

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 construction (14-GP) activity 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 construction activity if an applicant meets the General Permit eligibility criteria and declares intention to operate in accordance with the terms of 14-GP. 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 electronically 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 May 18, 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 Construction 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 eNOI 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 permits to be effectively expired and that further registrations under the stormwater general permits 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? If submitting an NOI using the online ePermits system for discharges associated with construction activity, the DOI has been incorporated into the NOI process and may be completed using the electronic signature process built into the system.

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 14GP renewal? The Department has prepared a preliminary draft permit (renewal permit no. 20CP) which was provided to EPA Region 3 on May 4 of this year for review. EPA may take up to 90 days to review the permit. After EPA review, the Department will publish a Tentative Determination. The Tentative Determination is the Department's formal proposal for issuing a

permit and is made available for all external entities to review. The Department will notify the general public of this status by; publishing notices in newspapers and the Maryland Registry, sending letters to the permittees and interest list participants, and by sending out a notice in a newsletter.

The Department will hold a public hearing on the Tentative Determination and will take comments on the permit documentation. We are not sure at this time as to what venue will be acceptable for holding the hearing. We are also looking into opportunities for online meetings. Our commitment is to fully satisfy public participation requirements. The Department will provide a public response to comments received upon issuing a final permit. The permit renewal process will last through the Fall at least, but we have an initial goal of issuing the final permit in early 2021. The effective date and the requirements and timeframes for submitting NOIs for coverage under the renewal permit will be addressed in the draft permit and implemented in the final permit.

I applied for coverage under the Stormwater Associated with Construction Activity permit before it expired. Do I have to submit a DOI? No. Your registration will be processed under the terms of the existing permit.

What do I have to do after the new permit is renewed? Will there be a new process to continue the coverage I received under the DOI? Will there be another fee? The new General Permit for Stormwater Associated with Construction Activity will include a process for continuation. Fees will be handled consistent with the approach for those who

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may have registered at the very end of the current permit, for example.

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.

Contact Information

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