



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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

Response to Public Comments

Regarding

General Permit for Discharges from the Application of Pesticides

State Discharge Permit Application No. 25-PE

NPDES Permit No. MDG87

FINAL: September 11, 2026
Permit Writer: Lillian Deery
Industrial Stormwater Permits Division

The Maryland Department of the Environment (MDE), herein referred to as “Department”, has made a final determination to reissue the State/National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from the Application of Pesticides (Maryland General Permit No. 25-PE) which authorizes the point source discharges of biological pesticides, and chemical pesticides that leave a residue, to waters of this State. The Maryland General Permit No. 25-PE replaces the Maryland General Permit No. 17-PE, which expired on March 31, 2025.

A public notice on the tentative determination to reissue the permit was published on June 26, 2026, in the Maryland Register and in twenty-two newspapers throughout the state of Maryland during the weeks of June 15 through June 26, 2026. The Department held a hybrid public hearing concerning the tentative determination on Monday, August 24, 2026 starting at 4pm. In addition to the on-line hearing, the in-person hearing was held in the Owings Mills Meeting Room at the Owings Mills Branch of the Baltimore County Public Library, located at the County Campus Metro Center at Owings Mills, 10302 Grand Central Avenue, Owings Mills, Maryland 21117. The Department received comments on the draft permit through August 13, 2026. Over 10 people attended the public hearing and no one made a comment on the tentative determination during the public hearing. Additionally written testimony was provided by 2 individuals.

This Final Determination was published in the Maryland Register on October 30, 2026, and will be effective January 1, 2027. Full comments received during the tentative determination comment period for the Draft General Permit for Discharges from the Application of Pesticides and their responses are included in this document and can be found below. The changes to Tentative Determination (TD) are noted in this response.

In the event of any inconsistency between the Permit Fact Sheet for the tentative determination and this document, this document shall take precedence.

Comment 1

Submitted by Richelle Hanson, Director, Environmental Review Program, Maryland Department of Natural Resources

Comment:

“The Environmental Review Program at DNR has the following comments on the public notice published for Maryland General Permit No. 17-PE:

1. Submerged Aquatic Vegetation (SAV) within tidal waters should be added to the Desirable Species list requiring DNR coordination. The presence of SAV within a treatment area should be determined using the last 5 years of available Virginia Institute of Marine Science (VIMS) data. SAV is a set of species with management concerns for DNR and serves as critical habitat for numerous species in need of conservation.
2. DNR should be informed and have the opportunity to comment when an Adverse Incident occurs within a Water of the State containing desirable species. If you would like to have a meeting to discuss details of how this would work, please let me know.
3. DNR would like to request increased agency coordination for permits where “desirable species” may be affected including clarification on how permits are referred, timelines, and numbers and percentages of total permits needing coordination. If you would like to have a meeting to discuss details of how this would work, please let me know.

Thank you for the opportunity to comment. Please reach out if you have any questions.

Richelle”

Response to Comment:

1. The Department acknowledges MDNRs identification of SAV as a desirable species. Per appendix A: Definitions, our permit defines Desirable Species as “the rare or important species to Maryland as **determined by MD DNR**, which includes “threatened species”, “endangered species”, “species in need of conservation”, **species of management concern**, and the “critical habitat” required by these species.” Due to this, this species would be included under the current definition and would, therefore, constitute needing DNR review. Table 1 of the permit for “Decision-makers required to submit NOIs” states that any operator treating SAV in Tidal Waters using chemicals needs permit coverage regardless of treatment area size which, when taking into account that they are desirable species as determined by MDNR. Any SAV treatments regardless of treatment area size would require permit coverage and review by MDNR.

Currently, we refer to the MERLIN Map tool maintained by MDNR as one of the tools for applicants to determine the presence of Desirable Species. After consultation with MDNR on the most accurate and easiest tool for applicants, instructions to use the Aquatic Resources Pre-Screening Tool

(<https://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=1c1095e6>)

[41c541d8aa6588ef6c1b23c8](#)) with a layer showing the composite SAV for the last 5 years will be added to Appendix E: Desirable Species Procedures. This tool also includes a layer for Sensitive Species Project Review Areas (SSPRA), which is the same as on the MERLIN tool. To simplify the process for permittees, the reference to MERLIN for searching the SSPRAs will be removed from Appendix E and replaced with the Aquatic Resources Pre-Screening Tool linked above.

2. The request for MDNR to be informed of an adverse incident does not require any change to the terms of the permit, as it is already included as a requirement of the permit. Part III.E.4.c for Adverse Incident to Threatened or Endangered Species or Critical Habitat states that “Notwithstanding any of the other adverse incident notification requirements of this section, **if the Operator becomes aware of an adverse incident to threatened or endangered species or critical habitat**, that may have resulted from a discharge from the Operator’s pesticide application, **the Operator must immediately notify** the National Marine Fisheries Service (NMFS) and **Maryland Department of Natural Resources in the case of an anadromous or marine species**, or the U.S. Fish and Wildlife Service (FWS) and **Maryland Department of Natural Resources in the case of a terrestrial or freshwater species**. This notification must be made by telephone immediately upon the Operator becoming aware of the adverse incident”.
3. The last MDNR comment suggesting “increased agency coordination” is not related to the draft permit and therefore would be addressed outside of this document and the permit. This will result in no change to the permit conditions. We will use the comment as a reminder to reach out and coordinate closely with MDNR.

Changes for the Final Determination:

Appendix E will be updated to refer applicants to MDNRs Aquatic Resources Pre-Screening Tool

(<https://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=1c1095e641c541d8aa6588ef6c1b23c8>) to determine presence of desirable species. The reference to MERLIN will be removed to prevent redundancy.

Comment 2

Submitted by Robert M. Matty, Jr., Manager, Environmental Programs, Constellation Energy Generation, LLC

Comment:

“Constellation Energy Generation, LLC (“Constellation”) appreciates the opportunity to comment on the Draft General Permit for Discharges from the Application of Pesticides No. 25PE (“25PE”). Constellation owns and operates several electric generating stations within the State of Maryland and currently has coverage under the existing 17PE. Constellation is concerned with the language added in Part 11.D.2.b, Signatories for a Limited Liability Company. With previous General Permits, Constellation followed the signatory requirements designated for a corporation. Under the corporation section (Part 11.D.2.a), a responsible corporate officer includes; 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; [...]. Constellation has interpreted the definition of a responsible corporate officer to include the Operations Vice President and/or the Plant Manager for a facility since both roles meet the requirements of having the authorization to make decisions regarding operations and to allocate money to ensure environmental compliance. The language added for LLC's states, “Signatories for a Limited Liability Company (LLC): this must be a member of the LLC, limited by the LLC's articles of organization. If limited, then the responsible corporate officer is the member or members designated by the LLC's articles of organization.” This language will prevent Constellation’s Operations Vice Presidents and Plant Managers from signing documents in accordance with the general permit since they are not also officers of Constellations holding company, Constellation Energy Corporation (“CEC”). The Operations Vice President and Plant Manager are key leaders with both long-term and day- to-day responsibilities over the operation of the facility. The subject change will shift the responsible corporate officer to a select number of Senior Executives at CEC who are not directly associated with the daily operation and financial planning of a facility.

Constellation recommends either removing the Signatories for a Limited Liability Company language from the general permit or adding the same or similar language as listed in Part 11.D.2.a. of the definition of a responsible corporate officer for a corporation. The addition of this language will allow those Vice Presidents and Plant Managers, who already have authority to make operational and financial decisions on behalf of Constellation, to retain the ability to sign documents related to the 25PE and keep the decision making at a site level with those who have day-to-day responsibilities for the facility. We appreciate the opportunity to comment on the draft 25PE.”

Response to Comment: The signatory requirement for LLCs was added to the permit because LLCs are a distinct type of entity not clearly covered by the signatory requirements for other entities. Based on this comment, the Department has revised the language to better accommodate complex LLC structures.

Changes for the Final Determination: The Signatory Language of this Standard Term and Condition has been updated to “For a Limited Liability Company (LLC): By a member of the LLC with authority under the LLC’s Articles of Organization, or the functional equivalent of a responsible corporate officer as defined in paragraph (a) above.”