

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
NOTICE OF FINAL DETERMINATION
General Permit for Discharges from Stormwater Associated with Industrial Activity**

The Maryland Department of the Environment (“Department”) is amending the National Pollutant Discharge Elimination System (NPDES) GENERAL PERMIT FOR DISCHARGES FROM STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY (NPDES Permit No. MDR0000, Discharge Permit No. 20-SW) (“20-SW permit”), which authorizes the discharge of stormwater associated with industrial activity to waters of the State.

The 20-SW permit was issued on November 8, 2022 and became effective on February 1, 2023. The Department's final determination for the 20-SW permit was challenged in the Circuit Court for Baltimore County (case numbers C-03-CV-22-005075, C-03-CV-22-005086, C-03-CV-22-005087). In these cases, the Department agreed to a limited remand to accept comments on three sections of the 20-SW permit: No Exposure Certification – Part I.F, Comprehensive Site Compliance Evaluation – Part V.A.2.b., and Stormwater Pollution Prevention Plan (SWPPP) Requirements – Part III.C.

The remainder of the 20-SW permit is final and was not opened for public comment. The Department accepted comments on these sections of the 20-SW permit from August 23, 2023 through November 25, 2023. The Department also held a public hearing to accept comments on September 28, 2023.

The Department has evaluated the comments received during the public comment period and amended the 20-SW permit accordingly. The State Discharge Permit number for the amended permit is 20-SWA.

The revisions in the Department’s final determination are listed below:

Part I.F. – This section has been updated to reflect 40 CFR § 122.26(g) Additionally, each no exposure certification must include the facility’s size, EJ Score, and identify if the facility is in the flood plain.

Part V.A.2.b. – Each facility in an overburdened community—a census tract where the EJ Score equals or exceeds 0.76 (76%)—must now submit its Annual Site Evaluation to the Department. Annual reports may be uploaded to NetDMR, emailed to the Department’s Industrial Stormwater Permits Division, or submitted through an eNOI system once established by the Department.

Part III.C. – Two cross references were added to Part III.B.a.viii (Control Measure Selection and Design Considerations), and Part I.C.5 (documentation for new facilities discharging to impaired watersheds). The Department has posted the referenced documentation on the Department’s website.

Any person that meets the requirements in §1-601(c) of the Environment Article may file a petition for judicial review of this final determination. Petitions for judicial review must be filed within 30 days after publication of this notice in accordance with §1-605 of the Environment Article and the Maryland Rules.

The final permit, response to comments, and associated documentation may be viewed and printed on the Department’s website—<https://mdewwp.page.link/ISW>. . Persons may also schedule an appointment to view copies of the final permit and associated file by contacting Paul Hlavinka at paul.hlavinka@maryland.gov. Copies may be purchased for \$0.36 per page.

Any questions regarding this notice of final determination should be directed to Mr. Hlavinka or Casey Leach at paul.hlavinka@maryland.gov, casey.leach@maryland.gov or by telephone at (410) 537-3323 between 8:00 a.m. and 5:00 p.m., Monday through Friday.