

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION
NOTICE OF TENTATIVE DETERMINATION AND PUBLIC HEARING**

General Permit For Stormwater Associated with Construction Activity

The Department proposes to reissue the State/NPDES (National Pollution Discharge Elimination System) 14GP0000 / MDRC0000. The 14GP0000 (14GP) General Discharge Permit For Stormwater Associated with Construction Activity will be replaced with the renewal designation of 20CP0000 (20CP). The General Permit applies to discharges to waters of this State from construction activities that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.

Coverage under the permit requires the operator's responsible party to file a Notice of Intent (NOI) with associated fees and required documents verifying the intent to abide by the permit. The permit also relies on protections provided through approved erosion and sediment control plans (E&SC).

Significant Revisions to the Permit.

- 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.
- For projects in Tier II Watersheds, a completed checklist is required at the time an NOI is filed as proof of antidegradation review.
- The permit language has been expanded with the goal of improved compliance through providing a more clear understanding of the requirements. For example, where the permit has requirements for stabilization, rather than refer the permittee to COMAR, the stabilization deadlines are listed directly in the permit, which also includes references to specific sections of the Department's 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- The permit clarifies the non-stormwater discharges that are prohibited, and those that are allowed.
- A Stormwater Pollution Prevention Plan (SWPPP) is now required for each of the following: 1) use of chemical additives or polymers, 2) exposure of potential contaminants when disturbing soil or during demolition, 3) activities where the permit requires implementation of specific pollution prevention controls (such as for vehicle fueling) and 4) shared liability between and among operators on the same site such as those that are part of a larger common plan of development.

- 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).
- 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.
- 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.
- 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.
- Sites with known contaminated soils or sites with demolition of buildings with paints or caulking containing PCBs are subject to additional pollution prevention measures.
- The permit clarifies when transfers of permit coverage are possible and when a new or separate NOI is required to reduce ongoing confusion for larger common plans of development. In addition there is a new classification of Single Family Home Builder with certain exemptions when projects occur within a larger common plan of development.
- 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.
- Miscellaneous Changes: updated definitions, minor updates to various permit conditions, a new table clarifying the various deadlines for coverage under the permit, and additional requirements for the continuation of a registration under an expired general permit, prohibition of new registrations after permit expiration.

The draft permit, fact sheet and a detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/CGP>. Hard copies of these documents may also be obtained directly from the Department at a cost of \$0.36 per page.

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. This comment period already incorporates the additional 60-day period provided in §1-606(d)(1)(ii) of the Environment Article. 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.

The Department will hold a public hearing concerning the tentative determination on Tuesday, November 10, 2020. The hearing will be conducted through an online webinar from 2-4 PM with an option to listen-only from a landline phone. To participate online you must sign up via the registration link at <https://mdewwp.page.link/CGP>. Alternatively, those who want to monitor the webinar hearing in listen-only mode via telephone can call 1-877-309-2071 with Access Code 776-021-152.

Due to the continuing threat to public health from COVID-19, MDE is urging all who wish to provide testimony do so by using the online webinar. However, for a limited number who do not have internet access, an in-person session has been scheduled at MDE's Aqua and Terra Conference Rooms at 1800 Washington Boulevard, Baltimore, MD from 10-11 AM on November 10. (Anyone without internet access who is not seeking to provide testimony can instead monitor the online hearing via the listen-only mode described above.) To allow MDE to prepare for the in-person session, participants should register by notifying the Department no later than 5:00 PM on Tuesday, October 27, 2020. In-person participants may register by calling 410-537-3323 or by emailing your registration information to Michael.Richardson@Maryland.gov. Required registration information will include the first and last name of the participant, mailing address, email address (if available), and a home and/or a mobile phone number. To be allowed entrance, participants must follow current Maryland Health Department Guidance, public health protocols and CDC guidelines (including and not limited to social distancing and wearing of a facial covering that covers your nose and mouth).

Any questions regarding the proposed permit should be directed to Paul Hlavinka at Paul.Hlavinka@Maryland.gov or by telephone at 410-537-3323, between the hours of 8:00 AM and 5:00 PM, Monday through Friday. Any hearing impaired person may request an interpreter for the hearing by contacting the Office of Fair Practices, at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.