



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Water and Science Administration
Wastewater Permits Program
1800 Washington Boulevard, Suite 455
Baltimore, MD 21230-1708

FACT SHEET

General Permit for Discharges Seafood Processing Facilities

General Discharge Permit Number: 21SE0000
NPDES Number: MDG520000

Prepared by Lillian Myers
November 10, 2021

Maryland regulations (COMAR 26.08.04.08) specify the process required for issuing General Permits and their renewals. The renewal process includes publication of a notice that the Maryland Department of the Environment (Department) has drafted a Tentative Determination and Fact Sheet, and allows the public 30 days to comment before issuance of the Final Determination. Maryland Code, Environment § 1-606 requires the Department to extend the public comment period to a total of 90 days on request by a person. The Department assumes for a permit like this, a request would be made, therefore the comment period allowed is 90 days. The regulations also allow for a public hearing when a written request has been made. It is the Department's intent to provide and schedule online meetings for the exchange of information in hopes of achieving an equivalent outcome to the process that would occur through an in person meeting or hearing. Nevertheless, current rules provide the opportunity for traditional meeting and or hearing unless waived by a requesting party or where interim rules are declared applicable during the COVID-19 emergency declaration for Maryland. The public notice is published in the Maryland Register and in newspapers around the State. The Department must review and respond to comments on the Tentative Determination. With this background, once the Department has created a Tentative Determination, public participation rules require publishing in the Maryland Register and newspapers. The Department also sends a copy of the notice to the permittees and interested parties and will be posted to our website <https://mdewwp.page.link/ISW>. The dates of any scheduled public hearing and the specific end date of the comment period are included in the notice. An interest list will also be established for those interested in online opportunities for meetings and for online opportunities to present comments for the record. The notice when published will confirm that comments can also be mailed in written form or emailed to the Department to Lillie Myers' attention, and will provide the appropriate email and physical address to be sent to.

Fact Sheet - General Permit 21-SE

SUMMARY OF SIGNIFICANT CHANGES FROM THE 11-SE

- 1) Reorganized and formatted consistent with other renewed permits.
- 2) NOI submissions must be accompanied with a SWPPP.
- 3) The permit now specifies how an operator may be exempted from stormwater permit requirements through the No Exposure Certification.
- 4) Eligible discharges have been added to account for basic operations found at seafood processors.
- 5) Conditions for Duty to Reapply and Re-opener for Permit Modification have been added to be consistent with other MDE general discharge permits..
- 6) Addition of a requirement for the permittee to notify the appropriate municipal separate storm sewer system (MS4) authority if they discharge into their storm sewer system.
- 7) The permit now include limits for process wastewater in accordance with Federal Effluent Guidelines at the end-of-pipe for these additional seafood processor categories:
 - a) Steamed and Canned Oyster Processing – All New Sources,
 - b) Hand-Shucked Clam Processing—All New Sources,
 - c) Scallop Processing – New Sources,
 - d) Non-Breaded Shrimp Processing—All New Sources,
 - e) Breaded Shrimp Processing—All New Sources,
 - f) Tuna Processing—All New Sources,
 - g) Conventional Bottom Fish Processing—All New Sources,
 - h) Mechanized Bottom Fish Processing—All New Sources,
 - i) Farm-Raised Catfish Processing—All New Sources,
 - j) Herring Processing—All New Sources and
 - k) Fish Meal.
- 8) An updated calculation method is now provided for mixed types of seafood processing.
- 9) One addition is a requirement to include the amount of product processed that quarter.
- 10) Stormwater pollution prevention requirements have been updated to break out the controls from the design requirements.
- 11) Limits have been broken into technology and water quality based limits. Water quality based limits are broken into non-numeric standards and allowances for site specific limits have been included.
- 12) Routine facility inspections are now specifically required.
- 13) Conditions regarding violation of permit conditions have been expanded to include subsequent Corrective Actions requirements. Additional conditions that trigger corrective actions have been included along with associated deadlines and documentation.
- 14) Standard (General) terms and conditions have been updated consistent with recently issued permits.
- 15) Stormwater pollution prevention plans (SWPPPs) are now required. Permit language outlines SWPPP content requirements and templates for the SWPPP and a visual monitoring form have been included as appendices.
- 16) Groundwater discharge options have been expanded on from the previous permit and include off-site disposal options.
- 17) Discharge monitoring reports shall now be submitted electronically via NetDMR.

Fact Sheet - General Permit 21-SE

BACKGROUND

The Clean Water Act (CWA) was originally enacted as the Water Pollution Control Act of 1948 (P.L. 80-845), and amended in 1972 by the Federal Water Pollution Control Act (P.L. 92-500), which established the National Pollutant Discharge Elimination System (NPDES) in Section 402 of the Act.

The 1972 amendments enumerated a set of national goals “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” which among others included attainment of “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water” (33 U.S.C. § 1251).

The law became known as the “Clean Water Act” (P.L. 95-217) under amendments to the Act in 1977. The 1977 amendments made it unlawful to discharge any pollutant from a point source into navigable waters without a permit, and gave EPA authority to regulate such discharges by setting limits on the amount of pollutants that can be discharged into a body of water from a permitted source.

Under § 402(b) of the CWA, 40 CFR Part 123, EPA may grant authority (in whole or in part) to individual states to administer the federal NPDES program in that state. The State of Maryland is so authorized. The Code of Maryland Regulations (COMAR) Title 26, Subtitle 08, Chapter 04 requires all discharges of waste or wastewater to surface waters to be authorized under a State discharge permit or NPDES permit. Authorized states are prohibited from adopting standards that are less stringent than those established under the Federal NPDES permit program, but may adopt standards that are more stringent if allowed under state law. The Federal NPDES program under the CWA does not apply to groundwater discharges, therefore discharges to groundwater are regulated under the State discharge permit pursuant to COMAR 26.08.04.01 B(1).

The regulatory basis for this NPDES permit is twofold. First, federal regulations at 40 CFR Part 408 establish numeric technology-based limits or “Effluent Limitation Guidelines (ELGs)” for process water discharges for the Canned and Preserved Seafood Processing Point Source Category. Second, Federal regulations at 40 CFR 122.26(b)(14) identifies this category of activity (SIC Codes 2031, 2036, 2091 and 2092)¹ as an industrial activity that is subject to discharges of stormwater that comes into contact with materials. Maryland regulations at COMAR 26.08.04.09(I) provide for a General Discharge Permit for Seafood Processors which encompasses both of these requirements in one permit, which is why this permit is issued.

This permit replaces General Permit Number 11SE which became effective on May 1, 2012 and expired April 30, 2017. Currently, the 11SE general permit is administratively continued for facilities covered under that permit at the time it expired. As of June 2021, there are 18 Maryland facilities registered under the 11SE permit.

Overview of Changes

¹ Standard Industrial Classification (SIC) Codes. More detailed descriptions of the SIC codes can be found at Department of Labor’s - Occupation, Safety and Health Administration (OSHA) website (<http://www.osha.gov/pls/imis/sicsearch.html>).

Fact Sheet - General Permit 21-SE

The format of the permit has been updated, to be more consistent with Maryland's other General Permits. The goal of the new format is to increase understanding of permit requirements for both permittees and compliance inspectors. A clear understanding is important to create a high rate of compliance with the requirements and protect waters of the State. Conditions from the 11-SE have been reorganized, altered, and built upon to create the following permit outline:

PART I. APPLICABILITY AND COVERAGE

PART II. AUTHORIZATION UNDER THIS PERMIT

How to Obtain Authorization, Transfer of Authorization, Termination of Coverage, Deadlines for Coverage, Required Signatures, Failure to Notify, Additional Notification, Changes in Permit Coverage

PART III. CONTROL MEASURES AND EFFLUENT LIMITS

Control Measure Requirements, Technology-Based Limits, Water Quality-Based Effluent Limitations, Alternatives to Surface Water Discharges, Removed Substances, Stormwater Pollution Prevention Plan (SWPPP) Requirements

PART IV. INSPECTIONS, MONITORING AND REPORTING

Routine Facility Inspection, Representative Sampling, Sampling and Analytical Methods, Data Recording Requirements, Monitoring Equipment Maintenance, Additional Monitoring by Permittee, Electronic Reporting Requirement, Contact Information and Mailing Addresses, Records Retention.

PART V. CORRECTIVE ACTIONS

Noncompliance with Discharge Limits, Conditions Requiring Corrective Actions to Ensure Effluent Limits are Met, Corrective Action Deadlines, Effect of Corrective Action, Corrective Action Documentation.

PART VI. STANDARD TERMS AND CONDITIONS

PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

APPENDICES

Appendix A - Definitions, Abbreviations and Acronyms

Appendix B - 21-SE SWPPP Template

Appendix C - Effluent Limitation Tables

This fact sheet is organized in the same way, so that each of the permit requirements is described and specific conditions and permit language is explained. In this fact sheet, the Department highlights the new conditions and the Department's rationale for adding them.

PART I. APPLICABILITY AND COVERAGE

Part I of the permit identifies sections titled Geographic Coverage, Facilities Covered, Limitations on Coverage, Prohibited Discharges, Eligible Discharges, No Exposure Certification, Alternative Permit Coverage, Continuation of an Expired General Permit, Duty to Reapply. Similar to other General Permits, this part describes what the permit covers upfront. Other than minor format changes and standard language updates, the following are the other changes to this Part:

Part I.A Geographic Coverage. This describes where this permit is effective, essentially within the State of Maryland or our jurisdictional waters. No significant changes here.

Fact Sheet - General Permit 21-SE

Part I.B Facilities Covered. This section identifies the SIC codes covered under this General Permit. The previous permit did not include this section though it is included in all other State-issued General Permits. In the 11-SE, the Eligible Discharges section was the only section which outlined whether a facility qualified for coverage under this permit. The lack of specific definition ultimately resulted in a lot of confusion. The addition of this section, which utilizes the OSHA SIC codes, provides much more clarity.

SIC codes 2031, 2036, 2091 and 2092 are identified under EPA's definition of "Seafood processing," which include seafood canning, fresh and frozen seafood processing, fish meal or fish oils. The guidelines can be found on EPA's website here: <https://www.epa.gov/eg/seafood-processing-effluent-guidelines>. SIC codes 2031, 2036, 2091 and 2092 were determined to be consistent with the permit definition of "Seafood Processor" (see Appendix A). We added a clarifying statement as well: "No permit coverage is required for discharges from outdoor crab shedding operations or for operations where organisms are rinsed and sediment is discharged directly to the originating waterbody with no persistent plume." The exception for outdoor crab shedding operations is listed in COMAR 26.08.04.09(I). The inclusion of the reference to other organisms was added to address confusion (both stakeholders and regulators) regarding whether a permit is required to rinse harvested oysters off on the boat at the site of harvest. The Department determined that no permit is required for such rinsing activities because the discharge of sediment immediately back to the location from which it was taken does not represent the addition of a pollutant. Essentially, just minutes before, this sediment was part of the system and once it settles back to the bottom, it has been returned to its original state. This comes with the prerequisite that there is no lasting plume, as discharges with a lasting plume are not permitted.

Part I.C Limitations on Coverage. Organizing the limitations of coverage is new. This Part provides clarification for certain activities that sanitary wastewater discharges, including commingled sanitary and other wastewater discharges are not considered in the limits in the permit and not authorized by this permit. Additionally, this part specifically prohibits certain discharges that may occur in boat yards such as wastewater discharges from chemical stripping operations and any stormwater which commingles with such wastewaters, in-water washing of boat bottoms painted with soft abrasive paints, or paints which create visible plume, removal of any paints while the vessel is in water; any wash water containing soaps or any detergents regardless of whether they are labeled 'biodegradable' or 'green'. The reference to Stormwater discharges associated with construction activity, as defined in 40 CFR 122.26(b)(15), makes it clear that construction stormwater is not covered by this permit. Lastly, discharges associated with a National Pollutant Discharge Elimination System (NPDES) permit which has been terminated (other than at the request of the permittee) or denied, or discharges for which the Department requires an individual permit are not eligible for coverage. This is a standard condition in the Department's General Permits.

Part I.D Prohibited Discharges. In the 11-SE, this section only stated a general prohibition on floating solids and persistent foam and was included in the effluent conditions. The language from the 11-SE for these two pollutants has been relocated to the water quality-based limits in the permit (see Part III.A.2). This Part called "Prohibited Discharges" is language used in the Department's latest General Permits and it clarifies that "a discharge to waters of this state that contributes to a violation of a water quality standard is a permit violation and subject to corrective actions (see Part V)."

Part I.E Eligible Discharges. This was included in the previous permit and clearly lists the types of discharges that are included in the coverage. The language has been modified to add pavement and docks

Fact Sheet - General Permit 21-SE

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); routine external building wash down that does not use detergents and any dislodged paint chips are filtered. This is helpful to clarify that a specific discharge has coverage, and helps to reduce any non-compliance with the permit if an inspector were uncertain if a specific discharge was authorized.

Part I.F No Exposure Certification. This exclusion from the stormwater requirements is new. This exclusion is provided for other industries and is an incentive to ensure materials are not exposed to stormwater. This hadn't been included in the previous permit. Although this No Exposure Certification is new to this GP, operators could always have applied for the exclusion as the exclusion is to be exempted from the requirements. However since this permit also includes process waters that may still be subject to this permit, as the permit was reformatted allowing for certain exemptions helps to clarify when certain controls or monitoring are required or are exempted. We included it with the hopes of encouraging permittees to take their entire processing operations undercover and reduce potential surface water impacts. The specific requirements included require photographic evidence to support the claim to include: satellite image of your property, your dumpsters, outside storage areas, loading docks, material handling areas, and parking areas in addition to the NEC form.

Part I.G Alternative Permit Coverage. Permit alternatives were also included in the previous permit, offering an alternative to operate under an individual permit. This language was updated to keep it consistent with other recent General Permits and additional related permit options were included.

Part I.I Continuation of an Expired General Permit. This condition provides for the continuation of the permit should it expire prior to the issuance of a renewal. This section was included in the previous permit but has been updated so be consistent with other recently issued general permits.

Part I.J Duty to Reapply. This condition is new, however it is a requirement under Federal Regulations (40 CFR § 122.41) as a condition in permits.

Part I.K Re-opener for Permit Modification. This condition is new. The EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule ("NPDES eRule") on October 22, 2015. This rule is modernizing Clean Water Act (CWA) reporting for municipalities, industries and other facilities. The rule replaces most paper-based NPDES reporting requirements with electronic reporting. The rule is made up of two phases. The first phase had to do with electronic reporting. The previous permit language didn't address reporting electronically however this one does (Part IV.G). Since the previous permit didn't address electronic reporting, letters were sent out to all permittees requiring reporting electronically and since then all operators have been reporting electronically. Although the permittees are currently required to submit DMRs through NetDMR, the re-opener would allow for submission of NOIs, transfers, or other requests through an electronic system once available.

PART II. AUTHORIZATION UNDER THIS PERMIT

In the previous permit, Part II was a section containing relevant definitions. Similar to other GP's, this section has been entirely pulled out of the text of the permit itself and appended to the permit. Please see Appendix A for permit definitions. The entire section contains the requirements to gain, transfer or

Fact Sheet - General Permit 21-SE

terminate authorization under this permit. This organization consolidates these similar conditions into this Part. All other changes to this Part are as described below:

Part II.A How to Obtain Authorization. This part provides the requirements of how to obtain coverage. The previous permit (11-SE Part I.F) was similar. This part includes updates from the previous permit to maintain consistency with other GP's. The information in Part II correlates with Part III "CONDITIONS OF REGISTRATION" of the previous permit. The requirements are similar, with the exception of requiring a SWPPP (see Part III.B) and specifying the option for the exemption for stormwater requirements (see Part I.F). The formatting and language have been updated consistent with other recently issued GP's. The specifics of the SWPPP and what need to be included are simplified by allowing use of Appendix B of the permit to be used and submitted. Language for the SWPPP section, which is new for this permit, was developed using the 20-SW Industrial Stormwater General Permit as a guide and adapted to be suitable for this GP.

Parts II.B Transfer of Authorization and II.C Termination of Coverage. These conditions contain the protocol for the permittee to transfer permit coverage (SE-11 Part I.G) and to terminate coverage (SE-11 Part I.E). The language in these conditions has been updated consistent with standard language for our general permits as the process for both is the same for almost all of our permits.

Part II.D Deadlines for Coverage. This Part was in the previous permit but has been modified, and provides a table for the relevant information for various deadlines for coverage. This allows the permittee and the Department to have similar expectations when coverage is sought for an operation.

Part II.E Required Signatures. The signatory definition and providing the conditions of who may sign which documents is an inclusion required by Federal Regulations (40 CFR § 122.41), and is continued from the previous permit with the language updated to maintain general permit consistency across all of our GP's.

Part II.F Failure to Notify. This condition is carried over from the previous permit and is consistent with the State's General Permit. The condition clarifies that failing to submit an NOI and gain coverage according to the deadlines is a violation of the Clean Water Act subject to penalties under that act.

Part II.G Additional Notification. This condition requires the permittee to notify the appropriate municipal separate storm sewer system (MS4) authority of their intent to discharge to their system in those rare cases where this discharges through the MS4. The permittee may need to abide by any additional requirements the MS4 may have, which is similar to the previous permit (11-SE Part IV.B.4). This was added as standard permit language consistent with other GP's but was not in the previous permit.

Part II. H. Changes in Permit Coverage. This was in the previous permit (11-SE Part III.E) "Change in Discharge". This condition requires the permittee to notify the Department when there are changes that will result in new limits or conditions in the permit so that a modification to the authorization may be provided. The language was modified to be consistent with the Department's other General Permit requirements.

PART III. CONTROL MEASURES AND EFFLUENT LIMITS

Fact Sheet - General Permit 21-SE

This Part addresses the special conditions for control measures and effluent limits. The previous permit called this “CONDITIONS of ELIGIBLE DISCHARGES”. The new title is chosen to more clearly state what is in this condition.

Part III.A – Control Measure Requirements. This section is organized into effluent limits and controls (both technology based and water quality based) for all categories of discharges (includes the seafood processing wastewater discharges, the Cooling Water Condensate and Non-Contact Cooling Water Discharges, and stormwater pollution prevention).

Part III.A.1 Technology-Based Limits. This section confirms that it is the seafood processor who must consider the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the non-numeric effluent limits, as described below and numeric effluent limits in Appendix C.

Part III.A.1.a Seafood Processing Waste Water Discharges: This section is where the numeric criteria are specified and selected based on the type of seafood that the processor uses. The numeric limits in this section are consistent with the Federal Regulations 40 CFR Part 408 for Canned and Preserved Seafood Processing which establish numeric technology based limits or “Effluent Limitation Guidelines (ELGs)” for process water discharges. The discharges of “Wastewater from blue crab, oyster, and fish processing operations such as cleaning, preparing, and packing” are also specified in COMAR 26.08.04.09(I). The table of limits has been moved to the Appendix, to keep the base permit easier to use. The limits have been expanded to include additional seafood categories. This removes any hindrances to expanding seafood processing in the state and sets a uniform limit set consistent with neighboring states.

Table 1 - Seafood Processor Categories in the 21-SE as compared with 11-SE.

<i>Regulated Activity</i>	<i>Category in Appendix C</i>	<i>New to this permit?</i>
Conventional (Handpicked) Blue Crab Processing—Existing Sources Processing More Than 3,000 Pounds Of Raw Material Per Day On Any Day	Part 1	No
Mechanized Blue Crab Processing—All Existing Sources	Part 2	No
Conventional (Handpicked) Blue Crab Processing—All New Sources	Part 3	No
Mechanized Blue Crab Processing—All New Sources	Part 4	No
Shucked Oyster Processing Facilities, Existing Facilities	Part 5	No
Shucked Oyster Processing Facilities, New Sources	Part 6	No
Steamed and Canned Oyster Processing – All New Sources	Part 7	Yes
Hand-Shucked Clam Processing—All New Sources	Part 8	Yes
Scallop Processing – New Sources	Part 9	Yes
Non-Breaded Shrimp Processing—All New Sources	Part 10	Yes

Fact Sheet - General Permit 21-SE

Breaded Shrimp Processing—All New Sources	Part 11	Yes
Tuna Processing—All New Sources	Part 12	Yes
Conventional Bottom Fish Processing—All New Sources	Part 13	Yes
Mechanized Bottom Fish Processing—All New Sources	Part 14	Yes
Farm-Raised Catfish Processing—All New Sources	Part 15	Yes
Herring Processing—All New Sources	Part 16	Yes
Fish Meal	Part 17	Yes
Other Seafood Processors	Part 18	No

The limits in the Appendix were originally derived from the ELGs required for processors are carried over from the previous permit for these operators. However additional tables are now provided for seafood processing not addressed in the previous permit to be inclusive and provide flexibility to new seafood processors and prevent inhibiting the potential growth of the seafood industry in Maryland by requiring individual permits for every facility. The additional categories added were selected consistent with surrounding States, assuming that similar potential industries may be present or open in Maryland due to similar environmental and social conditions. For a number of categories, only the ELGs for “New Sources” have been included since it is believed that there are no existing sources for those categories in Maryland.

One addition is a requirement to include the amount of product processed that quarter.

One improvement is the provision when there are multiple types of seafood processed. This should reduce confusion on how a facility is supposed to report combined discharges. For determining which limits to use and how to report DMR’s for commingled discharges, in most cases there will be some time of year where a sample can be taken to separately represent each process so the limits would switch based on what type of processing is being reported. Where there are commingled discharges that are never separate from one another, the more stringent limits should be applied.

Where there are multiple outfalls discharging the same process water, samples can be composited, then analyzed and reported on one DMR, or results from individually sampled and analyzed outfalls can be combined mathematically to show total load from the facility and this figure reported on one DMR.

Any discharges to a sanitary system have to reach out to the receiving facility for approval. This will make sure that the treatment system can handle the additional load and wastewater constituents. The facility may be required to get a pretreatment permit from the treatment facility to prevent exceeding any limits set for the treatment plant.

Limitations for Fecal Coliform were carried over from the previous permit for those categories which were also carried over and are consistent with COMAR 26.08.02.03. However, based on BPJ and since the Federal ELGs do not include Fecal Coliform or E. Coli, we do not think that this industry is at a high risk for discharging this contaminant so they have not been included for the processor categories that are new to this permit.

Fact Sheet - General Permit 21-SE

Part III.A.1.b Cooling Water Condensate and Non-Contact Cooling Water Discharges: This condition is consistent with the permit requirements found in COMAR 26.08.04.09(I). The regulation provides “*Auxiliary discharges, which are limited to noncontact cooling water, ice machine drainage, steam or cooling coil condensate, and inside crab shedding tray overflow*”. The controls for these discharges are straightforward non-numeric controls, as long as the discharge is non-contact cooling water not containing additives and the condensate water does not come in contact with any contaminants associated with the site activities. The condition is carried over from the previous permit (11-SW Part IV.C.7 “Other non-stormwater discharges”). The inside crab shedding tray overflow is included in the eligible discharges in Part I.E and has no associated controls in this section, thus the title change here is appropriate.

Part III.A.1.c Stormwater Pollution Prevention: The limits in this part (and the SWPPP part) are consistent with the the Federal Regulations 40 CFR 122.26(b)(14) for the stormwater discharges associated with industrial activity which identifies this category of activity (SIC Codes 2031, 2036, 2091 and 2092) as an industrial activity that is subject to discharges of stormwater that comes into contact with materials. The condition is also provided in COMAR 26.08.04.09(I). Language mostly carried over from previous permit (11-SE Part IV.B). The requirements are updated to be consistent with other general permits from Maryland and the Federal Multi-Sector General Permit (MSGP), which segregate “Control Measure Selection and Design Considerations” and “Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)”. The requirements for these facilities is simplified to focus on specific controls for seafood processors. The new 21-SE permit also introduces the term “minimize” which 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. This term is commonly used when referring to stormwater controls in the State’s general permits, and is new to this permit.

Part III.A.1.c.i Control Measure Selection and Design Considerations. This part provides the elements to be considered when selecting and designing control measures for all areas of the facility with point source discharges of stormwater associated with industrial activity. The considerations presented in the permit (see below) are straightforward ways to avoid stormwater contamination. Ultimately, it is the permittee that must select and implement pollution prevention measures which best minimize pollution for their site. Similar considerations are required for any operator with industrial stormwater, in both State and Federal permits. Considerations for control measures outlined in the permit include:

- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, pervious pavement, or improving soils on-site by adding organic matter, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality;
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants; and

Fact Sheet - General Permit 21-SE

- adapting operations to address climate change impacts by implementing structural improvements, enhanced pollution prevention measures, and other mitigation measures, to minimize impacts from stormwater discharges from major storm events that cause extreme flooding conditions.

Part III.A.1.c.ii Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT). These stormwater controls are carried forward from the previous permit (11-SE Part IV.B.1), with some additions. This Part contains the actual controls for the stormwater which must be achieved using the considerations in Part III.A.c.i. These same controls must be addressed in the SWPPP. They are Minimize Exposure, Good Housekeeping, Maintenance, Spill Prevention and Response Procedures, Erosion and Sediment Controls, Employee Training, Waste, Garbage and Floatable Debris, Dust Generation and Vehicle Tracking of Industrial Materials, Non-Stormwater Discharges, and Salt Storage Piles.

Part III.A.2 Water Quality-Based Effluent Limitations. While this Part is new, it includes a combination of conditions in the previous permit (i.e. 11-SE Part VIII.M “Protection of Water Quality” and 11-SE Part IV.A “Prohibited Discharges”). These conditions in the previous permit have been moved into this part, and the limits are considered water quality-based effluent limits.

There are also two other important provisions here which are newly-added for the 21-SE:

- 1) The permittee must take a corrective action and report to the Department if a discharge either causes or contributes to an exceedance of applicable water quality standards, as required by Part V.
- 2) If information in either the NOI or required reports or if information from other sources indicates that the discharge is not controlled as necessary to meet applicable water quality standards, the Department may impose additional control measures on a site-specific basis or require you to obtain coverage under an individual permit. This may include implementing all measures necessary to be consistent with an available wasteload allocation in an EPA established or approved TMDL.

The condition in this part now provides a more comprehensive set of guidelines related to potential water quality impacts. The permit language is consistent with the Department’s other general permits.

Part III.A.3 – Alternatives to Surface Water Discharges - This condition is carried forward from the previous permit (11-SE Part IV.C.6 “Discharges to Ground Waters”), with certain modifications. The land application condition remains unchanged, with restrictions on ponding of wastewater or mixing of seepage with stormwater. It also provides potential requirements for nutrient management plans. In addition, the groundwater requirements have been clarified to alleviate confusion among inspectors, local government, and the Department’s Groundwater Discharge Permits Division (GDPD). The new conditions clarify requirements for discharges through injection and septic.

Also included is the option for using off-site disposal of wastewater consistent with COMAR 26.08.02.09. Additional new requirements in this Part include maintaining a logbook or tracking of the information in your SWPPP.

Lastly the permit recognized wastewater discharges may be routed through sanitary sewer.

Part III.A.4 Removed Substances - This condition is carried over from the previous permit (11-SE Part IV.D). It addresses sludge or removed solids from treatment and specifies that these removed pollutants are not to be discharged. Permit language regarding the removal, the disposal, and various record keeping requirements is consistent with other process water discharge permits.

Fact Sheet - General Permit 21-SE

Part III.B Stormwater Pollution Prevention Plan (SWPPP) Requirements - This Part is new and contains the actual requirements for a SWPPP. The previous permit required a site map indicating each stormwater outfall and surface water bodies, including drainage ditches and wetlands, be maintained on-site (11-SE Part IV.B.3). This is only one component of a SWPPP. The new 21-SE permit requires that all components generally required for SWPPPs in State and Federal permits be considered as well. These include stormwater pollution prevention team (Part III.B.1); site description (Part III.B.2); summary of potential pollutant sources (Part III.B.3); description of control measures (Part III.B.4); schedules and procedures (Part III.B.5); and signature requirements (Part III.B.6).

To simplify the process, a typical SWPPP outline which specifically references controls most commonly applicable for seafood processors is provided as a template in Appendix B).

PART IV. INSPECTIONS, MONITORING AND REPORTING

Part IV.A Routine Facility Inspection - This condition is new. The previous permit had next to no requirements for monitoring, reporting, and self inspections. The Department considers a frequency of once per quarter for self-inspections to be reasonable and unburdensome. The permit includes an exemption if your facility is inactive and unstaffed, which is useful for facilities that are strictly seasonal and would not be open year-round.

Quarterly visual inspections of stormwater, which is found in some of the Department's other stormwater permits, has been left out because stormwater is not the primary focus of this permit. The Department has determined based on best professional judgment that the quarterly routine inspection will be sufficiently effective. If the SWPPP is effective, there should be little stormwater pollution. A form that can be used for the quarterly inspection is provided as part of the template SWPPP (Appendix B).

Part IV.B Representative Sampling - This was carried over from the previous permit (11-SE Part V.A), requiring the permittee to take samples that are representative of the effluent .

Part IV.C Sampling and Analytical Methods - This was carried over from the previous permit (11-SE Part V.B), requiring the permittee to use methods approved for NPDES permits found in 40 CFR 136.

Part IV.D Data Recording Requirements - This was carried over from the previous permit (11-SE Part V.C), requiring for each measurement or sample taken to satisfy the requirements of this permit, that the permittee record the following information: the exact place, date, and time of sampling or measurement; the person(s) who performed the sampling or measurement; the dates and times the analyses were performed; the person(s) who performed the analyses; the analytical techniques or methods used; and the results of all required analyses.

Part IV.E Monitoring Equipment Maintenance - This was carried over from the previous permit (11-SE Part V.D), requiring periodic calibration and maintenance on all monitoring and analytical instrumentation to ensure accuracy of measurements.

Part IV.F Additional Monitoring by Permittee - This was carried over from the previous permit (11-SE Part V.E), establishing a method for monitoring and reporting if additional requirements are placed on the permittee.

Fact Sheet - General Permit 21-SE

Part IV.G Electronic Reporting Requirement - This was updated from the previous permit (11-SE Part V.F), requiring reporting of discharge monitoring, however establishing reporting electronically through NetDMR. A notice requiring electronic reporting was sent out mid-term under the previous permit, so this isn't necessarily a new requirement of the permittee, but is a change in permit language.

Part IV.H Records Retention - This was carried over from the previous permit (11-SE Part V.G), establishing that the permittee needs to retain records for 5 years.

Fact Sheet - General Permit 21-SE

PART V. CORRECTIVE ACTIONS

This Part is an expansion from the previous permit, now including specific actions when limits (Part V.A) or certain conditions exist on-site (Part V.B). The permit language is consistent with the Department's other general permits.

Part V.A Noncompliance with Discharge Limits - This Part incorporates language from the previous permit regarding discharges that exceed numeric limits (11-SE Part V.H). However, the requirements for reporting and documenting noncompliances are now listed in Part V.E.

Part V.B Conditions Requiring Corrective Actions to Ensure Effluent Limits are Met - This Part is new to this permit. It requires that the permittee revise control measures and, if applicable, the SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation, and implementation of your control measures) so that effluent limits are met and pollutant discharges are minimized when any of the following occur:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
- your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit; or
- whenever a visual assessment (Part IV.A) shows evidence of pollution (e.g., color, oil sheen, odor, floating solids, settled solids, suspended solids, foam).

The intent of this language is to set expectations for when the permittee needs to take actions. Since an inspector cannot be onsite all the time, this type of language communicates the expectations on those permitted. This approach is also consistent with other State and Federal general permits.

Part V.C Corrective Action Deadlines - This part is new to this permit. The part sets deadlines for addressing the conditions in Part V.B. This is further broken down into "Immediate Actions" and "Subsequent Actions". This approach is also consistent with other State and Federal general permits.

Part V.D Effect of Corrective Action - This part is new to this permit. If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The part informs that permittee of the importance of completing corrective actions in the timeframes provided. Additionally, the Department may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

Fact Sheet - General Permit 21-SE

Part V.E Corrective Action Documentation - Documentation for noncompliance with discharge limits from Part V.A are carried over from the previous permit (11-SE Part V.H.2). The condition requires the permittee to notify the Department with specific information in the event of permit noncompliance in accordance with the timeframes provided. Similar documentation requirements are included for the other conditions requiring corrective actions. In addition, the permit requires, in cases where the permittee cannot address a corrective action within the deadlines provided, and if they have requested and are allowed extension of the specified timeframe, document their rationale for an extension and attach the documented rationale to their next discharge monitoring report through NetDMR. Proper documentation is important to protect the permittee and also assists inspectors when collaborating to address the conditions that trigger the corrective actions.

PART VI. STANDARD TERMS AND CONDITIONS

All updated language to be consistent with other recent General Permits. These are required under the federal requirement for permits found in 40 CFR § 122.41 - Conditions applicable to all permits (applicable to State programs, see § 123.25).

PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

Updated language from recent GPs.

APPENDICES

Appendix A - Appendix A: Definitions, Abbreviations and Acronyms

Similar to other general permits, this section has been entirely pulled out of the text of the permit itself and appended to the permit. Definitions have been updated consistent with other general permits issued by the Department.

Appendix B - 21-SE SWPPP Template

Provided a template that meets the requirements of SWPPP requirements, including a visual monitoring report. Rationale for the contents of the template can be found at various points throughout this fact sheet.

Appendix C - Effluent Limitation Tables

The previous permit included all numeric effluent limitations for all types of facilities in the main body of the permit. For clarity all numeric limits have been pulled from the text of the permit and moved to this Appendix C. To be inclusive and offer flexibility to new seafood processors, all the categories in the Federal Effluent Limitation Guidelines, which encompass all known seafood processors, have been added to this section.