



Maryland Department of the Environment

The Construction SW General Permit Renewal

**Presentation for 11/10/2020 Public Hearing, by
Paul Hlavinka, Lillian Myers
and Elizabeth Reicks.**





Maryland's General Permit

- The construction permit is required under the Clean Water Act, for any land disturbance over an acre, or less for common plan of development.
- The existing permit “14-GP” issued in 2014 expired 12/31/2019, now **administratively extended until the renewal is issued.**
- The permit currently has over 5100 registrations.



Current Status

- Draft permit (Tentative Determination) has been completed for the 20-CP. A public notice published September 25, 2020.
- The draft permit, fact sheet and detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/CGP>.
- Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to the Department on or before December 24, 2020.
- Comments should be directed to the Maryland Department of the Environment, Water and Science Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708, Attn: Paul Hlavinka, Industrial Stormwater Permits Division, or email to Paul.Hlavinka@Maryland.gov.





Public Hearing Scheduled

The Department is holding this hearing to allow for input from interested parties, as the Department finalizes the permit.





General Permit?

- General Permits are re-issued every 5 years. They allow multiple operators or entities to be covered under the permit.
- To be registered by the permit you must file a Notice of Intent (NOI), stating that you will abide by the terms of the General Permit.
- Registration lasts only as long as the General Permit is effective, and upon expiration registrants must apply for coverage under the reissued permit.



Permit Draft

- The 20-CP permit continues the controls in the 14-GP, and relies heavily on approved E&SC and SWM plans.
- Listening sessions were held and input gathered from various stakeholders for changes incorporated in the renewal draft.



Significant Changes

The permit has been reorganized to consolidate like requirements.

- Effluent limits are now organized into either technology-based or water quality-based requirements.
 - The technology-based limits are specific practices or controls that must be implemented. They are categorized as either Erosion and Sediment Controls, Pollution Prevention Requirements or Construction Dewatering Requirements.
 - The water quality-based requirements are required for projects in watersheds with High Quality Waters (Tier II) or for watersheds with known impairments.

The permit language has been expanded with the goal of improved compliance through providing a more clear understanding of the requirements.

- For example:
 - Requirements for stabilization, rather than refer the permittee to COMAR, the stabilization deadlines are listed directly in the permit,
 - Requirements include references to specific sections of the Department's 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.



Significant Changes continued...

The permit clarifies:

- the non-stormwater discharges that are prohibited, and
- those that are allowed.

For projects in Tier II Watersheds:

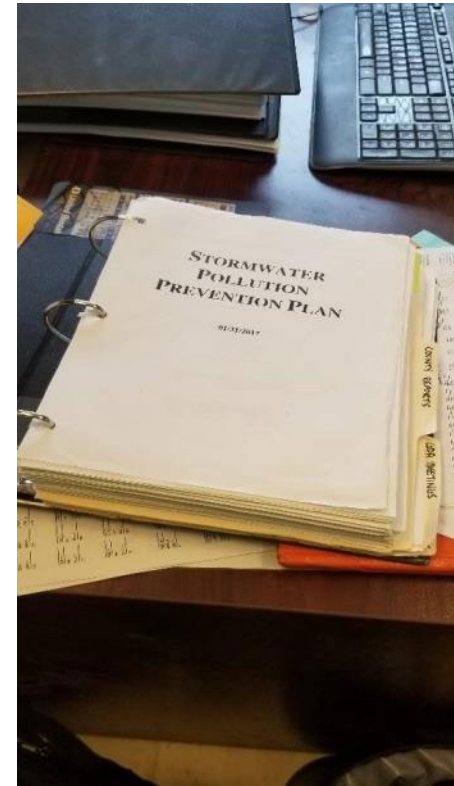
a completed checklist is required at the time an NOI is filed as proof of antidegradation review.



Significant Changes continued...

A Stormwater Pollution Prevention Plan (SWPPP) is required for your site in the following situations (Part III.F.1 of the Permit):

- 1) Projects within a common plan of development which share liability between and among operators on the same site. This SWPPP clarifies specific areas of responsibility.**
- 2) When using Chemical Additives or Polymers for Sediment Control.**





SWPPP Continued...

3) When there is potential for any of the non-stormwater discharges prohibited in permit Part I.D (also listed below). This may include any of these.

- Wastewater from the Concrete Washout. (permit Part III.A.3.d).
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. (permit Part III.A.3.d)
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance (permit Parts III.A.3.a and III.A.3.c.iii).
- Soaps or solvents, or detergents used in vehicle and equipment washing or external building washdown (permit Part III.A.3.b);
- Toxic or hazardous substances from a spill or other release (also see permit Part III.A.3.c iv, III.A.3.f. and VI.J) (whether the site is known to be contaminated by PCBs, PFAS, mercury, lead, or other metals, or any other source of toxic industrial pollution); and
- Water contaminated by toxic or hazardous substances from sites managed under Maryland's Voluntary Cleanup Program (VCP) or Land Restoration Program (LRP).

4) When implementing controls associated with the activities requiring pollution prevention measures, referenced in Part III.A.3 of the permit.



Significant Changes continued...

Technology-based limits have been updated to reflect the current federal Construction and Development Effluent Guidelines (40 CFR Part 450), which include:

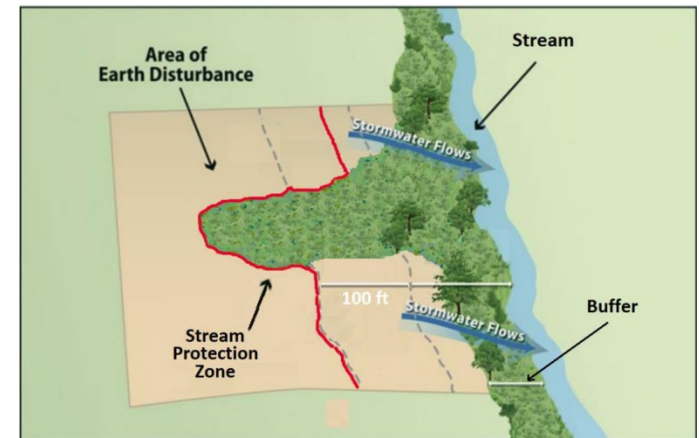
- managing dewatering activities,
- implementing pollution prevention measures, and
- providing and maintaining buffers around surface waters (referred to as Stream Protection Zones)



Significant Changes continued...

New Stream Protection Zone (SPZ) requirements require operators

- to avoid disturbances within:
 - 50 feet from the edge of Tier I streams or
 - an average of 100 feet and not less than 50 feet at any point from Tier II streams.
- If disturbances are required within the SPZ, several controls must be considered for the project. These controls include:
 - minimizing the disturbance,
 - adding an additional level of E&SC,
 - accelerated stabilization,
 - utilizing redundant controls,
 - upgrading controls,
 - using passive or active chemical treatment or
 - a reduction in the size of the grading unit.





Significant Changes continued...

The permit includes one additional alternative and one additional requirement regarding inspection frequency.

- In addition to inspections once per week and 24 hours after a storm event, the permit allows more frequent inspections in lieu of the after storm inspection.
- It also requires more frequent inspections for projects in Tier II watersheds.
- A storm event is now defined as 0.25 inches of rain or more.



Significant Changes continued...

The permit will now address the use of chemical additives or polymers to reduce turbidity.

- The permit includes a pre-approved list of products to increase efficiency.
- For products not on the approved list there is a required method of review established to evaluate potential toxicity of the product.
- The product may be accepted by the Department and added to the product list after the review.
- Cationic polymers require an additional review with residual testing.





Significant Changes continued...

Sites with known contamination are subject to additional pollution prevention measures, this includes:

- known contaminated soils or
- sites with demolition of buildings when paints or caulking containing PCBs are present.

To reduce ongoing confusion for larger common plans of development the permit:

- clarifies when transfers of permit coverage are possible,
- when a new or separate NOI is required,
- and has developed a new classification of Single Family Home Builder with certain exemptions when projects occur within a larger common plan of development.



Significant Changes continued...

The public notification period language was expanded in Part II.B.2 of the permit, to identify

- processes for addressing concerns regarding the E&SC plan,
- how to request copies of plans, and
- how concerns may be provided to the Department even after the public notification period ends.

Changes to requirements for the NOI have been included to be consistent with the changes to the permit.



Feedback Requested

Comments may be made orally today or submitted via email or mail to:

The Maryland Department of the Environment, Water and Science Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708

Attn: Paul Hlavinka, Industrial Stormwater Permits Division, or email to Paul.Hlavinka@Maryland.gov.



Comment Period

- We will now accept oral comments.
- To speak, raise your hand using the feature next to your name.

Reminder: Emails may be sent to Paul Hlavinka, Industrial Stormwater Permits Division, or email to Paul.Hlavinka@Maryland.gov