MARYLAND DEPARTMENT OF THE ENVIRONMENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE PERMIT

PART I. IDENTIFICATION

A. Permit Number: MS-BC-1999-013

B. Permit Area

This permit covers stormwater discharges from the municipal separate storm sewer system in Baltimore City, Maryland. Discharges from other storm drain systems within Baltimore City that may be subject to future National Pollutant Discharge Elimination System (NPDES) stormwater program requirements may be added to this permit at the discretion of the Maryland Department of the Environment (MDE).

C. Effective Date: February 8, 1999

D. Expiration Date: February 8, 2004

PART II. STANDARD PERMIT CONDITIONS

A. Permit Administration

1. By 4/1/1999, Baltimore City shall provide MDE with the name, title, address, phone number, and function of all primary administrative and technical personnel responsible for compliance with this permit. An organizational chart including the individuals identified above shall also be submitted and any changes immediately reported to MDE.

B. Legal Authority

1. By 5/1/1999, Baltimore City shall provide MDE with recertification from the City Attorney that it possesses the authority to directly perform the activities described in 40 Code of Federal Regulations (CFR) 122.26(d)(2)(i) and this permit.

2. Baltimore City shall maintain adequate legal authority, in accordance with NPDES regulations 40 CFR 122.26(d)(2)(i), throughout the term of this permit. In the event that any provision of its legal authority is found to be invalid, the City shall make the necessary changes to maintain adequate legal authority.

C. Source Identification

Baltimore City shall continue to identify sources of pollutants in stormwater runoff and link these sources to specific water quality impacts on a watershed-by-watershed basis. The pollutant source identification specified in the following conditions shall be used to define control measures that effectively improve stormwater quality and develop methodologies for long-term decision making.

1. By 1/3/2000, Baltimore City shall submit an example of its Geographic Information System (GIS) capabilities that includes the identification of all data layers available and the stage of development and a description of how data are stored, accessed, and used. The example shall include the following information for a subwatershed of the Gwynns Falls:

    a. Geologic features: topography, soils, steep slopes, etc.;

    b. Land use: existing and planned based on present zoning or current master plans, public and private ownership, and population density;

    c. Resources: streams, stream buffer areas, floodplains, wetlands, forests, forest conservation areas, areas of special concern (e.g., endangered species habitat), etc.;

    d. Infrastructure: storm drain systems including major outfalls, inlets, appurtenant conveyances, and associated drainage areas; stormwater management facilities; sanitary sewer systems; and chemical, physical, and biological monitoring sites; and

    e. Significant discharges: sewage treatment plants, industrial operations, hazardous waste sites, landfills, NPDES permitted sites (both point source and stormwater permittees), impervious areas (e.g., roads, parking lots, and rooftops), known problem areas (e.g., flood prone or water quality impaired areas), and estimated pollutant loads.

2. By 1/3/2000, Baltimore City shall submit data identifying the extent of its storm drain system. Data shall be submitted on CD-ROM and include all storm drain inlets, appurtenant conveyances, storm drain outfalls, associated drainage areas and stormwater management facilities;

3. Baltimore City shall compile any new source identification information on a continual basis and summarize the data collection process in its annual reports.

4. Baltimore City shall submit stormwater management facility construction completion data for MDE's Urban Best Management Practice Database in its annual reports. Data shall be reported according to the requirements contained in Appendix 1.

D. Discharge Characterization

Baltimore City shall contribute to Maryland's understanding of stormwater runoff and its effect on water resources by conducting a monitoring program. This program shall consist of three elements. The first element shall consist of characterizing stormwater discharges from both a storm sewer outfall draining a specific land use and an associated in-stream station using chemical, biological, and physical monitoring techniques. Data collected as a result of this effort will be compiled with data from other NPDES jurisdictions for assessing statewide urban runoff. For the second element, Baltimore City shall use physical stream monitoring to assess the implementation of the *Maryland Stormwater Design Manual*. The final element of Baltimore City's monitoring program shall involve annual submissions that document the City's monitoring activities. Specific monitoring requirements for these elements are described below.

1. Annually, Baltimore City shall perform long-term discharge characterization monitoring of an outfall and an associated in-stream monitoring station using the following minimum requirements for chemical, biological, and physical monitoring:

    a. For Chemical Monitoring:

        i. Monitoring shall be performed in the Herring Run watershed at Hamilton Avenue (residential outfall) and Radecke Avenue (associated in-stream station) to characterize runoff from residential land use;
        ii. Continuous flow measurements shall be recorded at the in-stream monitoring station. These data shall be used to facilitate annual and seasonal pollutant load estimates;
        iii. Twelve (12) storm events shall be monitored per year at the outfall and in-stream monitoring locations with at least three (3) occurring per quarter. Quarters shall be based on calendar year. If extended dry weather periods occur, baseflow samples shall be taken at least once per month at the in-stream monitoring station and, if flow is observed, at the outfall;
        iv. Discrete samples of stormwater flow shall be collected at the outfall and in-stream monitoring stations using automated or manual sampling methods. Measurements of pH and water temperature shall be taken; and
        v. At least three (3) samples determined to be representative of each storm event shall be submitted to a laboratory for analysis according to the methods listed under 40 CFR Part 136 and event mean concentrations (EMCs) shall be developed for the following parameters:

Biochemical Oxygen Demand (BOD_5)	Total Cadmium
Total Kjeldahl Nitrogen (TKN)	Nitrate plus Nitrite
Total Petroleum Hydrocarbons (TPH)	Total Phosphorus
Total Copper	Total Phenols

Total Zinc	Oil and Grease*
Total Lead	Fecal Coliform*
Total Suspended Solids (TSS)	(* Optional)

b. For Biological Monitoring:

i. Monitoring shall commence with chemical monitoring; and
ii. The stream reach between the outfall and the in-stream station shall be monitored each Spring and Fall using the U.S. Environmental Protection Agency's (EPA) Rapid Bioassessment Protocol III or other method approved by MDE.

c. For Physical Stream Assessment:

i. A geomorphologic stream assessment shall be conducted between the outfall and in-stream monitoring station. This assessment shall include, at a minimum, an annual comparison of permanently monumented stream channel cross-sections, an annual comparison of the stream profile, and a stream habitat assessment using techniques as defined by the EPA's "Rapid Bioassessment Protocol for use in Streams and Rivers," or other similar method approved by MDE; and
ii. A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HSPF, SWMM, etc.) to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

2. Baltimore City shall evaluate the effectiveness of a stormwater management system constructed in accordance with the *Maryland Stormwater Design Manual* for stream channel protection effectiveness. The assessment shall include:

a. By 1/3/2000, a small watershed shall be selected to adequately assess the best management practice (BMP) design criteria found in the *Maryland Stormwater Design Manual.* The watershed selected shall be either an area where future development is to occur, where existing BMPs control a majority of the drainage area and can be retrofitted to reflect the design manual design criteria, or a combination of both. The selection of the small watershed to be monitored shall be made in consultation with MDE.

b. Within six months of MDE's approval of the selected watershed to be monitored, Baltimore City shall survey the stream for the purposes of evaluating channel stability in conjunction with ensuing development or significant retrofitting. Permanently monumented cross-sections shall be established at areas where stream geometry changes and at critical areas in the flow path (e.g., restrictions, etc.). A baseline stream profile shall also be established to assess aggradation and degradation.

c. In each annual report, Baltimore City shall provide MDE with a comparison survey for each established cross-section and a comparison survey of the stream profile.

d. A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HSPF, SWMM, etc.) to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

3. Annually, Baltimore City shall describe in detail its monitoring activities for the previous year and include the following:

a. A detailed description of weather conditions and any equipment failures;

b. A detailed description of field data collection methods and documentation of any variations to the minimum requirements for chemical, biological, or physical monitoring;

c. Chemical, biological, and physical monitoring results recorded on MDE's long-term monitoring databases;

d. An analysis of monitoring data integrating the field results from the chemical, biological, and physical monitoring;

e. Annual and seasonal pollutant load estimates using the long-term monitoring data;

f. A comparison survey for each established cross-section and a comparison survey of the stream profile for the monitoring conducted to assess the stream channel protection effectiveness of a stormwater management system constructed in accordance with the *Maryland Stormwater Design Manual*; and

g. Any requests and accompanying justifications for proposed modifications to the monitoring program.

E. Management Programs

The following management programs shall be implemented in all areas served by the Baltimore City municipal separate storm sewer system. These jurisdiction-wide programs are designed to control stormwater discharges to the maximum extent practicable and shall be maintained for the term of this permit such that they become part of the routine operation of Baltimore City. Baltimore City shall address any needed program improvements identified as a result of periodic evaluation by MDE and annual self-assessment.

1. Baltimore City shall maintain an acceptable stormwater management program in accordance with the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland. At a minimum, Baltimore City shall:

   a. Conduct preventative maintenance inspections of all stormwater management facilities at least on a triennial basis. Documentation identifying the facilities inspected, the number of maintenance inspections, follow-up inspections, and enforcement action(s) used to facilitate inspection order compliance, maintenance inspection schedules, and any other relevant information shall be submitted in the City's annual reports;

   b. Within one year of Code of Maryland Regulations (COMAR) promulgation for stormwater management, modify its existing ordinances, regulations, and administrative procedures to accommodate the implementation of the *Maryland Stormwater Design Manual*;

   c. Implement the stormwater management design policies, principles, methods, and practices found in the *Maryland Stormwater Design Manual* and COMAR immediately upon satisfying Part II.E.1.b. above;

   d. Track the progress toward satisfying Part II.E.1.c. above; and

   e. Report annually the modifications needed to address problems associated with implementing the *Maryland Stormwater Design Manual* in Baltimore City.

2. Baltimore City shall maintain its illicit connection detection and elimination program. At a minimum, Baltimore City shall:

   a. Ensure that all discharges to the municipal separate storm sewer that are not composed entirely of stormwater are either permitted by MDE or eliminated;

   b. At least once per month, conduct chemical screening down stream of all major storm sewer outfalls during dry weather. Each outfall suspected of having an illicit discharge shall be sampled using a chemical test kit;

   c. Report annually the results of field screening activities on MDE's illicit connection detection database. The following shall be included: the number of illegal storm drain connections, the results of investigations made, any enforcement used, the disposition of all illegal storm drain system connections found as a result of this portion of Baltimore City's stormwater management program, and an updated list of targeted outfalls and an inspection schedule; and

   d. Identify all City-owned facilities requiring an NPDES discharge permit

and submit documentation that a permit has been obtained for each facility. The implementation status of pollution prevention plans for these City-owned facilities shall also be submitted with the City's annual reports.

3. Baltimore City shall implement and maintain its program to respond to illegal dumping and spills. As part of this program, Baltimore City shall:

   a. Record data on all major spills including the type of material and amount spilled, the portion recovered, any mitigation and costs associated with cleanup activities, and all incidents shall be geo-coded on Baltimore City's GIS;

   b. Continue implementing an effective Brick Cleaning and Waste Water Program. Annually, Baltimore City shall submit data on the number of sites permitted, the inspections performed, the estimated gallons of waste generated, the gallons recovered and disposed of, any violations discovered, and the enforcement actions taken; and

   c. Identify businesses and industrial activity that are likely to discharge pollutants to the City's storm drain system. In cooperation with regional watershed organizations and MDE, these businesses shall be targeted for education regarding pollution prevention techniques. Annually, Baltimore City shall report businesses identified and outreach completed.

4. Baltimore City shall maintain an acceptable erosion and sediment control program in accordance with the Environment Article, Title 4, Subtitle 1, Annotated Code of Maryland. At a minimum, Baltimore City shall:

   a. Address needed program improvements identified during MDE s evaluation of Baltimore City s application for the delegation of erosion and sediment control enforcement authority;

   b. At least two times per year, conduct responsible personnel certification classes to educate construction site operators regarding erosion and sediment control compliance. Program activity shall be recorded on MDE s green card database and submitted with the Baltimore City annual report; and

   c. Beginning 5/1/1999, report quarterly, information regarding earth disturbances exceeding one acre or more. Data submitted as a result of

      this permit condition shall include site name, site owner and address, disturbed area, local grading permit number, site location, and the type of development (e.g., residential, commercial, etc.). The information shall be submitted on diskette to MDE s Compliance Program and be specific to the permitting activity for the three months preceding the submittal.

5. Baltimore City, in cooperation with organizations representing Baltimore's four major watersheds, shall implement and maintain a public education and outreach program to reduce stormwater pollutants. Public outreach and education efforts are to be integrated with the discharge characterization monitoring, watershed restoration, illicit connection detection, and stormwater and sediment control program implementation requirements of this permit. These efforts are to be documented and summarized in the City s annual reports. At a minimum, Baltimore City shall:

   a. Provide information regarding the following water quality issues to the general public:

      i. Water conservation;
      ii. Stormwater management facility maintenance;
      iii. Erosion and sediment control;
      iv. Lawn care and landscape management (e.g., the proper use of herbicides, pesticides, and fertilizers, ice and snow control, cash for clippers, etc.);
      v. Household hazardous waste;
      vi. Litter control, recycling, and composting;
      vii. Car care, mass transit, and alternative transportation;
      viii. Pet waste management; and
      ix. Procedures for public identification and reporting of illicit discharges.

   b. Provide information when requested regarding the following water quality issues to the regulated community:

      i. NPDES permitting requirements;
      ii. Pollution prevention plan development;
      iii. Proper housekeeping; and
      iv. Spill prevention and response.

6. Baltimore City shall implement and maintain its program to reduce pollutants associated with road maintenance activities. At a minimum, Baltimore City shall:

   a. Sweep streets;

   b. Clean inlets;

   c. Reduce the use of pesticides, herbicides, fertilizers, and other pollutants associated with roadside vegetative management practices through the use of integrated pest management; and

   d. Control the overuse of winter weather deicing materials through continual testing and improvement of materials and effective decision making.

F. Watershed Restoration

Baltimore City shall begin the systematic assessment of water quality within all of its watersheds. As part of this process, Baltimore City shall prioritize watersheds, select an area or areas to be restored, perform detailed water quality analyses, identify water quality improvement opportunities, and implement a plan to control stormwater discharges to the maximum extent practicable. The overall goal of the activities listed below is to maximize the water quality in a small watershed(s) using efforts that are definable and the effects of which are measurable. Watershed restoration shall be targeted in those areas where opportunities to improve water quality are significant and where prior restoration efforts have been insufficient to meet goals established by the City. Additionally, Baltimore City shall solicit public involvement to assist with the development and implementation of various restoration plans. In support of these goals, Baltimore City shall perform the following:

1. By 1/3/2000, Baltimore City shall assign specific staff to individual watersheds throughout the City. The individuals assigned to Baltimore City's major watersheds shall be responsible for all NPDES stormwater related activities and shall act as liason between the City and any and all watershed associations having primary interest in water quality issues. The coordinators specified by Baltimore City shall, at a minimum, provide information on all proposed water quality projects to, solicit input from, and meet periodically with, any relevant watershed associations in order to develop and implement restoration activities in their specific watershed. Activities of the City's watershed coordinators and all examples of public input received shall be reported to MDE annually.

2. Within 12 months of the issuance of this permit, data gathered as a result of prior NPDES activities shall be used to prioritize all watersheds within Baltimore City in the context of water quality. The methods and scale used to prioritize watersheds shall be determined by Baltimore City but must include, at a minimum, documented water quality problems and the ability to address them. In Baltimore City's first annual report, the results of this prioritization shall be provided and shall include the methods and scale used as well as the watershed rankings for all land area in the City.

3. Within 12 months of the issuance of this permit, Baltimore shall select a watershed, or a combination of watersheds, to be restored. The selection of the watershed to be restored shall be based upon Baltimore City's ability to monitor the progress of all those activities identified in PART II.F.4. below to improve water quality. At least one of the following options for watershed selection shall be used:

    a. A combination of the drainage area above the in-stream monitoring station identified in PART II.D. and additional contiguous areas equaling ten percent of Baltimore City's impervious area;

b. A watershed or combination of watersheds equaling ten percent of Baltimore City's impervious area where surrogate parameters can be used to determine progress toward watershed restoration; or

c. A combination of PART II.F.3.a. and PART II.F.3.b. above equaling ten percent of Baltimore City's impervious area.

4. Within 24 months of the issuance of this permit, Baltimore City shall complete and submit for MDE's approval a detailed assessment of the watershed or combination of watersheds selected in PART II.F.3. above. At a minimum, the assessment shall:

a. Determine current water quality conditions;

b. Identify and rank water quality problems and specify overall watershed restoration goals;

c. Identify all structural and non-structural water quality improvement opportunities;

d. Include the results of a visual watershed inspection;

e. Specify how the restoration efforts will be monitored; and

f. Provide an estimated cost and a detailed implementation schedule for those improvement opportunities identified in PART II.F.4.c. above.

After completing the assessment of its selected watershed(s), Baltimore City shall submit a detailed watershed assessment for an additional watershed, or watersheds, equaling ten percent impervious area to MDE by the end of this permit.

5. Within 24 months of the issuance of this permit, Baltimore City shall begin to implement restoration efforts according to the schedule outlined in PART II.F.4.f. above. Annual reports shall document:

a. The progress toward meeting the schedule identified in PART II.F.4.f. above;

b. The estimated cost and the actual expenditures for program implementation;

c. The monitoring data or surrogate parameter analyses used to determine water quality improvements; and

d. Proposed changes to the watershed restoration plans based on feedback in Part II.F.5.a., b., and c. above for MDE's review and approval.

G. Program Funding

1. By 5/1/1999, Baltimore City shall submit a fiscal analysis of the capital, operation, and maintenance expenditures necessary to comply with all conditions of this permit.

2. Baltimore City shall maintain adequate program funding to comply with all conditions of this permit.

H. Assessment of Controls

1. Annually, Baltimore City shall submit estimates of expected pollutant load reductions as a result of its proposed management programs.

PART III. SPECIAL PROGRAMMATIC CONDITIONS

Since the signing of the Chesapeake Bay Agreement in 1983, Maryland has been working toward meeting the goal of reducing by 40% the discharge of nutrients to the Chesapeake Bay by the year 2000. To achieve this nutrient goal, MDE has developed strategies to improve the water quality in the tributaries that drain to the Bay. MDE has subdivided the Bay watershed into ten major tributaries that have each been assigned a 40% nutrient reduction goal. Characterizations of specific tributaries have been made in terms of land use, nutrient loads, and water quality. Additionally, strategy options have been developed based on identified problems in order to guide the restoration effort in each individual tributary.

Baltimore City lies within the Patapsco/Back River tributary. This NPDES permit requires Baltimore City to assist with the implementation of the strategy designed to meet the nutrient reduction goals in the Patapsco/Back River tributary. Coordination between and among other jurisdictions is a major requirement and the identification of those appropriate jurisdictions will occur jointly with MDE. Additionally, deadlines, priorities, and scheduling to satisfy specific conditions will be determined in conjunction with MDE. In any case, progress toward meeting these conditions shall be reported to MDE.

PART IV. ANNUAL PROGRESS REPORTS

Annual progress reports required under 40 CFR 122.42(c) will facilitate the long-term assessment of Baltimore City's NPDES stormwater program. These reports shall include:

122.42(c) "(1) The status of implementing the components of the storm water management program that are established as permit conditions;"

122.42(c) "(2) Proposed changes to the storm water management programs that are

established as permit conditions...;"

§122.42(c) "(3) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application...;"

§122.42(c) "(4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;"

§122.42(c) "(5) Annual expenditures and budget for year following each annual report;"

§122.42(c) "(6) A summary describing the number and nature of enforcement actions, inspections, and public education programs;"

§122.42(c) "(7) Identification of water quality improvements or degradation;"

MDE has developed a spreadsheet (Appendix 1) for the reporting and tracking of NPDES data. This spreadsheet lists components of Baltimore City's NPDES stormwater program along with appropriate reporting parameters. Annual progress reports, including MDE's spreadsheet, shall be submitted to MDE by the anniversary date of permit issuance for each year of the permit term.

PART V. ENFORCEMENT AND PENALTIES

A. Program Review

In order to assess the effectiveness of the permittee's NPDES program for eliminating non-stormwater discharges and reducing the discharge of pollutants to the maximum extent possible, MDE will review program implementation, annual reports, and periodic data submittal on an annual basis. Procedures for the review of local erosion and sediment control and stormwater management programs exist in Maryland's Sediment Control and Stormwater Management Laws. Additional periodic evaluations will be conducted to determine compliance with permit conditions.

Continuation or reissuance of this permit beyond February 8, 2004 will be subject to MDE's review of Baltimore City's compliance and implementation of the conditions of this permit.

B. Discharge Prohibitions and Receiving Water Limitations

The permittee shall effectively prohibit non-stormwater discharges through its municipal separate storm sewer system. 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; dechlorinated swimming pool discharges; street wash water; and fire fighting activities. The discharge of stormwater containing pollutants, which have not been reduced to the maximum extent practicable, is prohibited.

The permittee shall not cause 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, or birds; or

4. Fish or other aquatic life.

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

D. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; permit termination, revocation, or modification; or denial of a permit renewal
application. The permittee 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.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee 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, which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

E. Sanctions

1. Penalties Under the CWA - Civil and Criminal

The CWA provides that any person who violates any permit condition is subject to a civil penalty not to exceed $27,500 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of $2,750 to $27,500 per day of violation, or imprisonment of not more that 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 nor relieve the permittee from civil or criminal responsibilities and/or penalties for noncompliance with 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.

The Environment Article, §9-342, Annotated Code of Maryland, provides that any person who violates a permit condition is subject to a civil penalty up to $1,000 for each violation, but not exceeding $50,000 total. The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who willfully or negligently violates a permit condition is subject to a criminal penalty not exceeding $25,000 or imprisonment not exceeding 1 year, or both.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who falsifies, 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 $10,000 per violation, or by imprisonment for not more than six months 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 $10,000 per violation, or by imprisonment for not more than six months per violation, or both.

F. 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 the permittee 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 permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in COMAR 26.08.04.10 C.

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; or

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.

2. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which 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 permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

G. 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.

H. 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.

I. Signature of Authorized Administrator and Jurisdiction

All applications, reports, or information submitted to the Department shall be signed as required by COMAR 26.08.04.01 D. As in the case of municipal or other public facilities, signatories shall be a principal executive officer, ranking elected official, or other duly authorized employee.

J. L. Hearn, Director
Water Management Administration

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Date