



STATE GROUNDWATER DISCHARGE PERMIT

<i>STATE DISCHARGE PERMIT NUMBER</i>	<i>25-DP-1430</i>
<i>NPDES ID NUMBER</i>	<i>MD1430X06</i>
<i>EFFECTIVE DATE</i>	<i>DRAFT</i>
<i>EXPIRATION DATE</i>	<i>DRAFT</i>

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, the Department of the Environment, hereinafter referred to as “the Department,” hereby authorizes:

Perdue Farms, Incorporated
P.O. Box 1537
Salisbury, Maryland 21802-1537

TO DISCHARGE FROM

Chicken Hatchery #10

LOCATED AT

Old Princess Anne Road, Westover, Somerset County,
Maryland, 21871

VIA OUTFALL

001 spray irrigation as identified and described herein,

AND

002 overland flow as identified and described herein,

TO

Groundwaters of the State in accordance with the following special and general conditions and maps made a part hereof.

I. SPECIAL CONDITIONS

A. Outfall 001 - Effluent Limitations and Monitoring Requirements

During the effective period of this permit, the Permittee is authorized to discharge treated wastewater generated from the washing of hatchery floors, incubators and chick trays, non-contact cooling water, and exterior vehicle wash water to groundwater via spray irrigation.

As specified below (Table 1), such discharge shall be limited and monitored by the Permittee at the lift station prior to spray irrigation.

Table 1: Effluent Limitations and Monitoring Frequencies (Outfall 001)

<u>Parameter Code</u> <u>(STORET)</u>	<u>Effluent</u> <u>Characteristics</u>	<u>Effluent Limitations</u>			<u>Monitoring</u> <u>Requirements</u>	
		<u>Loading</u>		<u>Concentration</u>	<u>Monitoring</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
		<u>Quarterly</u> <u>Average</u>	<u>Daily</u> <u>Maximum</u>	<u>Daily</u> <u>Maximum</u>		
00600	Total Nitrogen (N)	NA	N/A	(1)	Monthly	Grab ⁽⁴⁾
50050	Flow	(1)	(1)	(1)	Continuous ⁽²⁾	Measured
51040	E. coli ⁽³⁾	N/A	N/A	125 MPN/100 mL ⁽³⁾	Monthly	Grab ⁽⁴⁾
(6)	PFAS Compounds (influent) ⁽⁶⁾	N/A	N/A	Report Maximum ⁽⁵⁾	2 times per year ⁽⁵⁾⁽⁶⁾	Composite Grab
(6)	PFAS Compounds (effluent) ⁽⁶⁾	N/A	N/A	Report Maximum ⁽⁵⁾	2 times per year ⁽⁵⁾⁽⁶⁾	Composite Grab

- (1) Monitoring and reporting are required without limitation.
- (2) Continuous flow measurement applies to the effluent leaving the lift station.
- (3) The E. coli shall be determined as a geometric mean of the monthly data.
- (4) Grab samples shall be obtained from the effluent line just prior to spray irrigation.
- (5) PFAS monitoring requirements shall not take effect unless the facility resumes spray irrigation. If spray irrigation resumes, all conditions of section I.G shall take effect.
- (6) PFAS monitoring shall consist of sampling of PFAS compounds two (2) times per year - once during the wet season (March-April) and once during the dry season (May-November). Samples shall be taken in the following locations: Influent - before entering the lagoon, and effluent - after the chlorine chamber and before spraying. See Section I.G.4 for testing methods.

B. Outfall 002 - Vehicle Wash Authorization

During the effective period of this permit, the Permittee is authorized to discharge exterior vehicle wash water to groundwater via overland flow.

1. Vehicle washing shall be performed in a dedicated washing area.
2. The Permittee is strictly prohibited from discharging or causing to be discharged any waste oil, fuels, grease, ethylene glycol (antifreeze), organic solvents, paint, or wastewater from engine or undercarriage cleaning to surface waters or groundwaters of the State, including wetlands.

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3. The Permittee is prohibited from discharging vehicle wastewaters of any kind to the surface waters of the State.

C. Groundwater Quality Monitoring

1. The Permittee is responsible for the operation and maintenance of groundwater monitoring wells. The Permittee shall sample the three monitoring wells by grab sample, at least once every calendar quarter, for the following parameters: nitrate, fecal coliform, pH, total dissolved solids, chlorides, and PFAS compounds. Groundwater monitoring results shall be submitted to the Department in accordance with Section II.A.
2. Each monitoring well shall contain the necessary apparatus and fittings to allow the proper evacuation and sampling of groundwater. Each well shall be provided with a cap designed to ensure the integrity of samples and to prevent surface water runoff and precipitation from entering the well. Prior to taking a sample, the static water level shall be measured and a volume of water (equal to 300% of the wetted volume of the casing and screen) shall be removed.
3. Groundwater Quality Limitations for Monitoring Wells Permittee shall analyze groundwater monitoring well samples taken pursuant to the requirement under this Special Condition according to the parameters listed in the table that follows below.
 - a. The discharge of the treated wastewater authorized in this permit shall not cause an exceedance of the parameters listed below, as measured in the 'designated mixing zone' defined as the downgradient monitoring well(s) where ambient groundwater mixes with discharged wastewater.
 - b. The "Groundwater Quality Limitations and Monitoring Requirements" Table below includes the water quality standards for nitrate and chloride. For the purpose of this permit, the discharge of treated wastewater authorized in this permit, shall not cause an exceedance of any other water quality standard adopted by the Department of the Environment in COMAR 26.04.01, and 26.08.02.09.

Table 2: Groundwater Quality Limitations and Monitoring Frequencies

Parameter Code (STORET)	Parameter Description	Concentration ⁽²⁾⁽³⁾	Monitoring Frequency	Sample Type
		Daily Maximum		
00620	NO ₃ Nitrate Nitrogen	10 mg/L	Once every 3 months	Grab
00400	pH	(1)	Once every 3 months	Grab
70295	Total Dissolved Solids	500 mg/L	Once every 3 months	Grab
00940	Chloride	250 mg/L	Once every 3 months	Grab
51040	E. coli ⁽⁶⁾	Non-Detect	Once every 3 months	Grab
(5)	PFAS Compounds	(4) (5)	Once every 6 months	Grab

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- (1) Monitoring required without limitation.
- (2) For any reported exceedance in the downgradient wells, if the average groundwater quality in the background upgradient well (MW4), the Department may evaluate whether a violation exists on a case-by-case basis.
- (3) The groundwater quality limitations are not applicable to the upgradient well, MW4, as shown on Map B.
- (4) PFAS monitoring shall consist of sampling PFAS compounds two (2) times per year - once during the wet season (March-April) and once during the dry season (May-November). All monitoring wells will be sampled for PFAS compounds. If two consecutive results exceed the action level set by the Department, per section I.G.6, additional testing may be required by the Department.
- (5) PFAS monitoring requirements shall not take effect unless the facility resumes spray irrigation. If spray irrigation resumes, all conditions of section I.G. shall take effect.
- (6) E. coli shall be reported as an annual geometric mean.

D. Definitions

1. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.
2. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.
3. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/L or other appropriate units as an outcome.
4. "Grab sample" means an individual sample collected in less than 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
5. "Solvent" is defined as an organic substance capable of dissolving another to form a uniformly dispersed mixture. Organic solvents include, but are not limited to, aromatic hydrocarbons, aliphatic hydrocarbons, esters, ethers, ketones, amines, and nitrated and chlorinated hydrocarbons.
6. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
7. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
8. "Measured" flow means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

E. Chemical Additives Authorization

The Department recommends against the use of cleaning products when the cleaning products will be discharged to the waters of the State. Hot water in combination with high pressure may eliminate the need for cleaning products. However, if cleaning products are essential to the operation, the Permittee is authorized to

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use wash water additives according to the requirements of this section (I.E. "Chemical Additives Authorization")

1. Material Safety Data Sheets (MSDS) shall be submitted to the Groundwater Discharge Permits Division, for review and approval, prior to the onsite discharge (onto the ground surface, into an on-site subsurface disposal system, or into a surface water ditch or drainage system) of any cleaning products or wash water additives.
2. Wash water additives shall be used at or below the manufacturer's dilution ratios.
3. Washwater additive authorization: The Permittee is authorized to use Acid Tray Wash, Acid-a-Foam, AcidEdge, Alpha Foam, Aqua San N, Bio-Sentry 604 Disinfectant, Bio-Sentry 904 Disinfectant, BioKleen, Biosolve, Bleach, Chlor-A-Foam EVO, Clinafarm Liquid 10%, Dawn Liquid Detergent, DM Cid, F29 Sanitizer, Gil ATW Detergent, Hydrogen Peroxide, Hyprox 270, Kenosan P16, OdoBan, OxiEdge, Pathocide, Pathoclean, Peragreen 5.6%, PI-2100 Chlorinated Tray Wash, SentraMax, Synergize, Terrastat 5-S, Virkon and Viroci Disinfectant as additives in facility operations, at or below the manufacturers' recommended dilution ratios. The Permittee shall obtain separate, written authorization from the Department before using any other wash water additive. Safety Data Sheet (SDS) forms must be submitted to the Department for review prior to approval of any other additive.

F. Land Application Requirements and Limitations

1. Land application of wastewater generated from the washing of hatchery floors and incubators and exterior vehicle wash water shall comply with the requirements established in this permit and with Maryland Department of Agriculture regulations in COMAR 15.20.04 through 15.20.08, and shall be conducted in conformance with a Nutrient Management Plan written by a nutrient management consultant licensed by the State of Maryland. This Plan shall be submitted to MDE for review and available on site for review by Department representatives.
2. The Permittee shall submit a Nutrient Management Plan (NMP) for the spray irrigation system to the Department for approval 90 days prior to resuming spray irrigation. The NMP shall be prepared by a nutrient management consultant licensed by the State of Maryland and consistent with the terms and conditions of this permit and in accordance with COMAR 15.20.07. and COMAR 15.20.08. The NMP shall describe how nitrogen will be removed via vegetative uptake in minimizing the nitrogen leaching to the groundwater system. The NMP shall include the nutrients in irrigation water as a nutrient source in meeting vegetation demand. Operation of the spray irrigation system shall conform with the NMP. The NMPs are required to be updated every three years. The updated NMP shall be submitted to the Department.
3. The Nutrient Management Plan ('Plan') shall be written to limit the cumulative amount of nutrients that are land applied from all sources including, but not limited to, wastewater from the washing of hatchery floors and incubators, and exterior vehicle wash water. The Plan shall also comply with the following:
 - a. Nutrient requirements for the crop yield goal of 4 tons per acre for Orchard Grass.

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- b. The cumulative amount of nutrients from all nutrient sources shall not be applied at a rate higher than agronomic requirements in accordance with the Maryland Nutrient Management Manual Supplement 7 (May 2012) Tables 1-4 and Table 6 of Supplement 4.
 - c. Detailed, field by field wastewater allocations presented in gallons per acre.
 - d. Crops that are irrigated with wastewater from the washing of hatchery floors and incubators and exterior vehicle wash water shall be harvested.
4. Irrigation of treated wastewater shall not take place during periods of precipitation, high winds, freezing conditions, or saturated soil. Excessive irrigation resulting in surface run-off beyond the property line or ponding for 48 hours after irrigation is prohibited. Spray irrigation of treated wastewater that results in or is likely to result in surface runoff to surface water is prohibited.
 5. The hydraulic loading rate shall be limited to two (2) inches per week per acre as an annual average. However, the instantaneous loading rate shall be adjusted properly to enhance the contact time between irrigation effluent and soils.
 6. The Permittee is prohibited from discharging wastewaters of any kind to surface waters of the State.
 7. The land application areas shall be monitored by adequately trained personnel during the entire period of operation. In addition, trained personnel shall inspect and check the spray area regularly to determine efficiency and adequacy of the system.
 8. Daily logs of the response of each area irrigated with treated sewage effluent shall be kept by the plant operator. Subjects to be included in the log are:
 - a. Area(s) or section(s) under irrigation;
 - b. Application rates (hourly and weekly);
 - c. Effect of irrigation on vegetation;
 - d. Instances of ponding or run-off; and,
 - e. Weather conditions.

The log shall be kept at the wastewater treatment facility and be available for inspection by the Department upon request. Copies of the above required information are to be included in the monthly operating report as specified in II.A.2.

9. Spray aerosols from the land application of wastewater from the washing of hatchery floors and incubators and exterior vehicle wash water shall be prevented from entering adjacent properties or waterways, either by wind carry-over or direct application, by providing buffer zones that are:
 - a. 200 feet from the wetted perimeter of the land application site to property boundaries in open areas, or 100 feet in areas with tree buffers; and
 - b. 500 feet from the wetted perimeter to inhabited dwellings or other occupied structures in open areas, or 250 feet in areas with tree buffers; and
 - c. Fifty (50) feet from waters of the State, including intermittent streams; or

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- d. As approved by the Maryland Department of the Environment as suitable to control the movement of spray onto adjacent land, or:

If the wastewater prior to land application can consistently meet the following "Class II Effluent Limits": BOD < 10 mg/L, Suspended Solids < 10 mg/L, and E. coli = non-detect, then the 'Land Application Buffer Requirements' of Section I.F.9. (above) can be reduced to:

- a. 25 feet to property lines, roads, and buildings; and
- b. 50 feet from schools and playgrounds; and
- c. 100 feet to potable water wells and drinking water plant intake structures.

10. Wastewater Storage. A wastewater storage structure, capable of storing the wastewater generated during seven (7) days of operation shall be maintained. If a lagoon is constructed, then it shall meet the following requirements:

- a. Lagoon bottoms and the inner slopes of embankments shall be lined with impervious material such as clay, bentonite, or other sealing material to preclude pollution of ground water by seepage. The permeability of the liner shall be 10^{-7} cm/sec or less, and for materials other than synthetic liners, the liner shall be a minimum thickness of two (2) feet. As-built plans shall be submitted to the Department within 30 days of completion of the wastewater storage lagoon.
- b. A minimum of two feet of freeboard shall be maintained in the storage ponds at all times.
- c. All earthen embankment structures shall be inspected on a weekly basis for structural stability. The outer embankment and top of the berm shall be kept free of shrubs, trees, and animal activity. Records of inspections and maintenance shall be kept in the Logbook, as stated in Special Condition I.F.8, above.
- d. If the Permittee hauls the wastewater offsite in lieu of storage, a record shall be kept in the Logbook, as stated in Section I.F.8. above.

11. If spray irrigation resumes, the Annual Implementation Report (AIR) documenting nutrient applications for the calendar year is due to the Maryland Department of Agriculture Nutrient Management Program by March 1 of the following calendar year. At the same time, the Permittee shall submit a copy of the AIR to the Department (MDE).

12. Irrigation of treated wastewater shall not take place for a 75-day period beginning December 16th and ending the last calendar day of February of the following year. The Permittee shall pump and haul all generated wastewater during this period. Otherwise, the Permittee shall install or provide a storage facility designed to hold treated wastewater during periods when irrigation cannot take place. The storage facility shall be capable of containing wastewater generated during no less than 75 days of normal operation of the wastewater facility. The storage facility shall be sealed or constructed to prevent the direct seepage of stored waters to groundwater beneath the site. The Permittee shall ensure it has sufficient effluent storage capacity to allow the discharge to be consistent with the Department of Agriculture regulations at COMAR 15.20.07.02, Supplement No. 7 (June 2022).

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G. Per- and Polyfluorinated Alkyl Substances (PFAS)

NOTE: This facility is not currently discharging. If no further spray irrigation occurs, conditions related to PFAS listed in this section (I.G.) do not apply. In case the facility resumes spray irrigation, conditions in I.G. apply.

The Permittee shall perform analytical testing of the PFAS compounds to monitor the PFAS level in the influent, effluent, and waste biosolids of the Perdue Hatchery No. 10 WWTP. No later than ninety (90) days from the effective date of the discharge permit, the Permittee shall submit a PFAS effluent monitoring plan (the Plan) to the Department for approval. The Plan shall incorporate all pertinent information, including but not limited to, the following items:

1. The Permittee shall commence the monitoring of PFAS no later than 90 (ninety) days after the Department approves the Plan.
2. PFAS monitoring shall consist of two definitive samplings of PFAS compounds during the first 12 months after the permit effective date. Samples shall be taken in the following locations (**influent, effluent, and biosolids**). In addition, groundwater shall be monitored for PFAS in all monitoring wells two (2) times per year, once during the wet season (December – April) and once during the dry season (May - November). No later than ninety (90) days after the Permittee receives results from sampling, the Permittee shall submit test results and all pertinent physical documents of the test results from the PFAS monitoring to:

Attention: Testing and Analysis of Per- and Polyfluorinated Alkyl Substances (PFAS)
Groundwater Discharge Permits Division
Water and Science Administration (WSA)
Maryland Department of the Environment
1800 Washington Boulevard, STE-455
Baltimore, MD 21230-1708

3. The effluent sample shall be collected as the “Composite-Grab” sample at a specified monitoring point during each sampling event. The composite-grab sample shall be a composition of minimum four individual grab samples collected at evenly distributed intervals during the daytime shift(s) of the facility on a sampling day.
4. The PFAS samples shall be analyzed with the EPA method 1633 (EPA 821-R-24-0011 or the most updated version) and for the forty (40) PFAS Compounds covered by the protocol.
(<https://www.epa.gov/system/files/documents/2024-01/method-1633-final-for-web-posting.pdf>)
5. The sample collection procedures, method-specified holding times, sample preservation, and QA/QC procedures that are consistent with MDE’s “Per- and Polyfluoroalkyl Substances (PFAS) Sampling Guidance Document, (<https://mdewwp.page.link/PFASGuidance>)” for the PFAS during each sampling event.
6. The Department will notify the Permittee if two consecutive results exceed the action level set by the Department at the time when the latest sampling results are made available. The Permittee shall submit an action plan (the Plan) to the Department no later than ninety (90) days after the receipt of notification

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that describes how the Permittee will take practicable steps to identify potential sources of PFAS discharging to the facility's collection system. Upon the concurrence of the Plan from the Department, the Permittee shall submit progress reports on a semi-annual basis to the Department documenting the status of actions taken. Based on the progress reports, the Department may incorporate additional requirements in the discharge permit through permit modification and the public participation process.

7. The Permittee may petition the Department for a reduction of monitoring frequency or to discontinue all PFAS monitoring when the levels of PFAS in the effluent from the first three monitoring results are consistently below the action level set by the Department at the time.

II. GENERAL CONDITIONS

A. Measurements and Reporting Requirements

1. Discharge Monitoring Reports (DMRs)

Monitoring results obtained during each calendar month shall be summarized and submitted electronically using NetDMR. Results shall be submitted to the Department via NetDMR no later than the 28th of the month following the end of the reporting month.

2. Monthly Operating Reports (MORs)

The Permittee shall submit monthly operating reports (MORs) on a form supplied or approved by the Inspection and Compliance Program. For each calendar month, the Permittee shall submit to the Department a signed original of the MOR as an attachment to the Copy of Record (COR) via NetDMR in electronic format concurrently with the Discharge Monitoring Report submission postmarked no later than 28th day of the month following the reporting month.

3. Analysis Methods

The methods used for analyzing the water sample shall conform to the test procedures specified in “Standard Methods for the Examination of Water and Wastewater” by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, latest edition, or as identified in “Guidelines Establishing Test Procedures for the Analysis of Pollutants” (40 CFR 136), and published in the Federal Register, Volume 51, No. 125, Monday, June 30, 1986, or as amended.

4. Monitoring Equipment Maintenance

The Permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to ensure accuracy of measurements.

5. Data Recording Requirements

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurement;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used, including MDL and PQL/RDL; and,
- f. The results of all required analyses, including appropriate data qualifiers.
 - i. Results greater than or equal to the PQL/RDL shall be reported as the measured quantity.
 - ii. Results less than the PQL/RDL and greater than or equal to the MDL shall be reported as less than the PQL/RDL and deemed equal to the MDL for any calculations.

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- iii. Results less than the MDL shall be reported as less than the MDL and excluded from any calculations and determinations of effluent and groundwater quality limit compliance.

6. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous flow monitoring instrumentation shall be retained for a minimum of three years. This period may be extended during the course of litigation, or when so requested by the Department.

B. Management Requirements

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of a pollutant not identified in this permit or in the application submitted for this permit, including any formally submitted application revisions that are not authorized, applied for or specifically identified in this permit, shall constitute a violation of the terms and conditions of this permit. Any anticipated facility expansion, production increases, or process modifications which will result in new, different, or increased discharge of pollutants shall be reported by the Permittee by submission of a new application at least one year prior to the commencement of the changed discharge or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Department. Following such notice, the permit may be modified by the Department to specify and limit any pollutants not previously limited.

2. Operational Restrictions

The operation of a waste treatment or disposal facility shall at no time create: (1) a direct discharge to surface waters of the State; (2) any standing or ponded water condition on adjacent properties; or (3) a persistent standing or ponded water condition on the Permittee's property, excluding actual storage lagoons.

3. Noncompliance Notification

- a. If, for any reason, the Permittee does not comply with or will be unable to comply with the special and general conditions of this permit, the Permittee shall, within 24 hours, notify the Department by telephone at (410) 537-3510 during work hours and at (866) 633-4686 during evenings, weekends and holidays and provide the Department with the following information in writing within five days of such notification:
 - i. a description of the noncompliance, including its impact upon the receiving ground or surface waters;
 - ii. cause of noncompliance;
 - iii. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
 - iv. steps taken by the Permittee to reduce and eliminate the noncompliance discharge;

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- v. steps to be taken by the Permittee to prevent recurrence of the condition of noncompliance; and
- vi. a description of the accelerated or additional monitoring by the Permittee to determine the nature and impact of the noncompliance.

b. In the case of any discharge subject to any toxic pollutant effluent standard under Section 307 (a) of the Clean Water Act of 1987, the Department shall be notified within 24 hours of the time the Permittee becomes aware of the noncomplying discharge. Notification shall include information as described in Section II.B.3.a. above. If such notification is made orally, a written submission must follow within five days of the time the Permittee becomes aware of the non-complying discharge.

4. Facility Operation and Quality Control

All waste collection, control, treatment, monitoring, and disposal facilities shall be maintained in good working order and operated at all times as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants.

5. Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impact to the ground water quality resulting from noncompliance with any limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

6. Removed Substances

The Permittee shall comply with all existing State and federal laws and regulations that apply to sewage sludge monitoring requirements and utilization practices, and with any regulations promulgated pursuant to Environment Article, Section 9-230 et seq. The Permittee is responsible for ensuring that its sewage sludge is utilized in accordance with a valid sewage sludge utilization permit issued by the Department.

7. Bypassing

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

- a. the bypass is unavoidable to prevent loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources; and
- b. there are no feasible alternatives; and
- c. the Department is notified within 24 hours (if orally notified, then followed by a written submission within five days of the Permittee becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten days before the date of bypass;
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effect; and

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- e. there is an existing flow of any such diversion or bypass, then a schedule for the elimination of such shall be included in a schedule of compliance.

C. Responsibility

1. Right of Entry

The Permittee shall allow the Secretary of the Department, or authorized representatives, upon the presentation of credentials:

- a. to enter upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. to have access to and to copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. to inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. to sample at reasonable times any discharge of pollutants;
- e. to inspect, at reasonable times, any collection, treatment, pollution management or discharge facilities required under this permit; or
- f. to drill and install monitoring wells for the purpose of obtaining samples of the groundwater.

2. Property Rights/Compliance with Other Requirements

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

3. Availability of Reports

Except for data determined to be confidential under COMAR 26.08.04.01.E., all reports, plans, maps, or other specifications submitted for review shall be available for public inspection at the Department.

4. Transfer of Ownership or Control

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and re-issuance of the permit to change the name of the Permittee and may incorporate other requirements as may be necessary. The written notice to the Department shall include at least the following information:

- a. the legal name, address and telephone number of the new owner or operator;
- b. a statement, signed by the new owner or operator, indicating that the new owner or operator has read, understands and accepts the terms and conditions of the existing permit; and
- c. the date that the new owner or operator took control or expects to take control of the facility. In the event that new ownership or control is expected in the future, the current Permittee and the anticipated new owner or operator both must sign the written notice to the Department.

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5. Reapplication for a Permit

At least one year (365 days) before the expiration date of this permit, unless permission for a later date has been granted by the Department, the Permittee shall submit an application for renewal of the permit or notify the Department of the intent to cease discharging by the expiration date. In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the Permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

6. Permit Modification

A permit may be modified by the Department upon the written request of the Permittee and after notice and opportunity for a public hearing in accordance with the reasons set forth in COMAR 26.08.04.10.

7. Permit Modification, Suspension, or Revocation

A permit may be modified, suspended, or revoked by the Department in the event of a violation of the terms or conditions of the permit, or federal or State laws and regulations and in accordance with the procedures set forth in COMAR 26.08.04.10. This permit may be suspended or revoked upon a final, unreviewable determination that the Permittee lacks, or is in violation of, any federal, State, or local approval necessary to conduct the activities authorized by this permit.

8. Permit Expiration

This permit and the authorization to discharge shall expire at midnight on the expiration date of the permit unless the Permittee has submitted a timely and complete reapplication pursuant to Section II.C.5.

9. Civil and Criminal Liability

Environment Article, Sections 9-342 and 9-343 provide that any person who violates a permit condition implementing Environment Article, Section 9-322 et seq. is subject to a civil penalty in an amount not to exceed \$10,000 per day for such violation; and to criminal penalties of a \$25,000 fine or imprisonment not exceeding one year or both for a first offense, and a \$50,000 fine or imprisonment not exceeding two years or both for subsequent offenses.

10. Waterway Construction and Obstruction

This permit does not authorize the construction or placing of physical structures, facilities, debris, or the undertaking of related activities in any waters of the State including the 100-year flood plain.

11. Severability

If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

12. Nuisance and Odor Restrictions

The facility shall be operated at all times to prevent offensive odors from escaping the facility boundaries and to prevent the facility from becoming a public nuisance. In the event that prolonged or

II. GENERAL CONDITIONS

excessive odors are noted outside of the property line, the Permittee shall take actions necessary to remedy the problem.

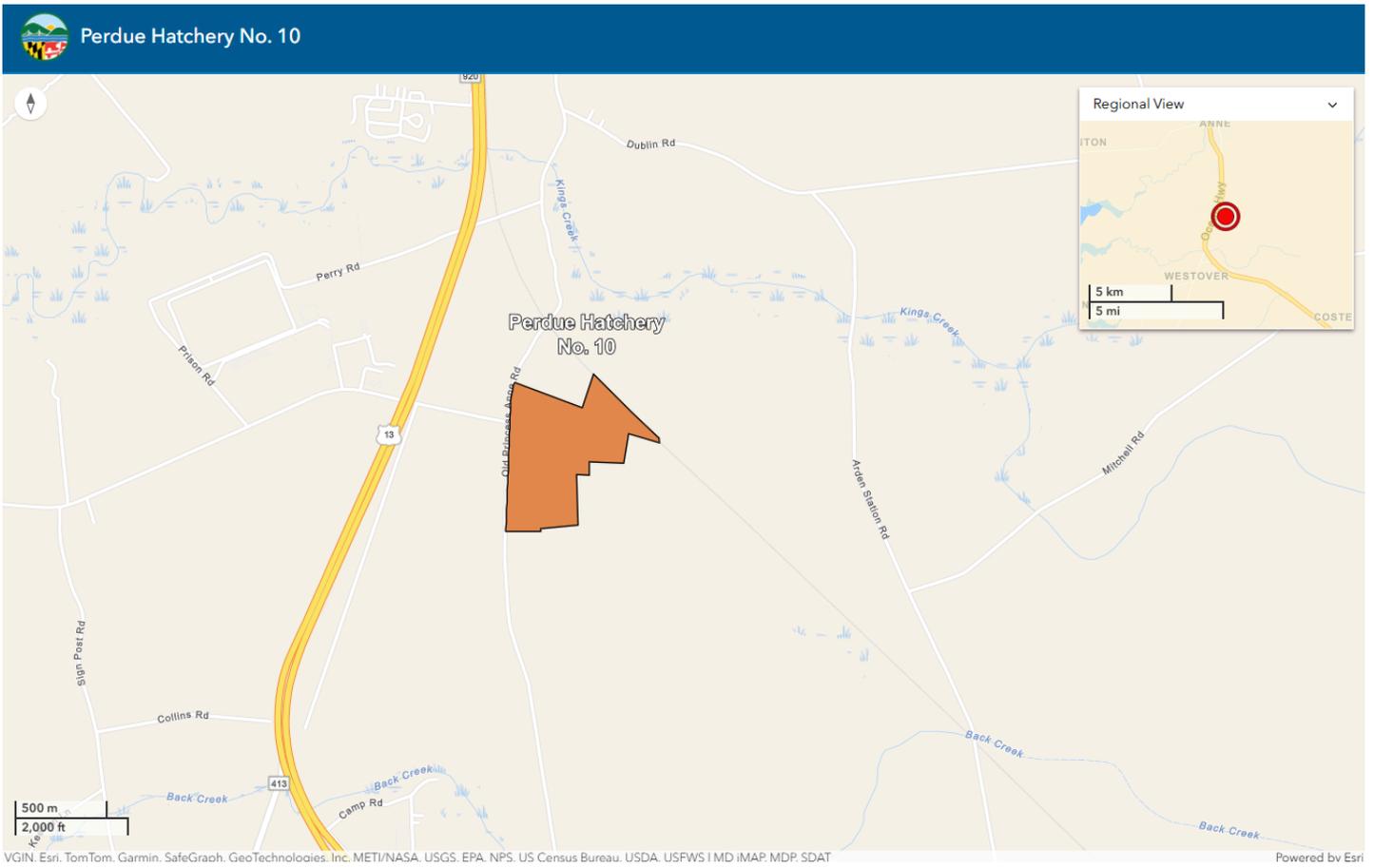
13. Action on Violations

The issuance or reissuance of this permit does not constitute a decision by the State not to proceed in any administrative, civil or criminal action for any violations of State law or regulations occurring prior to the issuance or reissuance of this permit, nor a waiver of the State's right to do so.

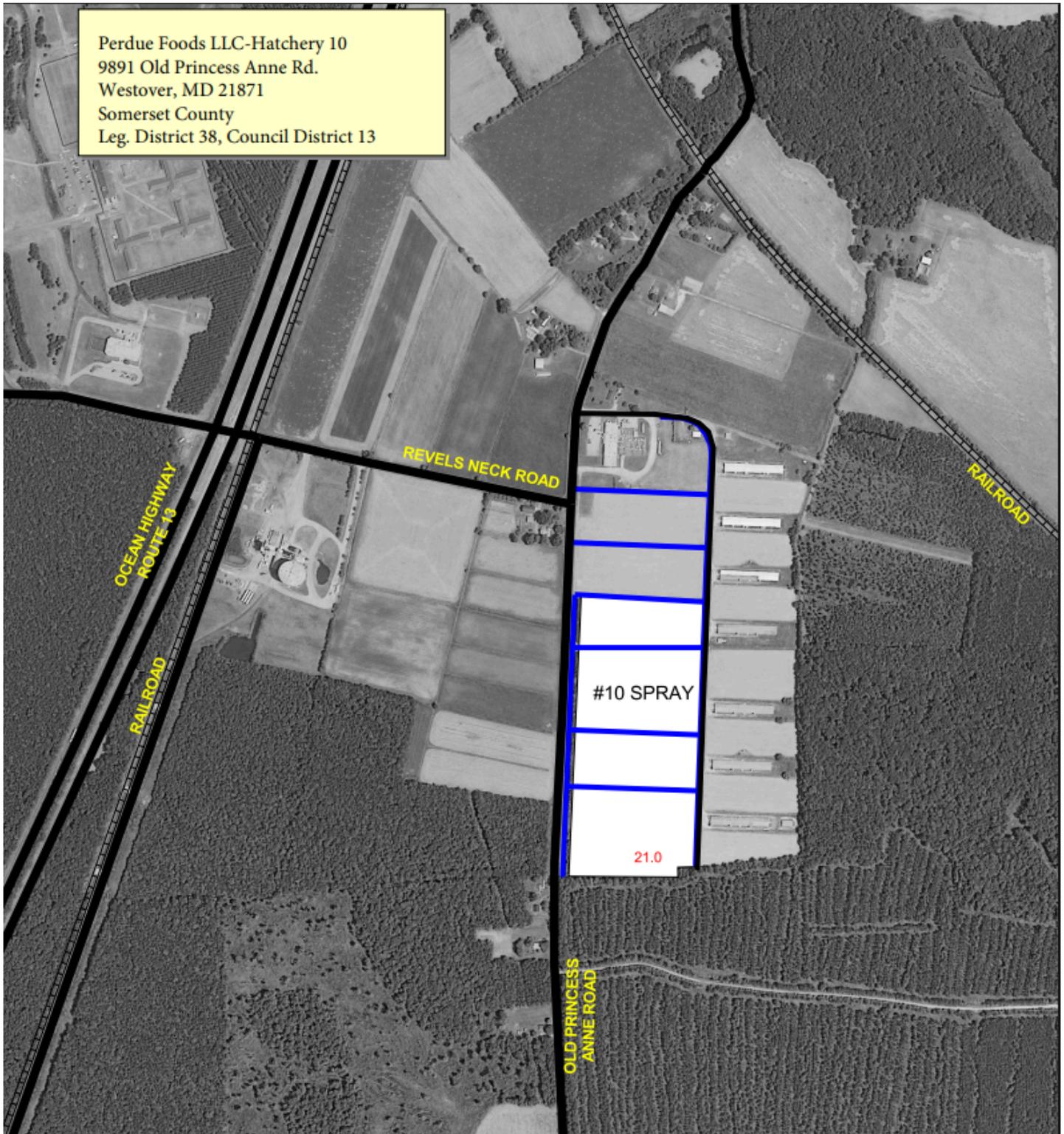
14. Representative Sampling

Samples and measurements, if required herein, shall be taken at such times as to be representative of the quantity and quality of discharges during the specified monitoring periods.

Naomi Howell, Program Manager
Wastewater Pollution Prevention and Reclamation Program
Water and Science Administration



Map A. Site Map (Perdue Farms Hatchery No. 10)



Map B. Location of Spray Field (Outfall 001)