



CONSENT ORDER

To Comply With The Terms and Conditions of the General Permit for Stormwater Associated with Industrial Activity 12SW-A

The Maryland Department of the Environment (“Department”) has the powers, duties, and responsibilities vested in it pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article of the Annotated Code of Maryland, to implement and enforce the environmental laws of the State, including protection of the waters of the State;

Pursuant to Section 9-322 of the Environment Article, a person may not discharge any pollutant, including stormwater associated with industrial activity, to waters of the State without a permit;

Pursuant to Section 9-335 of the Environment Article, the Department may issue an order to take corrective action to any person who has violated Title 9, subtitle 3 of the Environment Article, any rule or regulation adopted under Title 9, subtitle 3, or any order or permit issued under Title 9, subtitle 3;

A person who violates any provision of Title 9, subtitle 3 of the Environment Article or any rule, regulation, order, or permit adopted or issued by the Department under Title 9, subtitle 3 may be subject to potential civil and administrative penalties pursuant to Section 9-342, including for engaging in industrial activity without a discharge permit;

In recognition that the General Permit for Stormwater Associated with Industrial Activity (General NPDES Permit Number MDR0; State Discharge Permit Number 12SW-A) (“12SW-A”) is beyond its five-year term, and in recognition that NPDES permits have a maximum duration of five years, the Department is no longer issuing new registrations under the expired permit 12SW-A. Proposed new discharges of stormwater associated with industrial activity will not be allowed to obtain general permit coverage until a new permit is issued; and

Any person that has signed a Declaration of Intent (a “Declarant”), acknowledging the intent to seek permit coverage for all new and existing stormwater discharges that are composed in whole or in part of discharges associated with industrial activity [as defined by 40 Code of Federal Regulations (40 CFR), Section 122.26 (b)(14)(i – ix and xi)] under a new general permit once final and effective, voluntarily consents to the Department entering this Order. As described in the Declaration of Intent, the Declarant also voluntarily consents to abide by the terms and conditions of the expired 12SW-A until a new general permit is final and effective or the Declarant is issued an individual discharge permit,

whichever comes first.

ORDER

THEREFORE, pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article, the Department, hereby ORDERS that each Declarant shall, after receipt from the Department of documentation of approval of the NOI, comply with all terms and conditions of 12SW-A.

At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this Order cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may withdraw or revoke this Order and require any Declarant to obtain an individual permit or alternative general permit coverage. Alternatively, the Department may modify this Order 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.

This Order is not intended to be nor shall it be construed to be a permit or an authorization for permit coverage. Compliance by a Declarant with the terms of this Order shall not relieve the Declarant of its obligation to comply with any other applicable local, state, or federal laws and regulations.

Nothing in this Order shall be construed to limit any authority of the Department to issue any order or to take any action it deems necessary to protect public health or the environment, or to limit any authority the Department now has or may hereafter be delegated.

The Department reserves the right to withdraw or revoke this Order at any time. Unless otherwise withdrawn or revoked, this Order shall remain in full force and effect for each Declarant until the deadline for new registrations required under a new general permit, or the date the Declarant obtains coverage under an individual permit or alternative general permit, whichever occurs first.

This Order will be effective for each Declarant upon approval of the NOI by the Department.

STATE OF MARYLAND,
DEPARTMENT OF THE ENVIRONMENT



D. Lee Currey, Director
Water and Science Administration

Date June 1, 2020