

MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WATER MANAGEMENT ADMINISTRATION

NOTICE OF FINAL DETERMINATION  
General Permit for Stormwater Discharges from Industrial Facilities  
State Discharge Permit: 12SW, NPDES Permit: MDR00

The Maryland Department of the Environment is reissuing the State/National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Industrial Facilities, Permit No. 12SW (NPDES No. MDR00). This permit replaces the one issued in December 2002, Permit No. 02SW.

A public notice on the tentative determination to reissue the discharge permit was published on October 5, 2012 in the Maryland Register and in newspapers throughout Maryland. The Department held two public hearings concerning the tentative determination on Monday, November 26, 2012 at 1pm and Friday, November 30, 2012 at 1pm in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, and received comments through Friday, January 4, 2013. 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 Final Permit restoration requirements apply to any permittee whose facility is 5 acres or greater in size and is located within the Chesapeake Bay Watershed within a Phase I or Phase II Municipal Separate Storm Sewer System (MS4) jurisdiction.
2. Restoration requirements of this permit do not apply to a permittee whose facility or property is owned by an MS4 jurisdiction.
3. Deadlines have been modified for existing dischargers applying for coverage under the new permit. Those not subject to restoration requirements shall apply no later than six (6) months after the effective date of this permit, and the other existing dischargers that are subject to restoration requirements shall apply no later than one (1) year after the effective date of this permit. Complete applications must include the Notice of Intent (NOI), a current Stormwater Pollution Prevention Plan (SWPPP), and fee payment. The restoration plan is required to be incorporated as part of the SWPPP.
4. The baseline for evaluation of impervious surfaces is January 1, 2006 to coincide with the Chesapeake Bay Program 2010 TMDL model. Any treatment added since that date can be credited as progress towards the restoration requirements.
5. Additional eligibility options for certifying compliance with restoration requirements are now provided, including either a Professional Engineer, a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect.
6. The permit now references a restoration equivalency ratio of 5.4 lbs total nitrogen (TN) per year per acre of impervious surface and provides four (4) compliance options to meet the permit's 20% impervious restoration requirement on an equivalent basis, including any combination of the following practices:
  - a. adding new controls to achieve any required benchmarks for nitrogen;
  - b. adding new erosion and sediment controls;
  - c. reducing use of fertilizers; or
  - d. applying a TN load allocation from other process wastewater permitted at the facility.
7. The term "infeasible" is now defined in the permit.
8. The permit requires the restoration to be completed by the end of the 5 year permit term for renewals, or four years for new registrations.
9. Additional clarification has been added to the definition of impervious surfaces in the permit section addressing restoration (Part III.A.1.b).
10. The restoration plan, including specific planning process steps, and routine maintenance and inspection of all restoration best management practices (BMPs), have been added to the final permit SWPPP requirements. Guidance for what to include in the progress report are included in the final permit.
11. The Department's 2005 Guidance for use of Proprietary Practices is now referenced in the permit. This guidance provides an approval process for innovative technologies.
12. The eligibility restriction for No Exposure Certification based on impaired waters was removed. A new requirement for certification by either a Professional Engineer, or a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect has been included.
13. The permit is issued as final with an effective date of January 1, 2014.
14. Facilities who obtained coverage under the current 02SW permit, but their SIC code is not specifically mentioned in Appendix A, are now eligible to obtain coverage under the 12SW.
15. The eligible non-stormwater discharge categories from the federal MSGP, excluding fire hydrant flushing, have been added to the Maryland permit.
16. Requirements from the federal MSGP for inactive and unstaffed site have been added to the permit, including exemptions from quarterly visual or benchmark monitoring.
17. The (general) Fleet category was replaced with two additional Sectors. The additions are Sector AD.a (Department of Public Works and Highway Maintenance Facilities) and Sector AD.b (School Bus Fleet Maintenance Facilities). Coverage under the Sector AD category is not required unless the facility is notified by the Department that coverage is needed or the facility was covered under the 02-SW permit. In addition, the Land Transportation Sector now includes language to clarify when a facility in that category is required to have coverage.
18. The final permit will now require that visual assessments or benchmark monitoring for substantially identical outfalls address on at least a rotational basis each outfall that is certified as substantially identical.
19. The metal benchmark values are now set according to the default hardness of 100 mg/l resulting in the benchmarks copper at 0.014 mg/L, lead at 0.082 mg/L and zinc at 0.12 mg/L.
20. Several changes were made to the Landfill and Land Application Sector. Subsector L3 was added for post closure landfills that may be covered under the permit only if notified by the Department, whereas the other landfill subsectors L1 and L2 automatically require coverage when the facility is a Landfill with a refuse disposal permit or a Land Application Site with a marginal land permit. Benchmarks have been added for

subsector L1 of total suspended solids (TSS) at 100 mg/L, and for subsector L2 of total iron at 1.0 mg/L. Reference to open dumps was removed from the final permit, as such dumps are not authorized.

21. Scrap recycling Sector N, has been split into two sub-sectors. A new Subsector N2 for Source-Separated Recycling was broken out since these facilities are not subject to benchmark monitoring. Sub-sector N1, which are all other scrap recycling facilities, are subject to benchmark monitoring.
22. Benchmarks have been added for the Grain Mill Products subsector U1 for total suspended solids (TSS) at 100 mg/L and for the Fats and Oils Products subsector U2 have benchmark monitoring for biochemical oxygen demand (BOD5) at 30 mg/L, chemical oxygen demand (COD) at 120 mg/L, nitrate plus nitrite nitrogen at 0.68 mg/L, and total suspended solids (TSS) at 100 mg/L.
23. A benchmark for nitrate plus nitrite nitrogen of 0.68 mg/L has been added for Industrial Inorganic Chemicals subsectors C2 and Soaps, Detergents, Cosmetics and Perfumes subsector C3.
24. Several other changes to benchmark monitoring were implemented. Once the permittee receives confirmation of coverage, they have one month to apply for access to NetDMR and six months to begin benchmark monitoring. A report must be filed with the Department at the end of one year of benchmark monitoring, if the all requirements have been met and the registrant chooses to cease monitoring under the terms of this permit.
25. Added a requirement to the 12-SW Corrective Action Deadlines (Part IV.C) that the Department must be notified if a deficiency cannot be addressed fully within 30 days.
26. Several cross reference errors were corrected, and other minor clarifications were provided.

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 no later than December 2, 2013, 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 by December 2, 2013 will constitute a waiver of any right to a judicial review of this final determination.

To view and print the final permit and response documents, you may use this link [http://bit.ly/MDE\\_industrial\\_stormwater](http://bit.ly/MDE_industrial_stormwater) or go to the Department's website [www.mde.state.md.us](http://www.mde.state.md.us) and use the search engine keyword "stormwater.aspx".

Any questions regarding this final determination should be directed to Paul Hlavinka or Michael Richardson at the Maryland Department of the Environment, Water Management Administration, at [paul.hlavinka@maryland.gov](mailto:paul.hlavinka@maryland.gov) or [michael.richardson@maryland.gov](mailto:michael.richardson@maryland.gov) or by telephone at 410- 537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Persons seeking to review the final permit and associated file may do so by contacting Mr. Hlavinka to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.