Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

GENERAL PERMIT FOR DISCHARGES FROM STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

DISCHARGE PERMIT NO. 12-SWA **NPDES PERMIT NO. MDR0000**

Effective Date: January 1, 2014 **Expiration Date:** December 31, 2018

Modification Date: **December 7, 2018**

2. Termination of Permit Coverage
   a. Submitting a Notice of Termination
   To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT) http://www.mde.maryland.gov/programs/Permits/WaterManagementPermits/Documents/GDP%20Stormwater/MDE-WMA-PER005.pdf to the Water Permits Program. Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part I.H.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.
   b. When to Submit a Notice of Termination
   You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:
      i.) All operations at your facility have permanently ceased and there will be no further exposure of stormwater to any industrial activity, process, material or transport at the facility , and you have already implemented necessary sediment and erosion controls as required by Part III.B.1.b.v; or
      ii.) You move your operation to a new location (After submitting an NOT you must then apply for coverage at the new location per Part II.); or
      iii.) A new owner or operator has taken over responsibility for the facility; or
      iv.) You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless the Department has required that you obtain such coverage under Part I.E.4, in which case coverage under this permit will terminate automatically.

   c. The Department may terminate your coverage under this general permit if the Department finds good cause to do so.

PART III. STORMWATER MANAGEMENT REQUIREMENTS

A. Chesapeake Bay Restoration Requirements

You must comply with the requirements in this section if you meet ALL of these criteria:

- your facility is within the Chesapeake Bay Watershed;
- your facility is 5 acres or greater in size;
- any portion of your facility is located within a Phase I or Phase II municipal separate storm sewer system (MS4) jurisdiction; and
- your facility is not owned by or leased from an entity that is permitted as an MS4.

All facilities not owned by or leased from an entity that is permitted as an MS4, including those smaller than 5 acres, have the option to perform restoration to create marketable credits in accordance with any final Maryland Water Quality Trading Program regulations (COMAR 26.08.11). (Refer to Appendix G).

1. Control Measures for Nutrient Reduction
   a. You must select, design, install and implement restoration of 20% of the untreated impervious surface area at your facility or equivalent control measures for the reduction of nutrients.
      i.) Restoration of impervious surfaces and allowed equivalent control measures are defined in paragraph "c" below.
      ii.) "Untreated" means not meeting the definition of treatment in Appendix E, "Treatment of

Impervious Surfaces." The amount of required restoration is determined from the impervious areas within your permitted industrial area as defined in paragraph "b" below. However the control measures may be implemented outside this industrial area, including but not limited to restoration of parking lots within your entire facility, or projects offsite in coordination with your local stormwater authority as described in paragraphs "c" or "d" below.

iii.) The control measures must be fully implemented within the time frame described in paragraph "e" below and must be consistent with other MDE policies as described in paragraphs "f" and "g" below.

b. The total area of untreated impervious surfaces that existed at your facility on January 1, 2006, as determined to the best of your ability, shall be your baseline for determining the applicable amount of control measures. For the purposes of this permit requirement, impervious surfaces are those surfaces that do not allow stormwater to infiltrate into the ground and may include any driveway, road or parking lot that is paved (concrete, asphalt) or used for vehicular storage or traffic, any building or storage facility rooftop, any water resistant material covers, any sidewalks/paths, any decks, any paved storage areas, any tanks or containment structures or any surfaces that are paved or covered for other reasons. These impervious surfaces also must collect or convey stormwater discharges associated with industrial activity (as defined in Appendix E "Stormwater Discharges Associated with Industrial Activity"), for your primary industrial or co-located industrial activities at your facility.

c. Control measures must be designed and implemented using any combination of the following three methods. Any treatment of impervious surfaces added since January 1, 2006 may be counted towards meeting the 20% requirement.

i.) Practices found in the Design Manual (as defined in Appendix E, "Design Manual"), or other Proprietary Practices (as defined in Appendix E, "Proprietary Practices") approved by the Department. Restoration of impervious surfaces is defined as the treatment of untreated impervious surfaces with structural or non-structural stormwater management practices using structural best management practices (BMPs) found in the Design Manual, or through other Proprietary Practices approved by the Department, based upon designs that treat the volume from one inch of rainfall. Successful implementation of these structural BMPs in the industrial environment also requires some flexibility to accommodate site specific conditions. Restoration opportunities should be pursued where they make sense and where engineering adjustments allow for the successful functioning of any BMP used. The sources of pollutants that may impede the practices may require specific consideration such as pretreatment.

ii.) Practices found in the Accounting Guidance (as defined in Appendix E, "Accounting Guidance"). This nutrient accounting guidance provides several approved equivalent controls used by municipalities ranging from street sweeping to septic system upgrades, which can be considered by industrial facilities. In addition, this guidance addresses situations where site constraints prevent the capture of the full one inch or Water Quality Volume (WQv) treatment, and in these situations the impervious area considered as treated shall be pro-rated based on the total volume treated. The total impervious surface area draining to a BMP may be considered treated when the full WQv is provided for one inch of rainfall; otherwise, proportional treatment will be granted based on the percentage of the WQv captured. For example, if only a half inch of rainfall is treated, then only one half of the impervious surface area in the drainage area shall be considered treated.

iii.) Other equivalent control measures. Measures that achieve reduction of 5.4 lbs total nitrogen (TN) per year shall be considered equivalent to restoration of one acre of impervious surface area. The equivalent measures may include any of these options.

- New controls required by this permit for erosion and sediment control, or for reduced use of fertilizer. Refer to EPA Chesapeake Bay Program Office Phase 5.3 Community

Watershed Model, dated December 2010, for guidance on evaluating reductions. This is referred to by document number "EPA 903S10002 - CBP/TRS-303-10" and can be found at the website "http://ches.communitymodeling.org/models/CBPhase5/documentation.php". New erosion and sediment control reduction efficiencies are found in this document under "6.7.3 Erosion and Sediment Control" and reduced use of fertilizer load reductions are found under "6.7.10 Urban Nutrient Management".

- New controls to achieve the benchmarks for nitrogen required by this permit, if benchmarks are applicable for your facility. The control design and resulting TN reductions must be fully documented and approved by the Department.
- Reducing an existing TN load allocation under an individual NPDES permit, issued to the permittee.

d. You must implement the control measures (Part III.A.1.c) at your facility(s) unless infeasible (as defined in Appendix E, "Infeasible"). If it is infeasible to implement any or all of these practices at your facility(s), you may satisfy the restoration requirement applicable until you obtain permit coverage under the terms of any renewal of this permit by the Department by working through your local stormwater jurisdiction to implement project(s) offsite or through trading to acquire credits, but only as authorized under, and in accordance with the Maryland Water Quality Trading Program regulations (COMAR 26.08.11). If you intend to trade to meet these requirements, you must

i.) notify the Department and address all applicable regulatory requirements, including all reporting and notification requirements under Appendix G of this permit;

ii.) translate the restoration requirements from impervious acres to Total Nitrogen (TN), Total Phosphorus (TP) and Sediment (TSS), using the calculation method prescribed by COMAR 26.08.11; and

iii.) complete the acquisition of verified credits no later than 3 months (end of March) following the end of the calendar year in which the credits are applicable.

e. For facilities that were registered for coverage under the 02-SW, the control measures must be implemented within five (5) years of the permit effective date. For all other permittees, the control measures must be implemented within four (4) years from the date you file an NOI, and this deadline will continue into the next General Permit issued by the State if the General Permit renewal occurs prior to your implementation deadline.

f. The reduction of nutrients associated with compliance with the 20% restoration requirement shall not generate any marketable credits. Reductions beyond the requirements in this permit may be eligible as marketable credits in accordance with Maryland Water Quality Trading Program regulations (COMAR 26.08.11).

g. This requirement must be implemented in a manner that is consistent with any other permits, schedules or requirements by the Department for the control or mitigation of pollutants at the site.

2. Nutrient Control Measure Planning and SWPPP Documentation

For those facilities that were entirely developed or entirely redeveloped after 2002, such that all impervious surfaces have been treated with stormwater BMPs in the Design Manual, you must complete only step "a" and step "b" below and document the results in your SWPPP. For all other facilities, you must develop a plan by completing all the following steps and document in your SWPPP (required in Part III.C.4 of this permit) the results of each step.

a. Identify all impervious surfaces that are subject to this permit, as defined in Part III.A.1.a, and calculate the total impervious surface area for your facility.

b. Identify the impervious surface area treated with existing stormwater best management practices (BMPs) that provide the full one inch or WQv treatment (as defined in Appendix E, "Treatment of Impervious Surfaces").

c. Identify the impervious surface area partially treated by existing stormwater best management

practices (BMPs) that don't provide the full one inch or WQv treatment. Convert the partially treated area total to its equivalent fully treated area total by applying a proportional factor based on the percentage of the WQv captured. This result is the "adjusted partially treated area." For example, if only a half inch of rainfall is treated, then only one half of the impervious surface area in the drainage area shall be considered treated.

d. Subtract the treated area result in "b" above and the adjusted partially treated area result in "c" above from the total impervious surface area result in "a" above. The resulting value represents the untreated impervious surface area.

e. Multiply the untreated impervious surface area (result in "d" above) by 20% to calculate the impervious surface area subject to the 20% control measure requirement. Convert this area to acres by dividing your square feet of impervious area by 43,560.

f. Determine all of your available options as follows:

i.) restoration control measures using the Design Manual and/or Proprietary Practices as referenced in Part III.A.1.c.i;

ii.) control measure alternatives through the Accounting Guidance as referenced in Part III.A.1.c.ii; and

iii.) equivalent control measures as referenced in Part III.A.1.c.iii.

g. Evaluate and then select practices from the options (identified in "f" above) that you will implement to comply with the control measure requirement of this permit (result in "e" above).

h. If after evaluating your potential options for nutrient reductions, you determine it is infeasible to meet the nutrient reduction requirements at your facility, provide your rationale and describe your alternate plan and schedule consistent with Part III.A.1.d for coordinating with the local jurisdiction to implement equivalent off-site projects.

i. Document your selection of BMPs and equivalent measures, including calculations that show your approach will achieve the nutrient reduction requirement.

j. Provide a schedule and basis for all options you selected that cannot be implemented within 30 days of registration under this permit.

k. Specify appropriate routine maintenance schedules for all new and existing BMPs. Include in your plan a procedure for inspection and documentation of those inspections for all structural, nonstructural and other equivalent control measures.

l. Modify the resulting plan as needed to keep implementation on pace to meet the permit deadline in Part III.A.1.e.

3. Nutrient Control Measure Verification

a. When the required selection of BMPs and equivalent measures have been implemented, you shall obtain written certification by either a Professional Engineer (PE), a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect. The certification shall be kept with your SWPPP and be accessible to the Department upon request.This certification is to provide verification that:

- the type and capacity of the control(s) specified in the SWPPP meet the current design standards specified in the Design Manual, approved Proprietary Practices specification or Accounting Guidance satisfying the permit restoration requirements;
- all equivalent measures specified in the SWPPP have been implemented to achieve the planned nutrient reduction levels;
- all structural BMPs in the SWPPP are properly maintained in accordance with approved design plans;
- all BMPs are supported by procedures in the SWPPP for required inspections and testing;
- all BMPs are fully implemented; and

- the professional signing the verification has visited and examined the facility.

b. For facilities that were registered for coverage under the 02-SW, you must provide an updated SWPPP and complete the Nutrient Reduction Progress Report Form, provided in Appendix F, and send both documents to the Department one (1) year prior to the expiration date of this permit (December 31, 2017). For all other permittees, you must provide an updated SWPPP and complete the Nutrient Reduction Progress Report Form, provided in Appendix F, and send both documents to the Department within four (4) years from the date you file an NOI.

4. Ongoing Requirements:

a. For those facilities that have certified their implementation of the Chesapeake Bay Restoration requirements of this permit (see paragraph 2), and for those facilities who have reached their required deadline for certification, you must continue to maintain structural practices, and/or continue to perform any non-structural requirements (such as street sweeping or trading), yearly as required by this permit, as long as this permit remains effective (or administratively extended).

b. Operators seeking to achieve nutrient reduction via trading must continue to provide additional information verification of compliance annually. (Refer to Appendix G).

[Space intentionally left blank]

B. Control Measures and Effluent Limits

In the technology-based limits included in Part III.B.1 and in Appendix D, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

1. Control Measures

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the nonnumeric effluent limits, as described below. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of

General Discharge Permit No. 12-SW

Appendix G:

Reporting and Verification Requirements for Trading

Trading Must Abide by the Requirements of COMAR 26.08.11

The following requirements support the reporting and verification portions of the regulation and must be followed for those either generating a marketable credit, or those who are trading to meet the restoration requirements of this permit.

Additional Requirements for Facilities Generating a Marketable Credit:

1) Calculation of Credits. You must use assessment tools consistent with the Chesapeake Bay Program modeling tools and accepted by the Department. Any assumptions or backup data used in the calculations of credits must be maintained on-site.
2) Procedure for Certification. Your generated credits are not valid or tradable until placed on the Registry. The registration of the credits requires completion of a Certification and Registration Form as provided by the Department, which includes documentation that the generator either owns the property or has the permission of the landowner to install, access and maintain the BMP. Only when that form is completed and the credits are on the registry, are they available for a trade. As a condition for the certification, you (and the landowner if different from the permittee) must agree in writing to provide the Department, the verifier and their agent's access to the BMP during the lifespan of the credit. You are required to provide additional notification if the BMP changes or the ownership of the property changes.
3) Verification and Reporting Requirements. You shall ensure that all generated credits are verified in accordance with COMAR 26.08.11, which shall be no less than every 3 years. Verification of credits generated must be performed by a State or county inspector, a professional engineer registered in Maryland or a Department approved verifier. Each report prepared by an inspector or verifier in accordance with B(2) of the regulation shall include documentation that the BMP implemented continues to meet baseline compliance and that the credit generating BMP continues to be operated and maintained in accordance with the trading contract. If deficiencies exist and resulting corrective measures are needed, you must immediately implement them or jeopardize your trade. You may be required to perform additional inspections to ensure the BMP continues to perform as required. The details associated with implementing the verification requirement shall be incorporated into your SWPPP monitoring plans.
4) The above calculations and permittee copies of the completed forms and correspondence with the Department must be kept onsite and available to an inspector.
5) While generating credits, the permittee is required to email a scanned copy of the Comprehensive Site Compliance Evaluation report (Part V.A.2.b) to the Department at swppp.permit@maryland.gov, by December 1 of that calendar year.

Additional Requirements for Facilities Satisfying their Restoration Requirements via a Trade:

1) In the event of a default in a trade contract, expiration of a credit, or suspension or revocation of a credit, the buyer using the credit remains responsible for complying with the permit. In any of these events, the permittee must update the SWPPP and inform the Department of their plan to regain compliance with the restoration requirement of the permit.
2) Registration of Trades. The permittee must notify the Department about each trade they are involved in by filing a form provided by the Department within 15 days after the trade, after which time the Department will update the Registry to include the registration number. The permittee must update the SWPPP to include this registration number and how this trade is used to satisfy restoration requirements.
3) Verification and Reporting Requirements. The permittee must include the status of any trades they have initiated to meet the permit requirements in their Comprehensive Site Compliance Evaluation report (Part V.A.2.b). The permittee must email a scanned copy of the Comprehensive Site Compliance Evaluation report to the Department at swppp.permit@maryland.gov, by December 1 of that calendar year.
4) Copies of the contract, the annual Department notification and any other correspondence with the Department regarding the trade must be kept onsite and available to an inspector.

Modification "A" Approval

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 a NPDES general permit.

D. Lee Currey, Director
Water and Science Administration