



**GENERAL PERMIT FOR DISCHARGES FROM TANKS, PIPES, OTHER LIQUID
CONTAINMENT STRUCTURES, DEWATERING ACTIVITIES, AND GROUNDWATER
REMEDATION**

DRAFT

GENERAL DISCHARGE PERMIT NO. 17HT

NPDES PERMIT NO. MDG67

Effective Date: TBD

Expiration Date: TBD

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PART I. PERMIT APPLICABILITY

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, hereinafter 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 wastewater from hydrostatic testing and related discharges described herein to Waters of this State in accordance with the eligibility requirements and other conditions set forth in this permit and consistent with the permittees’ NOI on file with the Department. “You” and “Your” are used in this permit to refer to the permittee or the permit applicant, as the context indicates, and that party’s facility or responsibilities.

A. Geographic Coverage

This permit covers discharges to surface or groundwater located within the territorial boundaries of the state of Maryland.

B. Eligible Discharges

This permit covers the following discharges:

1. **Discharge Category A:** Wastewater from the disinfection (only disinfection agents containing bromide or chloride are authorized) or hydrostatic testing of pipes, pipelines or tanks, excluding sources from potable water systems;
 2. **Discharge Category B:** Discharges from potable water systems resulting from the overflow, flushing, disinfection, hydrostatic testing, mechanical cleaning, or dewatering of vessels or structures used to store or convey potable water;
 3. **Discharge Category C:** Dewatering from construction activities;
 4. **Discharge Category D:** Groundwater which has been contaminated by volatile or semi-volatile organics, including that resulting from foundation drainage, which has been treated to remove organic compounds by air stripping, air sparging, activated carbon absorption, or equivalently treated wastewater from groundwater remediation sites not covered by the General Discharge Permit of Treated Ground Water From Oil Contaminated Ground Water Sources to Surface or Ground Waters of the State;
 5. **Discharge Category E:** Wastewater from draining or flushing of fire control systems;
 6. **Discharge Category F:** Untreated “water” from water storage or distribution systems, including but not limited to hydrogeologic/aquifer/well head yield-testing; where the effluent flow is greater 100,000 gallons for a single discharge event or greater than half the flow of the receiving stream;
 7. **Discharge Category G:** Treated tank bottom wastewater from petroleum (i.e., gasoline, kerosene, fuel oil, ‘Number 6 oil’ and aviation fuel only) storage tanks to surface waters; and
 8. **Discharge Category H:** Stormwater discharges from storage tank containment structures.
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- 9. Other allowable discharges:** These types of discharge may be covered under this permit as ancillary discharges, but do not require coverage under this permit as standalone discharges. They are not subject to a category found in Appendix A, but should adhere to all other permit terms, particularly those in Part III.C:
- a. water used to fight active fires (not from fire system cleaning or testing),
 - b. pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
 - c. landscape watering, only if all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
 - d. routine external building wash down that does not use detergents and any dislodged paint chips are filtered;
 - e. uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
 - f. irrigation drainage;
 - g. uncontaminated ground water or spring water;
 - h. foundation or footing drains where flows are not contaminated with process materials; and
 - i. emergency discharges of potable water.
- 10. Use of Chemical Additives:** Use of any chemical additives (defined in Appendix B) requires prior notice, indicating your intent to use them on your NOI and listing the additives in your PPP. In addition, the use of any cationic chemical additives that might become part of the effluent discharged, is prohibited without prior approval pursuant to Part III.C.3 of this permit. Any substances not approved by the Department are prohibited.

C. Limitations on Coverage

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

1. Discharges of any type from oil terminals;
2. Tank bottom wastewater discharges to groundwater of the state;
3. Wastewater from the washing of chemical and/or petroleum storage tanks, pipes and pipelines; and
4. Wastewater discharges to groundwater that, before treatment, contain concentrations of benzene, lead, or other substances in excess of Toxicity Characteristic Leaching Procedures (TCLP) concentrations as defined in COMAR 26.13.02.14.

D. No Permit Required

No discharge permit is required for the discharge of water from impoundments formed by the damming of natural drainage paths, or for the discharge of any untreated "waters" (see Appendix B for definition) less than half the flow of the receiving stream.

E. Alternative Permit Coverage

The Department may require you to obtain, or you may also request, coverage under an individual permit or registration under another general permit (such as those identified in Part I.G) for reasons including, but not limited to, those described below. If the Department

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requires you to apply for and obtain an alternative permit and you do not comply, the Department may terminate your coverage under this permit. Permit termination shall be effective at the end of the day that the Department specified as a deadline for the application or Notice of Intent (NOI) to be submitted. After the date of termination, any discharges that were previously covered by this permit are no longer authorized and may be subject to enforcement action.

1. If the Department determines that a discharge may cause water quality standards to be exceeded in the receiving water, then the Department may require additional actions which may include the submission of an individual NPDES discharge permit application. The Department may process an NOI for this permit as an application for an individual permit if the information submitted is deemed sufficient.
2. If site specific conditions, such as proposed discharge(s) to impaired waters or high quality waters, do not allow the facility to be covered under the general permit without compromising water quality, an individual permit may be required.
3. You may request to be excluded from coverage under this permit by applying for an individual state or NPDES discharge permit or submitting an NOI for coverage under another general permit. The Department may grant your request if the Department determines your reasons are adequate. If you are issued an individual NPDES permit or apply for coverage under an industry-specific general permit, the Department may terminate your coverage under this permit.

F. Continuation of an Expired General Permit

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

G. Related Permits

1. Construction activities which result in a land disturbance of greater than one acre must obtain coverage under the General Permit for Stormwater Associated with Construction Activities (NPDES Permit Number MDRC, State Permit Number 14GP or its successor), which may include authorization to discharge water from uncontaminated construction dewatering. Information regarding this permit can be found on the MDE website at <http://clktr4ck.com/MD-CGP>. If the proposed dewatering activities are not eligible for coverage under that permit, you must obtain coverage under Discharge Category C/D of this permit or an individual permit.
 2. Any person or facility which stores 10,000 gallons or more of oil intended to be used as a motor fuel, lubricant, or fuel source in above ground tanks, who stores 1,000 gallons or more of used oil, which transports oil in or out of Maryland or which operates an oil transfer facility must obtain an Oil Operations Permit. Information regarding the Oil Control Program can be found on the MDE website at <http://clktr4ck.com/MD-OCP>.
 3. Tank bottom discharges to groundwater of the State must be regulated by an individual groundwater discharge permit. Information regarding groundwater permits can be found on the MDE website at <http://clktr4ck.com/MD-GWDP>.
 4. Discharges of treated groundwater which has been impacted only by oil sources (not
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other volatiles such as TCE, TCA, DCE, etc.) are covered by the Department's General Permit for the Discharge of Treated Ground Water from Oil Contaminated Ground Water Sources to Surface or Ground Waters of the State, which is implemented by MDE's Oil Control Program. Information regarding this permit can be found on the MDE website at <http://clickmeterlink.com/MD-OilPermits>.

5. If water used is obtained from surface or groundwaters of the State, you may require a water appropriation permit from the Department. For information regarding appropriations permits and/or to determine if you require one, consult the Department's Water Supply Program, found on the MDE website at <http://clktr4ck.com/MD-Appropriations>.

PART II. AUTHORIZATION UNDER THIS PERMIT

A. How to Obtain Authorization

1. Notice of Intent (NOI) and Transfer Requests

a. Notice of Intent (NOI)

You must complete all information required on this permit's corresponding NOI form (MDE-WMA-PER011), or an equivalent electronic form provided by the Department. Detailed instructions are included on the NOI form. If you operate multiple facilities you must submit an NOI for each noncontiguous site or attach a list of sites which fit the same description as the facility on the original NOI (particularly for large distribution systems). Requiring multiple permits/NOIs for separate sites shall be at the Department's discretion on a case-by-case basis.

When submitting paper forms, a signed copy of the NOI and the required fee, made payable to the Maryland Department of the Environment, must be submitted to the following address:

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

You are required to provide the following information on the appropriate NOI form:

- *Owner or Operator Information:* company name, facility contact, telephone number, email address, mailing address, IRS Employer Identification Number (EIN) and Worker's Comp Insurance carrier and policy number.
 - *Facility Information:* name of facility, location, including physical address and coordinates in degrees decimal; selection of new or renewal permit and previous 11HT permit number (if applicable), identification of any other NPDES permits for the facility,
 - *Discharge Information:* You must identify:
 - *Water characteristics:* Discharge Category(ies) and any applicable associated information (e.g. cleaning methods, disinfection, etc.), estimated volume, frequency, and duration
 - *Receiving Waters:* groundwater or surface water; *if surface water:* name of receiving stream, identification of designated use class, and coordinates in degrees decimal for each outfall.
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- *Chemical Additives*: identification of any proposed additives and whether they are cationic
- *Permit Fee*: selection of applicable permit fee
- *Certification*: printed name, title, and signature of signatory and date. If the person who prepared the NOI is different from the facility contact, you shall attach the preparer's name, phone number, and email address to the NOI.

You must also attach a site map to the NOI which identifies the outfall(s). The map should provide significant points of reference (i.e. roads, buildings, etc.) near each point of discharge and must identify all surface waters within a quarter mile of the discharge location(s). For publicly owned potable water systems, you shall provide a map of the entire system bounded by the community with identification of all major discharge points (e.g. storage tanks, wells, etc.). All outfall locations shall correspond to those identified on the NOI.

For hydrostatic testing and potable water system discharges, you must include an approximate schedule of discharges (if available) and contact information for a responsible party who can provide updated scheduling information upon request.

For discharges of non-contaminated construction dewatering, you will be either be asked to submit groundwater testing data which exhibits no contamination or an environmental assessment which indicates there is no reasonable expectation for contamination.

For groundwater remediation, you will be required to either indicate the source of the contamination and/or submit testing results of the untreated groundwater so the Department can identify appropriate limitations for your registration.

b. Transfer of Authorization.

For transfer of ownership, you can complete the Permit Transfer Request Form for General NPDES Permits referred to as MDE/WMA/PER.079 found on the Department's website at <http://9nl.at/MD-Transfer>. Detailed instructions are included with the form. If you operate multiple facilities you must submit a Transfer Request for each noncontiguous site. The authorization under this permit is not transferable to any person except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

- The current permittee notifies the Department in writing of the proposed transfer.
- 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.
- 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.
- Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items above, of intent to terminate coverage under this permit.

2. Permit Fee

- a.** Pursuant to COMAR 26.08.04.09-1(G), persons who intend to obtain coverage under
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this general permit are subject to an initial permit fee (submitted with the NOI) and an annual fee each additional year the permit is held (billed annually by the Department).

- b. To pay the initial permit fee by check, it must be made payable to the Maryland Department of the Environment and sent with the completed NOI as instructed in Part II.A.1.a of this permit.
- c. If you pay the initial permit fee by a check that does not clear for any reason, you will have 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, your coverage under this permit must be considered void from the outset. You should save the cancelled check, a copy of the completed NOI, and the letter confirming your authorization from the Department. These documents must be provided to the Department upon request.
- d. A new owner of a facility as a result of a transfer of ownership is responsible for any fees unpaid by the former owner.
- e. Any changes in operations that may increase fees are required to give notice as described in Part II.E.1.c.

B. Deadlines for Coverage

You will be in violation of state and federal requirements to obtain a permit and subject to enforcement action by the Department if you fail to submit an NOI and fee payment or a transfer request in a timely manner as provided in the following table. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Category	Coverage Submittal Deadline
<i>Existing Dischargers</i> – in operation as of the effective date of this permit and previously authorized for coverage under 11-HT	Within 6 months after the effective date of this permit. Authorization to discharge under 11-HT continues in the interim.
<i>New Dischargers or New Sources</i>	A minimum of 60 days prior to commencing discharge.
<i>New Owner/Operator of Existing Discharger</i> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
<i>Other Eligible Dischargers</i> – in operation prior to permit effective date, but not covered under the 11-HT or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

C. Required Signatures

1. Certification

Any person signing documents in accordance with part II.C.2 and II.C.3 above must include the following certification:

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"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 applications, including NOIs, transfer requests, and No Exposure Certifications must be signed by a Signatory 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 facility 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
- c. *For a municipality, 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 permits, 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;
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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 of a well or a well field, 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 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

If you (1) engage in an activity covered under this permit, (2) fail to notify the Department of your intent (Part II.A) to be covered under this permit within the deadlines established in this permit (Part II.B), and (3) discharge to waters of the state without an individual NPDES discharge permit, then you are in violation of the Federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. Changes in Permit Coverage

Certain planned changes in stormwater discharge or termination of permit coverage, both described below in this section, require notification to the Department's Water Permits Program at this address:

Maryland Department of the Environment
Wastewater Permits Program
1800 Washington Blvd, Ste 455
Baltimore, MD 21230

1. Changes in Discharge

a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. You must submit a revised NOI to the Department if there are anticipated facility expansions, additional or relocated outfalls, or facility modifications which will result in new categories of discharge, change in potential pollutants, or increased concentrations of pollutants. The revised NOI should be submitted a minimum of 90 days prior to commencement of the changed discharges.

b. Based upon its evaluation of the revised NOI, the Department may:

i.) Continue to authorize the discharge under your current registration, or

ii.) Issue a modification to your registration under this permit, or

iii.) Require you to apply for an individual permit

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- c. Facility changes which have not altered or will not alter the type or quality of the discharge, but alter the average daily discharge volume do not require submission of a revised NOI, unless specifically requested by the Department. You must provide written notice of any volume change which has occurred or will occur if it corresponds with an increase of the annual permit fee pursuant to COMAR 26.08.04.09-1(G). Facilities with a flow exceeding one million gallons per day must submit a written update any time their flow increases by 25% or greater.

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), found at <http://cm.gy/MD-NOT>, 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 II.E.2.b, 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 discharges at your facility that are covered by your registration under this permit have permanently ceased; or
 - ii.) For Discharge Category F, all product has been permanently removed from storage tanks and any residual contamination in the containment structure has been removed; or
 - iii.) 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
 - iv.) A new owner or operator has taken over responsibility for the facility; or
 - v.) 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, 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. SPECIAL CONDITIONS for DISCHARGES

A. Notification Requirements

1. Notification Prior to Discharge

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If the total wastewater discharge from any single discharge event will exceed 100,000 gallons within a 24-hour period or the rate of discharge will equal at least 50% of the flow of the receiving stream, you shall notify the Water Management Administration's Compliance Program by phone at 410-537-3510 no later than 48 hours prior to the first discharge.

2. Notification of the Discharge of a Pollutant Not Limited in This Permit

You 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 or above levels specified in 40 CFR Part 122.42. This notification requirement may be modified by the Department at its discretion.

3. Submittal of Notifications

All notifications shall be made to the Water Management Administration Compliance Program at 410-537-3510 or, where permissible, in writing to:

Maryland Department of the Environment
WMA – Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230

B. Effluent Limitations and Monitoring Requirements

Discharges which are permitted by this permit have been categorized by type, as specified in Part I.B. Numerical limits, monitoring requirements, and narrative criteria which apply specifically to one category of discharge have been outlined in Appendix A. Once your registration is approved for discharges under a given Discharge Category, you must follow all terms of this permit, including those presented in each applicable section of Appendix A. Applicable technology-based limits for each discharge category must be met prior to dilution/commingling with a discharge from a different category.

C. Narrative Requirements Applicable to All Discharges

1. Erosion and Sediment Control

You must minimize erosion a) consistent with the facility's approved erosion and sediment control (E&SC) plan or b) by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. Any gullying greater than six inches in depth should be considered excessive erosion. These requirements include timeframes for the temporary and permanent stabilization of all inactive, disturbed areas; which are either identified on your E&SC plan or if you don't have an approved ES&C, then stabilization is to be completed within three (3) calendar days for perimeter sediment controls and slopes steeper than 3:1 and seven (7) calendar days for all other areas not under active grading. You must also use structural and non-structural control measures to minimize the discharge of sediment. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Soil Erosion & Sediment Control resources (<http://9nl.at/MD-SEC>).

2. Pollution Prevention Plan

You must develop a Pollution Prevention Plan (PPP) for any discharges which are subject to numeric effluent limitations, may pollute via erosion (discharge across land), or have a reasonable potential to cause an in-stream exceedance of a water quality standard. The PPP must include a description of any means of wastewater treatment (including a list of any chemical additives and corresponding Safety Data Sheets, if applicable), instructions on operation of the treatment system, a description of any erosion and sediment controls (if not already required by an E&SC plan), and any other information relative to pollution prevention specific to your site.

You are responsible for keeping the plan current, including identifying any lapses in pollution controls, responses to any exceedances, and changes to the overall process, if applicable. An updated copy of the PPP must be kept on site and made available upon request of any Department personnel.

3. Training and/or Use of Contractors

It is the responsibility of the permittee to ensure that the personnel who is working on the site where discharges are occurring are trained properly in implementation of the PPP plan. Training records should be maintained by the permittee to document as such.

Should the permittee desire to hire a contractor to perform any such work, it is at the discretion of the permittee as to whether to allow said contractor to operate under the terms of the permittee's registration under this permit or to require said contractor to obtain a separate registration. Should the permittee allow a contractor to operate under the permittee's registration, it is the permittee's responsibility to train said contractor on proper implementation of the PPP and make said contractor aware of all permit requirements. Terms of which registration a contractor is operating under should be clear in any agreement between parties.

4. Use of Chemical Additives

If you are using chemical additives (defined in Appendix B) at your site, you must comply with the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after the application of chemical additives. Use conventional erosion and sediment controls prior to (up gradient of) chemical addition to ensure effective treatment. Additives may only be applied where treated stormwater is directed to a sediment control (e.g., sediment basin, perimeter control) prior to discharge.
 - Additives must be selected that are certified under ANSI/NSF Standard 60 for drinking water and only discharged in concentrations that are nontoxic to aquatic life. The additives must be appropriately suited to the types of soils likely to be exposed during construction and discharged, to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area.
 - You must minimize discharge from stored chemicals.
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- You must comply with relevant local requirements affecting the use of chemical additives. If requested by the E&SC plan approval authority, provide an SDS with your E&SC plan.
- You must use chemical additives and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document specific departures from these practices or specifications and how they reflect good engineering practice.
- Ensure that all persons who handle and use chemical additives at the site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements and safe handling practices.
- If you plan to use cationic chemical additives (as defined in Appendix B), you are ineligible for coverage under this permit unless you notify the Department's Industrial and General Permits Division at least 30 days in advance and the Department authorizes coverage under this permit. To receive authorization under this permit, you must provide appropriate controls and implementation procedures (including where the chemical is applied, description of active treatment systems required, dosing, filtering, pH monitoring, etc.) designed to ensure that your use of cationic additives chemicals will not lead to a violation of water quality standards. You are required to comply with all such requirements if you have been authorized to use cationic chemicals at your site by the Department.

Authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your PPP.

5. Visual Inspection of Discharges

You shall visually inspect discharges as frequently as possible, but a minimum of once per month. Discharges of oil sheen, floating solids, or persistent foam are prohibited and shall be reported to the Water and Sciences Administration Compliance Program, pursuant to Part IV.H.1 of this permit.

PART IV. MONITORING and REPORTING

A. Representative Sampling

1. Sample Collection

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 permit.

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2. Flow Estimation

If flow measurement equipment is not present at a given outfall, you may estimate flows and submit the following information with the corresponding discharge monitoring report:

- a. a description of the methodology used to estimate flow (for each applicable outfall);
- 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 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 sample taken to satisfy requirements of this permit, you must 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**

You must periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

E. **Additional Monitoring by Permittee**

If you choose to monitor any pollutant more frequently than required by this permit, you 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 (DMRs)**

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1. Discharge Monitoring Reports (DMRs) Submitted via NetDMR

Unless a different reporting mechanism is specified, you must submit all monitoring results electronically using NetDMR once you are granted access to this tool, unless you demonstrate a reasonable basis that precludes the use of NetDMR. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. You must apply for access to NetDMR at www.epa.gov/netdmr and register for a NetDMR Webinar. Before you can submit official DMRs using NetDMR, you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within one (1) month of authorization under this permit.
- b. You may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for one (1) year from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed waiver request and such request is approved by the Department. The application form for a waiver from electronic reporting requirements can be found at <http://9nl.at/MD-eWaiver>. All subsequent hardcopy DMRs shall be sent to the following address:

Attention: DMRs
Maryland Department of the Environment
WSA – Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230-1708

- c. You must report the data at least quarterly, with submissions received no later than 28 days following the final month of the given quarter (March, June, September, or December).
 - d. At a minimum, each category of discharge shall be assigned its own "Outfall Number" for simple tracking. If one category of discharge is planned to occur across several locations, monitoring shall occur at each discharge (as specified in the appropriate category in Appendix A), with the absolute maximums, minimums, and averages reported as a single Outfall Number. Individual monitoring results shall be included as an attachment to each submission in NetDMR and shall also document the time, date, and location of each discharge.
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For example, if you are performing hydrostatic testing of new piping at five different locations in the course of a quarter, you shall complete the required monitoring for Discharge Category A in Appendix A at each event (flow, TSS, pH). On your quarterly DMR, you will report the maximum and average flows in gallons per day, the maximum TSS concentration in mg/L, and the minimum and maximum pH as measured across all five events for that quarter. Then, you shall include an attachment to the quarterly DMR which includes monitoring results for flow, TSS, and pH for each of the five individual events – and this attachment shall also specify date, time, and location of each individual event.

2. Laboratory Identification

You shall submit the name and address of the laboratory performing analyses as an attachment to your first DMR submission. If you change laboratories during the permit term, the Department shall be notified by attaching a letter identifying the change with the ensuing DMR submission.

G. Records Retention

You must retain 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, 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. Non-compliance with Discharge Limitations

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.

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

Maryland Department of the Environment
WSA – Compliance Program
1800 Washington Boulevard, STE 420
Baltimore MD 21230
Phone: (410) 537-3510 Fax: (410) 537-4883

2. Within five calendar days, you shall provide the Department with the following information in writing at the above address:
 - a. A description of the noncompliant discharge, including the date and time of its occurrence and 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;
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- e. Steps planned and implemented by the permittee to prevent the recurrence of the noncompliance; and
 - f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
3. You 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.

PART V. STANDARD PERMIT CONDITIONS

A. Facility Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the 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 a similar system that you have installed only when the operation is necessary to achieve compliance with the conditions of the permit.

B. Submitting Additional or Corrected Information

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, you must submit the facts or information to the Department within 30 days.

C. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

D. Bypass

Any bypass of treatment facilities necessary 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. 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's 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
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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 a 24-hour notification of upset in accordance with the reporting requirements of Corrective Actions above;
4. the permittee submitted, within five (5) 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.

F. Removed Substances

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting waters of the State.

G. Right of Entry

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharges' source is located or where any records are required to be kept under the terms and conditions of this permit;
2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. sample, at reasonable times, any discharge of pollutants; and
6. take photographs (which may require direction for reasons of national security).

H. Availability of Reports

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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 must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

I. Permit Modification

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

J. 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.

K. Toxic Pollutants

You must 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. You must be in compliance 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.

L. Oil and Hazardous Substances Prohibited

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you 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. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve you 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.

N. 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 any infringement of federal, state or local laws or regulations.

O. Severability

The provisions of this permit are severable. If any provisions of this permit must be held invalid for any reason, the remaining provisions must 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 must not be affected.

P. Water Construction and Obstruction

Provides discharge authorization only upon Maryland Department of the Environment notification of registration.

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any waters of the State.

Q. Compliance with this General Permit and Water Pollution Abatement Statutes

You must comply at all times with the terms and conditions of this 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 Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act.

R. Action on Violations

The issuance or reissuance of this 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 permit, nor a waiver of the State's right to do so.

S. 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 Clean Water Act 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 Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule (40 CFR 19.4).

T. 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 Clean Water Act provides that:

1. Any person who negligently 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 Act, 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 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 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 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 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 that is a
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corporation, must, upon conviction, be subject to a penalty of not more than \$1,000,000.

4. 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 the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

U. Duty to Provide Information

You must provide within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit to the Department. You must also provide copies of records required to be kept by this permit to the Department, upon request.

V. Reopener Clause for Permits

This permit must 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 Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation issued or approved:

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

Part VI. 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.

D. Lee Currey, Director
Water and Science Administration
