

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WATER AND SCIENCE ADMINISTRATION  
WASTEWATER PERMITS PROGRAM**

**NOTICE OF FINAL DETERMINATION**

***General Permit for Discharges from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation***

The Department is reissuing the State/NPDES (National Pollution Discharge Elimination System) permit 11HT (NPDES No. MDG67) as the new 17HT. The 11HT permit's full title was the General Discharge Permit from Tanks, Pipes, and Other Liquid Containment Structures. The 17HT will be known as the General Discharge Permit from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation. The 17HT permit applies to discharges of wastewater from hydrostatic testing, potable water systems, construction dewatering, groundwater remediation, flushing of fire control systems, and tank bottoms, and stormwater from storage tank containment structures in the state of Maryland.

A public notice on the tentative determination to reissue the discharge permit was published on August 3, 2018 in the Maryland Register and in newspapers throughout Maryland. The Department held a public hearing concerning the tentative determination on Thursday, September 6, 2018 at 1pm in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, and received comments through Thursday, September 13, 2018. The Department also opened an informal comment period for specific issues regarding the permit from July 19 to August 19, 2019. After considering all comments received either in writing or through oral testimony during the comment period, the Department has made a final determination to issue the permit.

Listed below are the revisions included in the Department's final determination:

1. The Department has established specific procedures for approving chemical additives for sediment control and included those in the final permit. The updated approval procedures will provide a list of pre-approved additives on the Department's website, identify a specific procedure for requesting addition of a new additive to the pre-approved list, specifically require written approval as part of the permit registration letter, outline necessary information regarding additive selection and usage procedures to be followed and documented in the facility's Pollution Prevention Plan, and require more extensive application requirements for cationic polymers,
2. The Department has amended the requirements for what requires permittees to submit a Notice of Intent (NOI) for coverage of construction dewatering discharges. In the final determination, an NOI is only required if discharges are

- either over 10,000 gallons per day or are the permittee is proposing to use chemical additives for sediment control. The remainder of dischargers under this category would be automatically authorized to discharge in compliance with permit requirements.
3. The numerical limitations for pH for construction dewatering in the presence of fresh concrete has been changed to a narrative requirement to better align with other permits which cover this type of discharge.
  4. The Department has clarified that submission for coverage to discharge stormwater from containment areas is only necessary if other types of discharge which require an NPDES permit are present at the site.
  5. Language from the 11-HT permit which exempted groundwater discharges of hydrostatic test water, potable water sources, and fire suppression system wastewater from numerical monitoring has been restored. This language was mistakenly omitted in the tentative determination.
  6. The Department has removed the requirement for notification of WSA Compliance in the event that a discharge exceeds half the flow of the receiving stream. Notification remains a requirement for discharges exceeding 100,000 gallons.
  7. The Department has amended the coverage for discharges of “untreated water” such that only sources which are 100,000 gallons per day or greater will be required to submit an NOI. Discharger which are between 10,000 and 100,000 gallons per day will be authorized by the permit without submission of the NOI and such dischargers must adhere to permit terms to comply.
  8. The Department has added clarifying language to express that no permit is required for discharges of water from vaults, manholes, etc. so long as the water is uncontaminated by site activities.
  9. The Department clarified that the washwater exception from Part I.C.3 of the permit refers to washing of interior of tanks.
  10. The Department has altered language regarding what must be included in submission of a map to better suit specific nature of larger water systems. The Department reserves the right to require specific items on maps on a case-by-case basis.
  11. The Department has clarified that the definition of “water” is synonymous with “untreated water” for the purposes of this permit.
  12. The Department has clarified that it reserves the right to require submission of monitoring data or site assessments on a case-by-case basis for dischargers of

- construction dewatering. Such assessments are not to be automatically required and determinations will be made using best professional judgment. This matches the intent of the tentative determination but required minor language changes to resolve a conflict between varying permit sections.
13. The Department has added language regarding antidegradation reviews where necessary for dischargers into Tier II receiving streams or catchments. The Notice of Intent requirements have been updated to require an applicant to indicate if discharges are into Tier II receiving waters or catchments. All dischargers into Tier II receiving waters or catchments will now be required to submit a Notice of Intent for coverage under this permit where they would otherwise have been covered under this permit without submitting a Notice of Intent.
  14. Under Discharge Category E for discharges from fire control systems, the Department has removed temperature from the monitoring table for dischargers under 100,000 gallons per day or half the receiving stream. The monitoring and limitation requirement is now expressed in the narrative form (as it was in the previous permit) for the purposes of increasing clarity.
  15. Requirements for permittees under Discharge Category H for stormwater discharges from aboveground tank containment areas have been adjusted to include narrative clean-up requirements, reduce the need for numeric sampling following clean-up to a single event, and clarifies requirements for sample collection. The updated language better aligns with other Maryland general permits for stormwater.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article within 30 days after publication of a notice of final determination, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review within 30 days after publication of a notice of final determination will constitute a waiver of any right to a judicial review of this final determination.

The final permit, responses to comments, and other documents associated with the final permit may be downloaded from the Department's website for the HT permit at <https://mdewwp.page.link/HTGP>. Any questions regarding this final determination should be directed to Jonathan Rice ([jonathan.rice@maryland.gov](mailto:jonathan.rice@maryland.gov)) or Michael Richardson ([michael.richardson@maryland.gov](mailto:michael.richardson@maryland.gov)) or by calling the Industrial and General Permits Division at (410) 537-3323. Persons seeking to review the final permit and associated file may do so by contacting Mr. Rice or Mr. Richardson to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.