

Frequently Asked Questions (FAQ)

General Background

In recognition that the permit is beyond its five-year term, and in recognition that NPDES permits have a maximum duration of five years, the Department is discontinuing the acceptance of new registrations under the stormwater associated with industrial activity (12-SW) General Permit. Proposed new discharges of stormwater will not be allowed to obtain general permit coverage until a new permit is issued.

In place of a registration under the expired permit, the Department has issued a Consent Order to cover proposed new discharges of stormwater associated with industrial activity if an applicant meets the General Permit eligibility criteria and declares intention to operate in accordance with the terms of 12-SW. The applicant should submit a Declaration of Intent (DOI) and complete the registration/certification process in accordance with the requirements otherwise set forth for registrations under the General Permit.

If the applicant does not agree to these terms and does not sign the Declaration of Intent (DOI), then the Department will process the registration request as an application for an individual permit for the discharge of stormwater, which the Department estimates will take a minimum of six months to issue. (The specific timeframe to process Individual Permits is dependent on the number of other permit requests pending at the time of application, for example).

What is a Declaration of Intent (DOI)?

A DOI is a legally binding agreement with the State of Maryland. Through signing the agreement, you acknowledge your intent to voluntarily consent to the June 01, 2020 Order of the Maryland Department of the Environment requiring you to comply with all the terms and conditions of the expired General Permit for Stormwater Associated with Industrial Activity until a new general permit is final and effective. These requirements include submission of the required NOI even though approval of the NOI will not constitute permit coverage under the expired permit.

Failure to comply with the terms and conditions of the Order will then subject you to potential civil and administrative penalties for failure to comply.

What is a DOI approval? Similar to the Registration Letters that have been issued prior to the expiration date, the DOI approval is a confirmation that you have signed the DOI, the NOI and provided the required documents for permit coverage. This approval is issued for your activity and confirms any requirements specific to your facility and that you are now bound by the terms of the Consent Order.

Why is the DOI required? EPA has determined the permit to be effectively expired and that further registrations under the stormwater general permit must no longer be accepted at this time. Federal regulations require a permit to have a maximum term of five years unless an application meets the prerequisites that allow for an administrative extension of the permit. The Department worked with EPA

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to identify a suitable approach until a new permit can be issued.

Where can I find the DOI to submit with my NOI? We are making every attempt to email copies of the DOI to applicants, and also have the DOI on our webpage. <https://mdewwp.page.link/ISW>

What is a Consent Order? A consent order is a legally binding agreement between two parties, in this case between you and MDE. You are consenting to abide by all the terms in the expired permit.

Does the DOI approval give MDE the same authority as the registration approval? Yes, the Department has the authority to inspect and verify compliance with the permit requirements and to enforce the terms of the DOI through the Consent Order. For specific details, please refer to the Consent Order.

What if I am advised by counsel not to sign a Consent Order? What is the alternative? You can apply for an individual permit for your project. You should know that approval of an individual permit may take at least six months.

What is the status of the 12SW renewal? The Department will submit its draft of the 20SW to the EPA in July. The EPA then has 90 days to review and comment. After the EPA review the Department will start the public review process.

How long will it take to get the 20SW permit in place? The Department will need to review and address concerns raised during that review prior to issuing the Tentative Determination, which is the Draft that will be available for all external entities

to review. The Department will publish notices in the newspapers, the Maryland Registry, and send letters to the permittees notifying them that the draft is available to review. The Department will hold a public hearing on the draft and will take comments on the draft. Comments will also need to be considered and responded to prior to issuing the final permit. It is expected that this process will last through the Fall, with a goal of issuing the final permit in early 2021. The effective date and the expectations for submitting NOIs will be addressed in that permit.

Will I have to pay for the DOI under the 12SW AND for the 20SW permit when it gets renewed? Yes, you will need to file the DOI, an NOI, pay a fee and provide a SWPPP as required by the 12SW permit. Upon renewal under the 20SW permit, you would abide by the requirements of the new permit to include a new NOI, fee and SWPPP.

I applied for the 12SW before it expired. Do I have to submit a DOI?
No.

I applied for the 12SW after it expired? Do I have to submit a DOI?
Yes.

What is the difference between a registration approval and a DOI approval? The registration approval is the approval that was sent in response to each approved NOI submitted prior to the additional submittal requirement for a DOI. The DOI approval addresses the interim gap in coverage for new registrations due to the expired General Permit.

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Contact Information

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