substances handled, and the method of disposal; and
3. Identification of the contractor or subcontractor, their mailing addresses, and the information specified in F.1 and F.2 of this Section if disposal is handled by persons other than the permittee.

**G. Facility Operation and Maintenance.**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the general permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the general permit.

**H. Power Failure**

In order to maintain compliance with the terms and conditions of this general 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.

**I. Other Information.**

When the permittee becomes aware that incorrect information has been included in the NOI or in any other report submitted to the Department, or relevant facts have been omitted from the NOI, or

any other report to the Department, the permittee shall submit the correct information or facts to the Department within thirty (30) calendar days of becoming aware.

**J. Availability of Reports.**

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act (33 U.S.C. §1318), all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

**K. Toxic Pollutants.**

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the CWA, 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 general permit has not yet been modified to incorporate the requirement.

**L. Oil and Hazardous Substances Prohibited.**

Nothing in this general 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 Section 311 of the Clean Water Act (33. U.S.C. §1321), or under the Annotated Code of Maryland.

**M. Water Construction and Obstruction.**

This general 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.

**N. Protection of Water Quality.**

It is a violation of this general permit to discharge any substance not otherwise identified in the effluent limits in Attachment 1 of this general permit at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03. If an authorized discharge regulated by this general permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, or if the discharge includes a pollutant that was not disclosed or addressed in the NOI, the Department is authorized to exercise its powers to modify, suspend, or revoke the discharge authorization.

**O. Permit Modification.**

The Department may revoke this general permit or modify this general permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 CFR §§ 122.62, 122.63, 122.64 and 124.5

This general permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Federal Clean Water Act (33 U.S.C. §§1311, 1314, and 1317), if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in this general permit; or
2. Controls any pollutant not limited in this general permit. This general permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

**P. Impaired Receiving Waters and Total Maximum Daily Loads.**

The NOI for any discharge must identify whether any receiving water is on Maryland's impaired waters list for sediments, which can be found at the Department's 303(d) Searchable Integrated Report Database which can be found at the following link:

<http://mde.maryland.gov/programs/water/TMDL/Integrated303dReports/Pages/303d.aspx>

If the water body has an approved TMDL for sediments, the Department may require individual permit coverage. The permittee must implement all necessary controls to meet the specified waste load allocation (WLA), if one exists, and verify that the discharge complies with the WLA through the discharge monitoring requirements included in this general permit. Failure to comply with a relevant WLA is a violation of this general permit.

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

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

**R. Severability.**

The provisions of this general permit are severable. If any provisions of this general 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 general permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

**PART VIII. 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 U.S. Environmental Protection Agency 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 a NPDES general permit.

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Kaley Laleker, Director  
Land and Materials Administration



# ATTACHMENT 1

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge treated petroleum hydrocarbon contaminated ground water to surface or ground waters of the State. Each point of discharge shall constitute an individual outfall which is subject to the below listed effluent limitations and monitoring requirements. Such discharge shall be monitored by the permittee and limited at a sampling port at the discharge of the treatment system as specified below:

<u>EFFLUENT PARAMETERS</u> <sup>(1)</sup>	<u>Analytical Method</u>	<u>EFFLUENT LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
		<u>Concentrations</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>prep/ test</u>	<u>Quarterly Average</u>	<u>Daily Maximum</u>		
Flow (gpd)		(2)	(2)	(5)	estimated
Total BTEX <sup>(3)(4)</sup>	5030/ 8260	(2)	100 ppb	(5)	grab
Benzene <sup>(4)</sup>	5030/ 8260	(2)	5 ppb	(5)	grab
Toluene <sup>(4)</sup>	5030/ 8260	(2)	(2)	(5)	grab
Ethylbenzene <sup>(4)</sup>	5030/ 8260	(2)	(2)	(5)	grab
Xylene <sup>(4)</sup>	5030/ 8260	(2)	(2)	(5)	grab
Naphthalene <sup>(4)</sup>	5030/ 8260	(2)	(2)	(5)	grab
MtBE <sup>(4)</sup>	5030/ 8260	(2)	(2)	(5)	grab
TPH	(6) / 8015B	(2)	15 ppm	(5)	grab

For discharges to surface waters, there shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge. Additionally, there shall be no visible petroleum sheen discharged to waters of the State.

- (1) Required effluent characteristics to be monitored for ground water contaminated with:
  - a. Gasoline: Flow, Total BTEX, Benzene, Toluene, Ethylbenzene, and Xylene.
  - b. Oil products other than gasoline: Flow, Naphthalene, and TPH.
  - c. Unknown or mixed sources of contamination: All listed effluent characteristics.
- (2) Monitoring required without limits unless specified in the general permit.
- (3) Total BTEX is defined as the sum of the benzene, toluene, ethylbenzene, and xylene concentrations.
- (4) EPA test method 5030/ 8260 is required for all listed purgeable aromatic hydrocarbons and MtBE.
- (5) 1 sample per month (1/month) if treating 25,000 gallons or less per month  
 1 sample every two weeks (2/month) if treating 25,001 - 500,000 gallons per month  
 1 sample per week (4/month) if treating 500,001 gallons or more per month
- (6) TPH preparation method for GRO=5030; for DRO=3510 or 3520.