

MARYLAND DEPARTMENT OF THE ENVIRONMENT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE PERMIT

PART I. IDENTIFICATION

A. **Permit Number:** 22-DP-3321 MD0068357

B. **Permit Area**

This permit covers all stormwater discharges into, through, or from the municipal separate storm sewer system (MS4) owned or operated jurisdiction-wide by Frederick County, Maryland.

C. **Effective Date:** To be determined (TBD)

D. **Expiration Date:** TBD

PART II. DEFINITIONS

Terms used in this permit are defined in relevant chapters of Title 40 of the Code of Federal Regulations (CFR) Parts 122-124 and the Code of Maryland Regulations (COMAR) 26.08.01, 26.17.01, and 26.17.02. Terms not defined in CFR or COMAR shall have the meanings attributed by common use.

PART III. WATER QUALITY

Frederick County must manage, implement, and enforce stormwater management programs in accordance with the Clean Water Act (CWA) and corresponding stormwater National Pollutant Discharge Elimination System (NPDES) regulations, 40 CFR Parts 122-124, to meet the following requirements:

1. Effectively prohibit pollutants in stormwater discharges or other unauthorized discharges into, through, or from the MS4 as necessary to comply with Maryland's receiving water quality standards;
2. Attain applicable stormwater wasteload allocations (WLAs) for each established or approved Total Maximum Daily Load (TMDL) for each receiving water body, consistent with Title 33 of the U.S. Code (USC) §1342(p)(3)(B)(iii); 40 CFR §122.44(k)(2) and (3); and
3. Comply with all other provisions and requirements contained in this permit, and in plans and schedules developed in fulfillment of this permit.

Compliance with all the conditions contained in PARTs IV through VII of this permit shall constitute compliance with §402(p)(3)(B)(iii) of the CWA and adequate progress toward compliance with Maryland's receiving water quality standards and U.S. Environmental Protection Agency (EPA) established or approved stormwater WLAs for this permit term.

PART IV. STANDARD PERMIT CONDITIONS

A. Permit Administration

Frederick County shall designate an individual to act as a liaison with the Maryland Department of the Environment (Department) for the implementation of this permit. The County shall provide the coordinator's name, title, address, phone number, and email address. Additionally, the County shall submit in its annual reports to the Department an organizational chart detailing personnel and groups responsible for major NPDES program tasks in this permit. The Department shall be notified in annual reports of any changes in personnel or organization relative to NPDES program tasks.

B. Legal Authority

Frederick County shall maintain adequate legal authority to meet this permit's requirements in accordance with NPDES regulations at 40 CFR §122.26 throughout the term of this permit. In the event that any provision of its legal authority is found to be invalid, the County shall notify the Department in writing within 30 days and make the necessary changes to maintain adequate legal authority within one year of notification. All changes shall be included in the County's annual report.

C. Source Identification

Sources of pollutants in stormwater runoff jurisdiction-wide shall be identified by Frederick County and linked to specific water quality impacts on a watershed basis. A georeferenced database shall be submitted annually in accordance with *Maryland Department of the Environment, National Pollutant Discharge Elimination System, Municipal Separate Storm Sewer System, Geodatabase Design and User's Guide (Version 1.2, May 2017)*, (hereafter MS4 Geodatabase) or as noted below that includes information on the following:

1. Storm drain system: all infrastructure, major outfalls, inlets, and associated drainage areas delineated (to be submitted as a supplemental geodatabase);
2. Industrial and commercial sources: industrial and commercial land uses and sites that the County has determined have the potential to contribute significant pollutants (to be submitted as a supplemental geodatabase);

3. Urban best management practices (BMPs): stormwater management facility data for new and redevelopment, including outfall locations and delineated drainage areas;
4. Impervious surfaces: public and private land cover delineated, controlled and uncontrolled impervious areas based on, at a minimum, Maryland's hierarchical eight-digit sub-basins;
5. Monitoring locations: locations established by Frederick County for chemical, biological, and physical monitoring of watershed restoration efforts and the *2000 Maryland Stormwater Design Manual*, unless participating in the pooled monitoring program, as described in PART IV.G; and
6. Water quality improvement projects: Restoration projects implemented in accordance with PART IV.E.3 including stormwater BMPs, programmatic initiatives, and alternative control practices in accordance with the *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated Guidance for National Pollutant Discharge Elimination System Stormwater Permits (2021)*, (hereafter 2021 Accounting Guidance), including projects proposed, under construction, and completed with associated drainage areas delineated.

D. Management Programs

The following management programs shall be implemented jurisdiction-wide by Frederick County. These management programs are designed to control stormwater discharges and reduce associated pollutant loadings to the maximum extent practicable (MEP) and shall be maintained for the term of this permit. Additionally, these programs shall be integrated with other permit requirements to promote a comprehensive adaptive approach toward solving stormwater discharge water quality problems. Annual reports for the County's management programs shall be in accordance with PART V.A of this permit and the MS4 Geodatabase.

1. Stormwater Management

An acceptable stormwater management program shall be maintained by the County in accordance with the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland. Activities to be undertaken by the County shall include, but not be limited to:

- a. Implementing the stormwater management design policies, principles, methods, and practices found in the latest version of the *2000 Maryland Stormwater Design Manual*. This includes:
 - i. Complying with the Stormwater Management Act of 2007 (Act) by implementing environmental site design (ESD) to the MEP for all new and redevelopment projects;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- ii. Tracking the progress toward satisfying the requirements of the Act and identifying and reporting annually the problems and modifications necessary to implement ESD to the MEP; and
 - iii. Reporting annually the modifications that have been or need to be made to all ordinances, regulations, and new development plan review and approval processes to comply with the requirements of the Act.
 - b. Maintaining programmatic and implementation information related to the stormwater management program including, but not limited to:
 - i. Number of Concept, Site Development, and Final plans received and number of those approved. Plans that are re-submitted as a result of a revision or in response to comments should not be considered as a separate project;
 - ii. Number of redevelopment projects received and number of those approved;
 - iii. Number of stormwater exemptions issued; and
 - iv. Number and type of waivers received and issued, including those for quantity control, quality control, or both. Multiple requests for waivers may be received for a single project and each should be counted separately, whether part of the same project or plan.
 - c. Maintaining construction inspection information according to COMAR 26.17.02 for all ESD treatment practices, structural stormwater management facilities, and stable stormwater conveyance and capacity to receiving waters, including the number of inspections conducted and violation notices issued by the County.
 - d. Conducting preventative maintenance inspections, according to COMAR 26.17.02, of all ESD treatment systems, structural stormwater management facilities, and stable stormwater conveyance and capacity to receiving waters, at least on a triennial basis. Documentation identifying the ESD systems and structural stormwater management facilities inspected, the number of maintenance inspections, follow-up inspections, the enforcement actions used to ensure compliance, the maintenance inspection schedules, and any other relevant information shall be submitted in the County's annual reports.

2. Erosion and Sediment Control

An acceptable erosion and sediment control program shall be maintained by the County and implemented in accordance with the Environment Article, Title 4, Subtitle 1, Annotated Code of Maryland. Activities to be undertaken by the County shall include, but not be limited to:

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- a. Implementing program improvements identified in any Department evaluation of the County's erosion and sediment control enforcement authority;
- b. Ensuring that construction site operators have received training regarding erosion and sediment control compliance and hold a valid Responsible Personnel Certification as required by the Department; and
- c. Reporting quarterly, information regarding earth disturbances exceeding one acre or more. Quarters shall be based on calendar year and submittals shall be made within 30 days following each quarter. The information submitted shall cover permitting activity for the preceding three months.

3. Illicit Discharge Detection and Elimination

The County shall implement an inspection and enforcement program to ensure that all discharges into, through, or from the MS4 that are not composed entirely of stormwater are either issued a permit by the Department or eliminated. Activities shall include, but not be limited to:

- a. Reviewing all County outfalls to prioritize field screening efforts in areas with the greatest potential for polluted discharges. The County must submit the process developed to prioritize outfall screenings to the Department for approval with the first year annual report;
- b. Submitting a plan and schedule for field screening the prioritized outfalls for the Department's approval with the first year annual report. The plan and schedule shall include the annual screening of at least 100 outfalls. Each outfall having a dry weather discharge shall be sampled at the time of screening using a chemical test kit. An alternative program may be submitted by the County for the Department's approval that methodically identifies, investigates, and eliminates illegal discharges into, through, or from the County's MS4;
- c. Conducting annual visual surveys of commercial and industrial areas as identified in PART IV.C.2 above for discovering, documenting, and eliminating pollutant sources. Areas surveyed and the results of the surveys shall be reported annually;
- d. Maintaining written standard operating procedures for outfall screenings, illicit discharge investigations, annual visual surveys of commercial and industrial areas, responding to illicit discharge complaints, and enforcement implementation;
- e. Maintaining an ordinance, or other regulatory means, that prohibits illicit discharges into the storm sewer system;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- f. Maintaining a program to address and respond to illegal discharges, dumping, and spills; and
- g. Using appropriate enforcement procedures for investigating and eliminating illicit discharges, illegal dumping, and spills. When a suspected illicit discharge discovered within the County's jurisdiction is either originating from or discharging to an adjacent MS4, the County must coordinate with that MS4 to resolve the investigation. Significant discharges shall be reported to the Department for enforcement and/or permitting.

4. Property Management and Maintenance

- a. Coverage under Maryland's NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (SW Industrial GP) is typically required at facilities where the following activities are performed: maintenance or storage of vehicles or equipment; storage of fertilizers, pesticides, landscaping materials, hazardous materials, or other materials that could pollute stormwater runoff. The County shall:
 - i. Ensure that a Notice of Intent (NOI) has been submitted to the Department for each County-owned industrial facility requiring coverage under the SW Industrial GP; and
 - ii. Submit with the annual report a list of County properties currently covered under the industrial stormwater permit.
- b. The County shall develop, implement, and maintain a good housekeeping plan (GHP) for County-owned properties not required to be covered under Maryland's SW Industrial GP where the activities listed in PART IV.D.4.a are performed. The GHP shall be submitted to the Department by the County in its third year annual report and implemented thereafter. A standard GHP may be developed for all County owned property or separate GHPs may be developed for properties with similar use (e.g., recreation and parks properties, school properties). The GHP shall include, but not be limited to:
 - i. A description of property management activities;
 - ii. A map of the locations of properties covered by the GHP;
 - iii. A list of potential pollutants and their sources that result from facility activities;
 - iv. Written procedures designed to reduce the potential for stormwater pollution from property activities, including illicit discharges, dumping, and spills;
 - v. Written procedures for annually assessing County properties in order to prevent the discharge of pollutants, spills, and leaks into its municipal separate storm sewer system;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- vi. Written procedures for performing stormwater conveyance system inspections for removing debris that may cause clogging, backups, and flooding; and
 - vii. Annual training for all appropriate County staff and contractors regarding best practices for preventing, reducing, and eliminating the discharge of pollutants during property activities.
- c. The County shall continue to implement a program to reduce pollutants associated with the maintenance of County-owned properties including, but not limited to, local roads and parks. The maintenance program shall include the following activities where applicable:
- i. Street sweeping in the amount identified in Appendix B and annually updated thereafter in accordance with PART IV.E.8;
 - ii. Inlet and conveyance system inspection and cleaning in the amount identified in Appendix B and annually updated thereafter in accordance with PART IV.E.8; and
 - iii. Reducing the use of pesticides, herbicides, fertilizers, and other pollutants associated with vegetation management. This can include, but is not limited to:
 - Developing and implementing an Integrated Pest Management Plan according to EPA guidelines;
 - Custom fertilizer property management plans based on soil testing;
 - Targeted application or “spot application” of pesticides;
 - Alternative and organic fertilizers;
 - Manual weed removal, mowing, and trimming;
 - Annual training and applicator certification and licensing as required by Maryland Department of Agriculture to ensure accurate application of chemicals according to manufacturer's recommendations;
 - Subcontracting to a certified pest control applicator licensed business for some or all of properties;
 - Piloting biological pest control programs; and
 - Establishing “no mow” areas.
- d. The County shall reduce the use of winter weather deicing and anti-icing materials, without compromising public safety, by developing a County Salt Management Plan (SMP) to be submitted to the Department in its third year annual report and implemented thereafter. The SMP shall be based on the guidance provided on best road salt management practices described in the *Maryland Department of Transportation, State Highway Administration’s Maryland Statewide Salt Management Plan*, developed and updated annually as required by the Maryland Code, Transportation §8-602.1. The County’s SMP shall include, but not be limited to:

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- i. A plan for evaluation of new equipment and methods, and other strategies for continual program improvement;
 - ii. Training and outreach:
 - Creating a local “Salt Academy” that annually provides County winter weather operator personnel and contractors with the latest training in deicer and anti-icer management, or the participation of County personnel and contractors in a “Salt Academy” administered by another MS4 permittee or State agency; and
 - Developing and distributing best salt management practices outreach for educating residents within the County.
 - iii. Tracking and reporting:
 - Starting with the fourth year annual report, during storm events where deicing or anti-icing materials are applied to County roads, track and record the amount of materials used and snowfall in inches per event, if applicable; and
 - Report the deicing or anti-icing application by event or date, and the monthly and annual pounds used per lane mile per inch of snow.
- e. The County shall evaluate current litter control problems associated with discharges into, through, or from portions of its MS4. Additionally, the County shall continue to remove from or prevent from entering its storm drain system 16.6 tons of litter and debris as identified in the first year of permit issuance or as updated annually thereafter in accordance with PART IV.E.8.
- f. The County shall report annually on the changes in its Property Management and Maintenance programs and the overall pollutant reductions resulting from implementation of the components of the programs listed in this section.

5. Public Education

The County shall continue to implement a public education and outreach program to reduce stormwater pollution and flooding. Education and outreach efforts may be integrated with other aspects of the County’s activities. These efforts are to be documented and summarized in each annual report, with details on resources (e.g., personnel and financial) expended and method of delivery for education and outreach. The County shall implement a public outreach and education campaign that includes, but is not limited to:

- a. Maintaining a website with locally relevant stormwater management information and promoting its existence and use;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- b. Maintaining a compliance hotline or similar mechanism for public reporting of water quality complaints, including suspected illicit discharges, illegal dumping, spills, and flooding problems;
- c. Providing information to inform the general public about the benefits of:
 - i. Increasing water conservation;
 - ii. Residential and community stormwater management implementation and facility maintenance;
 - iii. Proper erosion and sediment control practices;
 - iv. Removing debris from storm drain inlets to prevent flooding;
 - v. Increasing proper disposal of household hazardous waste;
 - vi. Improving lawn care and landscape management (e.g., the proper use of herbicides, pesticides, and fertilizers, ice control and snow removal);
 - vii. Proper residential car care and washing;
 - viii. Litter reduction;
 - ix. Reducing, reusing, and recycling solid waste; and
 - x. Proper pet waste management.

The County shall conduct a minimum of 25 outreach efforts per year. These efforts may include distributing printed materials such as brochures or newsletters; electronic materials such as website pages; mass media such as newspaper articles or public service announcements (radio or television); and conducting targeted workshops on stormwater management for the public.

E. Stormwater Restoration

In compliance with §402(p)(3)(B)(iii) of the CWA, MS4 permits must require stormwater controls to reduce the discharge of pollutants to the MEP and such other provisions as the Department determines appropriate for the control of such pollutants. Additionally, by regulation at 40 CFR §122.44, BMPs and programs implemented pursuant to this permit must be consistent with applicable stormwater WLAs developed under EPA established or approved TMDLs (see list of EPA established or approved TMDLs attached and incorporated as Appendix A). The impervious acre restoration requirements and associated pollutant reductions described below for Frederick County are consistent with Maryland's Phase III Watershed Implementation Plan (WIP) for the Chesapeake Bay TMDL and 2025 nutrient load targets, and for local TMDL implementation targets described by the County in its TMDL Watershed Restoration Plans.

- 1. Annual alternative control practices used by Frederick County to meet its prior MS4 permit's impervious acre restoration requirement shall be:
 - a. Continued annually at the same level of implementation (e.g., street lane miles swept, septic systems pumped) under this permit;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- b. Replaced with 61.9 impervious acres using stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance; or
 - c. A combination of a and b above.
2. The impervious acre restoration requirements described below are in addition to the requirements listed in PART IV.E.1 of this permit.
 3. By [Permit expiration date, to be determined], Frederick County shall commence and complete the restoration of 1,027 impervious acres that have not been treated to the MEP by implementing stormwater BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance.
 4. By [end of first year of permit term, date to be determined], Frederick County shall complete the stormwater BMPs, programmatic initiatives, or alternative control practices listed in the Year 1 BMP Portfolio provided in Appendix B. Frederick County may replace individual practices listed in Appendix B with others that meet the requirements of the 2021 Accounting Guidance as long as the total restoration at the end of year one meets the implementation benchmark schedule in Table 1.

“Benchmark” as used in this permit is a quantifiable goal or target to be used to assess progress toward the impervious acre restoration requirement or WLAs, such as a numeric goal for stormwater control measure implementation. If a benchmark is not met, the County should take appropriate corrective action to improve progress toward meeting permit objectives. Benchmarks are intended as an adaptive management aid and generally are not considered to be enforceable.

5. Frederick County may acquire Nutrient Credits for Total Nitrogen (TN), Total Phosphorus (TP), and Total Suspended Solids (TSS) in accordance with COMAR 26.08.11 to meet its impervious acre restoration requirement in PART IV.E.3 of this permit. For acquiring Nutrient Credits in place of impervious acre restoration, an equivalent impervious acre shall be based on reducing 18.08 pounds of TN, 2.23 pounds of TP, and 8,046 pounds of TSS. The maximum allowable credits obtained from trades with wastewater treatment plants shall not exceed 187 equivalent impervious acres restored.
6. Any Nutrient Credits acquired by Frederick County for meeting the restoration requirements of this permit shall be maintained and verified in accordance with COMAR 26.08.11 and reported to the Department in annual reports unless they are replaced at a one to one acre ratio by local stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance.

7. Frederick County shall use the annual restoration benchmark schedule provided in Table 1 below to achieve its impervious acre implementation requirement by the end of the permit term.

Annual Restoration Benchmark Schedule, Table 1

| Metric | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|--|--------|--------|--------|--------|--------|
| Cumulative Percent Impervious Acre Restoration Completed | 20% | 40% | 60% | 75% | 100% |

8. In each year’s annual report, Frederick County shall:
- a. Submit to the Department a list of BMPs, programmatic initiatives, and alternative control practices to be completed in the following year to work toward meeting its impervious acre restoration benchmark:
 - i. The list of BMPs, programmatic initiatives, or alternative control practices shall be submitted in the Year 1 BMP Portfolio format provided in Appendix B; and
 - ii. Frederick County may replace individual practices listed in its annual BMP Portfolio as long as the total implementation rate at the end of each year meets the annual restoration benchmark schedule in Table 1.
 - b. Evaluate progress toward meeting its annual restoration benchmark according to the schedule in Table 1 and adjust the benchmark appropriately based upon:
 - i. Actual BMP implementation rates; and
 - ii. Anticipated implementation rates and annual restoration benchmark schedule needed in the remaining years of this permit for meeting the final impervious acre restoration requirement by [permit expiration date].
9. Frederick County acquired trading credits, or “Nutrient Credits” (i.e., 9,346 lbs TN; 947 lbs TP; 3,019,607 lbs TSS) to restore 708.1 equivalent impervious acres to meet its prior MS4 permit’s impervious acre restoration requirement. The balance of these credits not replaced with stormwater management BMPs, programmatic initiatives, or alternative control practices prior to [Date of Permit Issuance, TBD] shall:
- a. Be continued and verified annually under this permit in accordance with the Maryland Water Quality Trading and Offset Program (COMAR

26.08.11) until they are replaced; and

- b. Be replaced with stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 Accounting Guidance prior to expiration of this permit.

F. Countywide TMDL Stormwater Implementation Plan

1. Where Frederick County has submitted an implementation plan for a TMDL identified in Appendix A and that plan has yet to be approved, the County shall, within one year of the effective date of this permit, address all outstanding comments needed for the Department's approval of the plan.
2. Within one year of EPA's approval or establishment of a new TMDL having a stormwater WLA, Frederick County shall submit an implementation plan to the Department for approval. The TMDL implementation plan shall be based on the Department's TMDL analyses, or equivalent and comparable Frederick County water quality analyses, that includes:
 - a. A list of stormwater BMPs, programmatic initiatives, or alternative control practices that will be implemented to reduce pollutants for the TMDL;
 - b. A description of the County's analyses and methods, and how they are comparable with the Department's TMDL analyses; and
 - c. Final implementation dates and benchmarks for meeting the TMDL's applicable stormwater WLA. Once approved by the Department, any new TMDL implementation plan shall be incorporated in the Countywide TMDL Stormwater Implementation Plan and subject to the annual progress report requirements under PART IV.F.3 of this permit.
3. For all TMDLs and WLAs listed in Appendix A, the County shall annually document, in one Countywide Stormwater TMDL Implementation Plan, updated progress toward meeting these TMDL WLAs. This Countywide Stormwater TMDL Implementation Plan shall include:
 - a. A summary of all completed BMPs, programmatic initiatives, alternative control practices, or other actions implemented for each TMDL stormwater WLA;
 - b. An analysis and table summary of the net pollutant reductions achieved annually and cumulatively for each TMDL stormwater WLA; and
 - c. An updated list of proposed BMPs, programmatic initiatives, and alternative control practices, as necessary, to demonstrate adequate progress toward meeting the Department's approved benchmarks and final stormwater WLA implementation dates.

4. Frederick County shall provide continual outreach to the public and other stakeholders, including other jurisdictions or agencies holding stormwater WLAs in the same watersheds, regarding its TMDL stormwater implementation plans. Frederick County shall solicit input from the public, collaborate with stakeholders, and incorporate any relevant comments that can aid in achieving local stormwater WLAs. To allow for public participation, Frederick County shall:
 - a. Maintain a list of interested parties for notification of TMDL development actions;
 - b. Provide notice on the County's webpage outlining how the public may obtain information on the development of TMDL stormwater implementation plans and opportunities for comment;
 - c. Provide copies of TMDL stormwater implementation plans to interested parties upon request;
 - d. Allow a minimum 30-day comment period before finalizing TMDL stormwater implementation plans; and
 - e. Document in final TMDL stormwater implementation plans how the County provided public outreach and adequately addressed all relevant comments.

G. Assessment of Controls

Frederick County shall conduct BMP effectiveness and watershed assessment monitoring, and polychlorinated biphenyls (PCB) source tracking for assessing progress toward improving local water quality and restoring the Chesapeake Bay. The *2021 MS4 Monitoring Guidelines: BMP Effectiveness and Watershed Assessments*, (hereafter 2021 Monitoring Guidelines) shall be referenced for addressing the technical guidelines and requirements outlined below.

1. BMP Effectiveness Monitoring

By [4 months after permit issuance, date to be determined, or by July 1 of each year], the County shall notify the Department which option it chooses for BMP effectiveness monitoring. The two options are:

- a. The County shall collaborate with the Department in a Pooled Monitoring Advisory Committee administered by the Chesapeake Bay Trust (CBT) for determining monitoring needs and selecting appropriate monitoring studies. To implement the required monitoring, the County shall pay \$75,000, or an amount to be proposed by the jurisdiction based on demonstrated past permit monitoring expenditures, annually into a pooled

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

monitoring CBT fund. Enrollment in the program shall be demonstrated through a memorandum of understanding (MOU) between the County and CBT by [date to be determined]. The terms of the BMP effectiveness MOU are described in the 2021 Monitoring Guidelines. The County shall remain in the program for the duration of this permit term; or

- b. The County shall continue monitoring the Peter Pan Run watershed, or select and submit for the Department's approval a new BMP effectiveness study for monitoring by [4 months after permit issuance, date to be determined]. Monitoring activities shall occur where the cumulative effects of watershed restoration activities, performed in compliance with this permit, can be assessed. The minimum criteria for chemical, biological, and physical monitoring are as follows:

i. Chemical Monitoring:

- Eight (8) storm events shall be monitored per year at each monitoring location with at least two occurring per quarter. Quarters shall be based on the calendar year. If exceptional weather patterns (e.g., dry weather periods) or other circumstances (e.g., equipment failures) occur during the reporting year, the County shall provide documentation of such circumstance(s);
- Discrete samples of stormwater flow shall be collected at the monitoring stations using automated or manual sampling methods;
- At least three (3) samples determined to be representative of each storm event shall be submitted to a laboratory for analysis according to methods listed under 40 CFR Part 136, and event mean concentrations (EMCs) shall be calculated;
- Baseflow sampling shall occur quarterly at the mid-point of each season (e.g., February 15 for the first quarter, May 15 for the second quarter);
- Stormwater flow and baseflow measurements shall be recorded at the outfall and in-stream stations for the following parameters:

| Stormwater and Baseflow Representative Samples (Parameters) |
|--|
| Total Suspended Solids (TSS) |
| Bacteria (<i>E.coli</i> or <i>Enterococcus</i> spp.) |
| Chloride |
| Discharge (flow) |
| Biological Oxygen Demand (BOD ₅) or Total Organic Carbon (TOC) |
| Orthophosphate |
| Total Nitrogen (TN) |
| Nitrate + Nitrite |
| Total Ammonia (sewer signal) |
| Total Phosphorus (TP) |

- Continuous measurements shall be recorded for the parameters listed below at the in-stream monitoring station or other practical location based on the approved study design:

| Continuous Measurements (Parameters) |
|---|
| Temperature |
| pH |
| Discharge (flow) |
| Turbidity |
| Conductivity |

- Data collected from stormwater, baseflow, and continuous monitoring shall be used to estimate annual and seasonal pollutant loads and reductions, and for the calibration of watershed assessment models; and
- If the County elects to continue monitoring Peter Pan Run or selects a new BMP effectiveness study for monitoring, the County shall submit a revised sampling plan for approval to address the new monitoring parameters provided above with the first annual report. An approved sampling plan under a prior MS4 permit for the County shall continue until the Department approves a new sampling plan proposed under this permit.

ii. Biological Monitoring:

- Benthic macroinvertebrate samples shall be gathered each spring between the outfall and in-stream stations or other practical locations based on a Department approved study design; and

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- The County shall use the Maryland Biological Stream Survey (MBSS) sampling protocols for biological and stream habitat assessment.

iii. Physical Monitoring:

- A geomorphologic stream assessment shall be conducted between the outfall and in-stream monitoring locations or in a reasonable area based on the approved monitoring design. This assessment shall include annual comparison of permanently monumented stream channel cross-sections and the stream profile; and
- A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HEC-RAS, HSPF, SWMM) in the fourth year of the permit to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

iv. Annual Data Submittal: The County shall describe in detail its monitoring activities for the previous year and include the following:

- EMCs submitted on the Department's long-term monitoring MS4 Geodatabase as specified in PART V below;
- Chemical, biological, and physical monitoring results and a combined analysis for the approved monitoring locations;
- Any available analysis of surrogate relationships with the above monitoring parameters; and
- Any requests and accompanying justifications for proposed modifications to the monitoring program.

2. Watershed Assessment Monitoring

By [4 months after permit issuance, date to be determined, or by July 1 of each year], the County shall notify the Department which option it chooses for watershed assessment monitoring. The County must implement one of the two options as follows:

- a. The County shall collaborate with the Department in a Pooled Monitoring Advisory Committee administered by CBT for determining appropriate watershed assessment monitoring. To implement the required monitoring, the County shall pay [amount to be determined, expected to be between \$150,000 and \$200,000 based on the number of local TMDL assessments required] annually into a pooled monitoring CBT fund. Enrollment in the program shall be demonstrated through an MOU between the County and CBT to be signed by [date to be determined]. The terms of the Watershed

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

Assessment Monitoring MOU are described in the 2021 Monitoring Guidelines. The County shall remain in the program for the duration of this permit term; or

- b. The County shall submit a comprehensive plan for watershed assessment and trend monitoring by [one year and 4 months after permit issuance, date to be determined] related to stream biology and habitat, bacteria, and chlorides and commence monitoring upon the Department's approval. The plan shall follow the 2021 Monitoring Guidelines and include:
 - i. Biological and habitat assessment monitoring at randomly selected stream sites using MBSS protocols;
 - ii. Bacteria (i.e., *E.coli*, *Enterococcus* spp., or fecal coliform monitoring); and
 - iii. Chloride assessment at one location.

3. PCB Source Tracking

Within one year of permit issuance, Frederick County shall develop a PCB source tracking monitoring plan for all applicable TMDL WLAs where watershed reductions are required to meet water quality standards. Frederick County shall submit results and provide updates annually on the monitoring efforts.

H. Program Funding

1. Annually, a fiscal analysis of the capital, staffing, operation, and maintenance expenditures necessary to comply with all conditions of this permit shall be submitted by Frederick County as required in PART V below.
2. Adequate program funding to comply with all conditions of this permit shall be maintained. Lack of funding does not constitute a justification for noncompliance with the terms of this permit.

PART V. PROGRAM REVIEW AND ANNUAL PROGRESS REPORTING

A. Annual Reporting

1. Annual progress reports, required under 40 CFR §122.42(c), will facilitate the long-term assessment of Frederick County's NPDES stormwater program. The County shall submit annual reports on or before December 31st and post these reports on the County's website. All information, data, and analyses shall be based on the State's fiscal year and include:
 - a. An executive summary on the status of implementing the County's MS4 programs that are established as permit conditions including:
 - i. Permit Administration;

Frederick County Phase I Medium MS4 Permit
Version March 11, 2021 DRAFT

- ii. Legal Authority;
 - iii. Source Identification;
 - iv. Stormwater Management;
 - v. Erosion and Sediment Control;
 - vi. Illicit Discharge Detection and Elimination;
 - vii. Property Management and Maintenance;
 - viii. Public Education;
 - ix. Stormwater Restoration;
 - x. Countywide Stormwater TMDL Implementation Plan;
 - xi. Assessment of Controls; and
 - xii. Program Funding.
- b. A narrative summary describing the results and analyses of data, including monitoring data that is accumulated throughout the reporting year;
 - c. Expenditures for the reporting period and the proposed budget for the upcoming year;
 - d. A summary describing the number and nature of enforcement actions, inspections, and public education programs;
 - e. The identification of water quality improvements and documentation of attainment and/or progress toward attainment of schedules, benchmarks, deadlines, and applicable stormwater WLAs developed under EPA established or approved TMDLs; and
 - f. The identification of any proposed changes to the County's program when stormwater WLAs are not being met.
- 2. All annual reporting specified in PARTs IV.C, D, E, F, and G, or required anywhere within this permit shall be made using the MS4 Geodatabase. A corresponding User's Guide provides guidance for data requirements and entry into the MS4 Geodatabase.
 - 3. Because this permit uses an iterative approach to implementation, the County must continuously evaluate the effectiveness of its programs and report any modifications in each annual report. Where programs are determined by the County to be ineffective, modifications shall be made within 12 months that effectively show progress toward meeting stormwater WLAs developed under EPA approved TMDLs.

B. Program Review

In order to assess the effectiveness of Frederick County's NPDES stormwater program for reducing the discharge of pollutants to the MEP and working toward meeting water quality standards, the permittee will cooperate with the Department during the review of

annual reports, field inspections, and periodic requests for additional data to determine permit compliance. Procedures for the review of local erosion and sediment control and stormwater management programs exist in Maryland State law and regulations. The Department may require additional evaluations and field inspections to be conducted for IDDE, property management and maintenance, assessment of controls, and impervious surface area and Chesapeake Bay restoration to determine compliance with permit conditions.

C. Reapplication for NPDES Stormwater Discharge Permit

This permit is effective for no more than five years from the effective date unless administratively continued by the Department. In order to qualify for an administrative continuation of this permit beyond five years, Frederick County must reapply for NPDES stormwater discharge permit coverage in its fourth year annual report. Failure to reapply for coverage constitutes a violation of this permit and can lead to a lapse of permit coverage and subject any discharges that occur without permit coverage to enforcement action and penalties. All requirements of this permit must be completed within the five-year permit term. An administrative continuance does not extend or modify any of the completion dates as set forth in the permit; the administrative continuance only provides permit coverage to allow County discharges until a new NPDES permit is issued and effective. Once a new NPDES permit is effective the administrative continuance automatically expires.

As part of this application process, the County shall submit to the Department an executive summary of its NPDES stormwater management program that specifically describes how each County watershed has been thoroughly evaluated, and the status of implementing water quality improvement projects and all schedules, benchmarks, and deadlines toward meeting stormwater WLAs. This application shall be used to gauge the effectiveness of the County's NPDES stormwater program and will provide guidance for developing future permit conditions. The application summary shall include:

1. The County's NPDES stormwater program goals;
2. Program summaries for the permit term regarding:
 - a. Illicit discharge detection and elimination results;
 - b. Impervious Surface and Chesapeake Bay Restoration status including County totals for impervious acres, impervious acres controlled by stormwater management, the current status of water quality improvement projects and acres managed, and documentation of progress toward meeting stormwater WLAs developed under EPA approved TMDLs;
 - c. Pollutant load reductions as a result of this permit and an evaluation of whether TMDLs are being achieved; and

- d. Other relevant data and information for describing County programs;
3. Program operation and capital improvement costs for the permit term; and
4. Descriptions of any proposed permit condition changes based on analyses of the successes and failures of the County's efforts to comply with the conditions of this permit.

PART VI. SPECIAL PROGRAMMATIC CONDITIONS

Maryland's baseline programs, including the 1991 Forest Conservation Act, 1997 Priority Funding Areas Act, 2007 Stormwater Management Act, 2009 Smart, Green & Growing Planning Legislation, 2010 Sustainable Communities Act, 2011 Best Available Technology Regulation, and the 2012 Sustainable Growth & Agricultural Preservation Act effectively mitigate the majority of the impacts from new development. Any additional loads will be offset through Maryland's Aligning for Growth policies and procedures as articulated through Chesapeake Bay milestone achievement. Frederick County shall reflect these policies, programs, and implementation as part of its net WLA accounting as stipulated in PART IV.F.3.b of this permit.

PART VII. ENFORCEMENT AND PENALTIES

A. Discharge Prohibitions and Receiving Water Limitations

Frederick County shall prohibit non-stormwater discharges into, through, or from its MS4. NPDES permitted non-stormwater discharges are exempt from this prohibition. Discharges from the following will not be considered a source of pollutants when properly managed: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation waters; springs; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; de-chlorinated swimming pool discharges (not including filter backwash); street wash water; and firefighting activities.

Consistent with §402(p)(3)(B)(iii) of the CWA, the County shall take all reasonable steps in compliance with the terms of this permit to minimize or prevent the contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of the State, that will render the waters harmful to:

1. Public health, safety, or welfare;
2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate

beneficial use;

3. Livestock, wild animals, domestic animals, or birds; and
4. Fish or other aquatic life.

B. Duty to Mitigate

Frederick County shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

C. Emergency Reporting Requirements

Frederick County shall report any non-compliance that may endanger human health or the environment to the Department's Compliance Program within 24 hours from the time when the County becomes aware of the circumstances. The 24-hour reporting can be accomplished by telephone at 410-537-3510 or by email to mde.wsacompliance@maryland.gov with the subject line "24-hour non-compliance report notification, Frederick County MS4."

Within five days of the of the initial 24-hour report due, the County shall provide a written submission containing a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times; if the non-compliance has not been corrected, the anticipated time that it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. A written summary of the incident and steps taken to prevent the recurrence of the emergency shall also be included in the subsequent annual report.

D. Duty to Comply

Frederick County shall be responsible for complying with all conditions of this permit. Other entities may be used to meet various permit obligations provided that both the County and the other entity agree contractually, and that no stormwater restoration work for Chesapeake Bay or local TMDL stormwater implementation plans are double-counted. Regardless of any arrangement entered into however, the County remains responsible for permit compliance. In no case may this responsibility or permit compliance liability be transferred to another entity.

Failure to comply with a permit provision constitutes a violation of the CWA and State law and is grounds for enforcement action; permit termination, revocation, or modification; or denial of a permit renewal application. The County shall comply at all times with the provisions of the Environment Article, Title 4, Subtitles 1, 2, and 4; Title 7, Subtitle 2; and Title 9, Subtitle 3 of the Annotated Code of Maryland.

E. Proper Operation and Maintenance

The County shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the County to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the County only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Sanctions

1. Penalties Under the CWA - Civil and Criminal

Section 309(g)(2) of the CWA, 33 USC §1319(g)(2) provides that any person who violates any permit condition is subject to a civil penalty not to exceed \$10,000 per day for each violation, not to exceed \$125,000. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 CFR Part 19, any person who violates any NPDES permit condition or limitation is liable for an administrative penalty not to exceed \$16,000 per day for each such violation, up to a total penalty of \$177,500. Pursuant to Section 309(c) of the CWA, 33 USC §1319(c), any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. Any person who knowingly violates any permit condition is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

2. Penalties Under the State's Environment Article – Civil and Criminal

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the County from civil or criminal responsibilities and/or penalties for a violation of Title 4, Title 7, and Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulation. Section 9-342 of the Environment Article provides that a person who violates any condition of this permit is liable to a civil penalty of up to \$10,000 per violation, to be collected in a civil action brought by the Department, and with each day a violation continues being a separate violation. Section 9-342 further authorizes the Department to impose upon any person who violates a permit condition, administrative civil penalties of up to \$5,000 per violation, up to \$50,000.

Section 9-343 of the Environment Article provides that any person who violates a permit condition is subject to a criminal penalty not exceeding \$25,000 or imprisonment not exceeding 1 year, or both for a first offense. For a second offense, Section 9-343 provides for a fine not exceeding \$50,000 and up to 2 years imprisonment.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$50,000 per violation, or by imprisonment for not more than 2 years per violation, or both.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false statement, representation, or certification in any records or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$50,000 per violation, or by imprisonment for not more than 2 years per violation, or both.

G. Permit Revocation and Modification

1. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by Frederick County for a permit modification or a notification of planned changes or anticipated noncompliance does not stay any permit condition. A permit may be modified by the Department upon written request by the County and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in COMAR 26.08.04.10 and 40 CFR §§122.62, 122.63, 122.64, and 124.5.

After notice and opportunity for a hearing and in accordance with COMAR 26.08.04.10, the Department may modify, suspend, or revoke and reissue this permit in whole or in part during its term for causes including, but not limited to the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary reduction or elimination of the authorized discharge;
- d. A determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination;
- e. To incorporate additional controls that are necessary to ensure that the permit effluent limit requirements are consistent with any applicable

TMDL WLA allocated to the discharge of pollutants from the MS4; or

f. As specified in 40 CFR §§122.62, 122.63, 122.64, and 124.5.

2. Duty to Provide Information

The County shall furnish to the Department, within a reasonable time, any information that the Department may request to determine whether cause exists

for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit. The County shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

H. Inspection and Entry

Frederick County shall allow an authorized representative of the State or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulatory activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and obtain copies at reasonable times of any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times, without prior notice, any construction site, facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

I. Monitoring and Recordkeeping

Unless otherwise specified by this permit, all monitoring and records of monitoring shall be in accordance with 40 CFR §122.41(j).

J. Property Rights

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 law or regulations.

K. Severability

The provisions of this permit are severable. If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

L. Signature of Authorized Administrator and Jurisdiction

Each application, report, or other information required under this permit to be submitted to the Department shall be signed as required by COMAR 26.08.04.01-1. Signatories shall be a principal executive officer, ranking elected official, or other duly authorized employee.

D. Lee Currey,
Director
Water and Science Administration

Date

Appendix A
EPA Approved Total Maximum Daily Loads (TMDLs)
Frederick County

This NPDES permit requires Frederick County to submit an annual TMDL assessment report evaluating effectiveness of the County's restoration plans and progress made in achieving compliance with EPA approved TMDLs. Similarly, by regulation at 40 CFR §122.44, EPA further requires that stormwater controls and programs implemented pursuant to this NPDES permit be consistent with applicable stormwater wasteload allocations (WLAs) developed under any approved TMDLs. The following is a list of TMDLs and WLAs applicable to Frederick County:

| TMDL Report | Location | Impairment | TMDLs | | | Year Approved by EPA |
|--------------------------------|---|------------|-----------|-----------------------|-----------|----------------------|
| | | | WLA | Units | Reduction | |
| Double Pipe Creek Bacteria | Subsegment of 8 Digit WS 02140304 / Double Pipe Creek | E.coli | 23884.00 | billion MPN/year | 98.8% | December 3, 2009 |
| Lower Monocacy River Bacteria | Multiple 8 Digit WS / Lower Monocacy River | E.coli | 183893.00 | billion MPN/year | 92.5% | December 3, 2009 |
| Upper Monocacy River Bacteria | Subsegment of 8 Digit WS 02140303 / Upper Monocacy River | E.coli | 37961.00 | billion MPN/year | 97% | December 3, 2009 |
| The Chesapeake Bay TMDL | Segmentshed POTTF_MD / Upper Potomac River Tidal Fresh Maryland | Nitrogen | 464501.48 | delivered pounds/year | 10.9% | December 29, 2010 |
| Patuxent River PCBs | Segmentshed PAXTF / Patuxent River Tidal Fresh | PCBs | 0.20 | grams/year | 0% | September 19, 2017 |
| Catoctin Creek Nutrients | 8 Digit WS 02140305 / Catoctin Creek | Phosphorus | 7374.00 | pounds/year | 11% | September 24, 2013 |
| Double Pipe Creek Nutrients | 8 Digit WS 02140304 / Double Pipe Creek | Phosphorus | 301.00 | pounds/year | 73% | April 26, 2013 |
| Lower Monocacy River Nutrients | 8 Digit WS 02140302 / Lower Monocacy River | Phosphorus | 22766.00 | pounds/year | 28% | May 22, 2013 |
| The Chesapeake Bay TMDL | Segmentshed POTTF_MD / Upper Potomac River Tidal Fresh Maryland | Phosphorus | 19346.49 | delivered pounds/year | 20.7% | December 29, 2010 |
| Upper Monocacy River Nutrients | 8 Digit WS 02140303 / Upper Monocacy River | Phosphorus | 7131.00 | pounds/year | 4% | May 7, 2013 |

| TMDL Report | Location | Impairment | TMDLs | | | Year Approved by EPA |
|--|---|------------|---------|-----------------------|------------------|----------------------|
| | | | WLA | Units | Reduction | |
| Catoctin Creek Sediment | 8 Digit WS 02140305 / Catoctin Creek | TSS | 1392.00 | tons/year | 49.1% | July 31, 2009 |
| Double Pipe Creek Sediment | 8 Digit WS 02140304 / Double Pipe Creek | TSS | 228.90 | tons/year | 46.8% | February 20, 2009 |
| Lower Monocacy River Sediment | Subsegment of 8 Digit WS 02140302 / Lower Monocacy River | TSS | 3157.90 | tons/year | 60.8% | March 17, 2009 |
| Potomac River Montgomery County Sediment | 8 Digit WS 02140202 / Potomac River, Montgomery County | TSS | 1.50 | tons/year | 36.2% | June 19, 2012 |
| The Chesapeake Bay TMDL | Segmentshed POTTF_MD / Upper Potomac River Tidal Fresh Maryland | TSS | | delivered pounds/year | See Phase II WIP | December 29, 2010 |
| Upper Monocacy River Sediment | 8 Digit WS 02140303 / Upper Monocacy River | TSS | 1770.00 | tons/year | 49.0% | December 3, 2009 |

Appendix B
Year 1 BMP Portfolio – New and Replacement BMPs

| BMP NAME | BMP TYPE¹ | NUMBER of BMPs | IMPERVIOUS ACRES TREATED | LENGTH RESTORED (feet)⁴ LANE MILES (miles)/ MASS LOADING (lbs)³ |
|--|-----------------------------|-----------------------|---------------------------------|--|
| Obligations from Previous Permit That Must Be Continued | | | | |
| Annual BMPs² | | | | |
| Septic System Pumping | SEPP | 2130 | 42.6 | N/A |
| Capital Projects (Proposed to Replace Annual Obligations) | | | | |
| FR22RST000001 | FPU | 1 | 8.35 | 0 |
| FR19RST000029 | FSND | 1 | 8.601 | 0 |
| FR22RST000002 | STRE | 1 | 34.76 | 1,498 |
| FR19RST000419 | PWED | 1 | 7.9875 | 0 |
| FR19RST000419 | STRE | 1 | 1.97 | 229 |
| FR18RST000054 | FSND | 1 | 6.8139 | 0 |
| FR18RST000020 | MSGW | 1 | 18.765 | 0 |
| FR22APY000001 | FPU | 1 | 5.72 | 0 |
| FR22APY000002 | RFP | 1 | 0.45 | 0 |
| FR22APY000003 | FPU | 1 | 9.9 | 0 |
| FR22APY000004 | FPU | 1 | 4.51 | 0 |
| FR22APY000005 | FPU | 1 | 30.69 | 0 |
| FR22APY000006 | RFP | 1 | 26.7 | 0 |
| FR22APY000007 | FPU | 1 | 94.82 | 0 |
| FR22APY000008 | RFP | 1 | 48.45 | 0 |
| FR22APY000009 | FPU | 1 | 6.38 | 0 |
| FR18APY000061 | FPU | 1 | 12.1 | 0 |
| FR19APY000105 | RFP | 1 | 1.8 | 0 |
| FR19APY000100, FR19APY000101 | FPU | 1 | 1.32 | 0 |
| FR22APY0000010 | FPU | 1 | 1.58 | 0 |
| FR22APY0000011 | RFP | 1 | 0.84 | 0 |
| FR22APY0000012 | FPU | 1 | 18.7 | 0 |
| FR22APY0000013 | RFP | 1 | 4.5 | 0 |
| FR22APY0000014 | FPU | 1 | 13.5 | 0 |

| | | | | |
|---|------|---|---------|-------|
| FR22APY0000015 | RFP | 1 | 5.6 | 0 |
| FR22APY0000016 | FPU | 1 | 6.193 | 0 |
| FR22APY0000017 | FPU | 1 | 2.86 | 0 |
| FR22APY0000018 | FPU | 1 | 5.06 | 0 |
| FR22APY0000019 | RFP | 1 | 0.75 | 0 |
| Proposed Restoration for Year 1 of the Reissued Permit | | | | |
| Capital Projects | | | | |
| FR19RST000115 | FSND | 1 | 5.11875 | 0 |
| FY23APY000001 | FPU | 1 | 2.31 | 0 |
| FY23APY000002 | FPU | 1 | 2.31 | 0 |
| FY23APY000003 | RFP | 1 | 0.75 | 0 |
| FY23APY000004 | FPU | 1 | 3.85 | 0 |
| FY23APY000005 | RFP | 1 | 5.25 | 0 |
| FY23APY000006 | FPU | 1 | 11 | 0 |
| FY23APY000007 | RFP | 1 | 1.5 | 0 |
| FY23APY000008 | FPU | 1 | 14.52 | 0 |
| FR17RST000007 | PWET | 1 | 20.48 | 0 |
| FR19ALN000023 | STRE | 1 | 21.94 | 1,879 |
| FR23RST000001 | STRE | 1 | 16.7 | 2,017 |
| Creak ReLeaf Reforestation Program Placeholder - 2023 | FPU | 1 | 85 | 0 |

Notes:

1. BMP types are from the MS4 Geodatabase.
2. Street sweeping is an annual practice that is averaged over the 5 year permit term. This level of effort will need to continue to maintain the restoration reported in Year 1.
3. N/A = not applicable (BMPs with no associated length, lane miles, or mass loading metric).
4. Final equivalent impervious acres treated from stream restorations must be based on individual site-specific values and not the planning rate.

Column Descriptions

- **BMP NAME:** Unique ID or name of project.
- **BMP TYPE:** Type of restoration BMP. BMP types and classes from the MS4 Geodatabase (see table below). Additional BMP types (e.g., DGI) from the 2021 Accounting Guidance may also be used.
- **NUMBER OF BMPs:** The number of restoration BMPs present. If a project has multiple types of a single BMP, the amount is identified in the Number of BMPs column. If using septic pumping or denitrification, the number of affected septic systems is reported in this column.
- **IMPERVIOUS ACRES TREATED:** Impervious acres treated, using the 2021 Accounting Guidance.

- LENGTH RESTORED (feet)/ LANE MILES (miles)/ MASS LOADING (lbs): Length of stream restoration, outfall stabilized, or shoreline stabilized/ lane miles swept/ pounds of material removed as a part of inlet cleaning.

Appendix C
BMP TYPE Definitions

| BMP TYPE CODE | BMP TYPE |
|------------------------------|-------------------------------------|
| Alternative Surfaces (A) | |
| AGRE | Green Roof – Extensive |
| AGRI | Green Roof – Intensive |
| APRP | Permeable Pavements |
| ARTF | Reinforced Turf |
| Nonstructural Techniques (N) | |
| NDRR | Disconnection of Rooftop Runoff |
| NDNR | Disconnection of Non-Rooftop Runoff |
| NSCA | Sheetflow to Conservation Areas |
| Micro-Scale Practices (M) | |
| MRWH | Rainwater Harvesting |
| MSGW | Submerged Gravel Wetlands |
| MILS | Landscape Infiltration |
| MIBR | Infiltration Berms |
| MIDW | Dry Wells |
| MMBR | Micro-Bioretenion |
| MRNG | Rain Gardens |
| MSWG | Grass Swale |
| MSWW | Wet Swale |
| MSWB | Bio-Swale |
| MENF | Enhanced Filters |
| Ponds (P) | |
| PWED | Extended Detention Structure, Wet |
| PWET | Retention Pond (Wet Pond) |
| PMPS | Multiple Pond System |
| PPKT | Pocket Pond |
| PMED | Micropool Extended Detention Pond |
| Wetlands (W) | |
| WSHW | Shallow Marsh |
| WEDW | ED – Wetland |
| WPWS | Wet Pond – Wetland |
| WPKT | Pocket Wetland |
| Infiltration (I) | |
| IBAS | Infiltration Basin |
| ITRN | Infiltration Trench |

| Filtering Systems (F) | |
|-----------------------|--|
| FBIO | Bioretention |
| FSND | Sand Filter |
| FUND | Underground Filter |
| FPER | Perimeter (Sand) Filter |
| FORG | Organic Filter (Peat Filter) |
| Open Channels (O) | |
| ODSW | Dry Swale |
| OWSW | Wet Swale |
| Other Practices (X) | |
| XDPD | Detention Structure (Dry Pond) |
| XDED | Extended Detention Structure, Dry |
| XFLD | Flood Management Area |
| XOGS | Oil Grit Separator |
| XOTH | Other |
| Alternative BMPs | |
| MSS | Mechanical Street Sweeping |
| VSS | Regenerative/Vacuum Street Sweeping (i.e., Advanced Street Sweeping) |
| IMPP | Impervious Surface Reduction (i.e., impervious to pervious) |
| IMPF | Impervious Surface to Forest (i.e., IMPP + FPU) |
| FPU | Forestation on Pervious Urban (i.e., Forest Planting) |
| CBC | Catch Basin Cleaning |
| SDV | Storm Drain Vacuuming |
| STRE | Stream Restoration |
| OUT | Outfall Stabilization |
| SHST | Shoreline Management |
| SPSD | Dry Channel Regenerative Step Pool Stormwater Conveyance System |
| SEPP | Septic Pumping |
| SEPD | Septic Denitrification |
| SEPC | Septic Connections to WWTP |
| FTW | Floating Treatment Wetland |
| FCO | Forest Conservation |
| CLTM | Conservation Landscaping |
| RCL | Riparian Conservation Landscaping |
| RFP | Riparian Forest Planting |
| STCI | Street Tree |
| USRP | Urban Soil Restoration (Compacted Pervious Surfaces) |
| USRI | Urban Soil Restoration (Removed Impervious Surfaces) |

| | |
|-----|--|
| UTC | Urban Tree Canopy (i.e., Pervious Turf to Tree Canopy over Turf) |
| DGI | Elimination of Discovered Nutrient Discharges from Grey Infrastructure |
| OTH | Other |