

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION
INDUSTRIAL STORMWATER PERMITS DIVISION

STATEMENT OF BASIS

Title 40 PART 124—PROCEDURES FOR DECISIONMAKING, Subpart A—General Program Requirements, requires a Fact Sheet for all major permits, and for minor permits, allows in §124.7 a Statement of Basis (SOB) as an alternative. The Department is required to prepare a statement of basis for every draft permit for which a fact sheet under §124.8 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them.

Background: Several typographic errors were identified after the “GENERAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY”, General NPDES Permit Number MDRC0000, State Discharge Permit Number 20CP0000 was issued.

To avoid confusion the errors needed to be addressed through a permit modification. The errors identified for correction are as follows.

1. Part I.B.1.b – Part I.B.1.c refers to a section that doesn't exist and should refer to Part I.C.1.c.
2. Part I.B.3.a – New Source Section the Part II.B.3 reference is incorrect. It should read (Part III.B)
3. Part I.E.4 – New Source Section the Part II.B.3 reference is incorrect. It should read (Part III.B)
4. Part II.A.8.c – Signatory Requirements for State Agency. The language missed a qualification from COMAR. "For a municipal, State, or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee;" That underlined clarification was missing in the permit.
5. Changes in Signatory or Duly Authorized Representative - refers to Part II.C.3; there is no such section. This should be Part II.D Transfers
6. Part III.B.4.a.iii – A reference to an “Appendix G (standard permit conditions), Part IV.K.”. However, Appendix G doesn't exist. This section is in regard to “representative samples” for the Turbidity Monitoring requirements. It should have been an added standard permit term in Part IV.K. The term should have been “Representative Samples are samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.”
7. Appendix D – second full sentence. “To be compliance you must” should be updated to “To be in compliance you must”.
8. Appendix D Instructions – Completing the Form. The Completing the Form Instructions indicates the original monitoring form is to be submitted to the appropriate address. This contradicts Part III.B.4.d.iv which indicates the monitoring form must be submitted via the ePermits system. This should be to ePermits.

The changes were evaluated with concurrence from EPA Region 3, and determined to qualify as a Minor Modification.

As a result the corrected Minor Modification “20CPA” was issued May 2, 2023 to correct the identified typographical errors, consistent with 40 C.F.R. 122.63 and COMAR 26.08.04.10.

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