

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
NOTICE OF FINAL DETERMINATION**

General Permit for Stormwater Discharges Associated with Industrial Activity

The Maryland Department of the Environment is reissuing the State/National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Industrial Activity. The new permit will be No. 20-SW (NPDES No. MDR00). This permit replaces the 12-SW, which expired on December 31, 2018.

A public notice on the tentative determination to reissue the discharge permit was published by the Department's Water and Science Administration (WSA) in 2021 during the weeks of January 13 and January 22 in newspapers across the State of Maryland. The notice was published in the Maryland Register on January 15, 2021. The Department held a public hearing regarding the tentative determination on Wednesday, March 3, 2021. Notice of the hearing was included in those publications. The public comment period concluded on April 19, 2021. 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 (all other aspects of the permit remain unchanged from the tentative determination):

- Addressing Climate Change – The permit requires Stormwater Pollution Prevention Plan (SWPPP) updates based on changes in climate (new information and experiences with major storm events). The technology based limits (Part III.B.1) includes options to improve soil hydrology by adding organic matter to reduce the volume of stormwater runoff. The guidance for No Exposure certifications has been amended to acknowledge that all electric fleets have less potential to leak when waiting for service.
- Addressing Environmental Justice (EJ) Impacts - The permit requires operators within areas identified with an EJ Score greater than 0.76 to submit a comprehensive annual report to the Department.
- Addressing No Exposure Exemption - The permit allows the submission of photos in lieu of a professional engineer for operators with less than five acres, except in areas identified with an EJ Score greater than 0.76 or in flood plains.
- Addressing Part I (Applicability) - A reference to the Vehicle Washing General Permit has been added to the permit.
- Addressing Part II (Authorization) – The permit renewal will provide 6 months for facilities to update their 12-SW SWPPPs to comply with the 20-SW permit and apply for continued coverage.
- Addressing Part III.B.1 (Technology Based Limits) – Definitions and approval process when utilizing “Chemical Additives” and “Cationic Chemical Additives” has been added to the permit.
- Addressing Part III.B.2 (Water Quality Based Limits) - Requirements regarding monitoring for impaired waters have been reformatted and the Natural Background Determination has both been updated consistent with the EPA Multi-Sector General Permit (MSGP). If a new industrial activity intends to operate in a Tier II watershed, the permittee is required to comply with 26.08.02.04-1.
- Addressing Part III.C (SWPPP) - The permittee may maintain a copy of their SWPPP in electronic format, as long as it is available for persons on-site.

- Addressing Part IV (Corrective Actions and Additional Implementation Measures (AIM)) - The permit provides an improved process for addressing exceedances of benchmarks by increasing requirements and defined end points. Conflicting language related to deadlines has been updated. The permit contains a process flowchart. The permit is simplified from the draft TD, in that it now has 3 levels, down from 4. References to the EPA MSGP Appendix Q have been removed. The situation where the final level repeats is addressed in the permit, requiring additional actions. Abnormal events exception and alternative benchmarks for copper and aluminum are included in the permit. The conditions for the natural background exception have been changed to be consistent with the EPA Final MSGP. Chemical additives may be considered to achieve benchmarks.
- Addressing Part V (Inspections, Monitoring and Reporting) - The permit updates benchmarks for aluminum and selenium for Subsector K1 for flowing (lotic) waters consistent with EPA MSGP. References in Sector AD.e are corrected. Under Part V.A.3., requirements for visual monitoring require that the samples must be representative of the stormwater discharge. Arsenic samples must be “total recoverable.” Signature requirements are clarified for the Comprehensive Site Compliance Evaluation, Part V A.2, Part II C.2 and Part IV C.3.
- Several cross reference errors were corrected, definitions updated 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 within 30 days after publication of a notice of final determination, 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 will constitute a waiver of any right to a judicial review of this final determination.

The final permit, responses to comments, and associated documentation may be found on the Department’s website. To view and print the final permit and response documents, you may use this link <https://mdewwp.page.link/ISW>. Persons seeking to review the final permit and associated file may alternatively do so by contacting Mr. Hlavinka via email at paul.hlavinka@maryland.gov to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

Any questions regarding this final determination should be directed to Paul Hlavinka at the Maryland Department of the Environment, Water and Science Administration, at paul.hlavinka@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.