



**STATE GENERAL PERMIT FOR THE DISCHARGE OF COMPOST TOILET WASTEWATER TO  
GROUNDWATER BY LAND APPLICATION**

**STATE GENERAL DISCHARGE PERMIT NO. 23-CT**

**NPDES PERMIT NO. MDCT**

**DRAFT**

**Effective Date:**            **Date, 2026**                      **Expiration Date:**        **Date, 2031**

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*Provides discharge authorization only upon Maryland Department of the Environment notification of registration.*

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## PART I. APPLICABILITY

By this permit and the appendixes herein incorporated, the Maryland Department of the Environment (the Department or MDE) authorizes the discharge of compost toilet wastewater to groundwaters of this State. This authorization is only for facilities located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department to discharge in accordance with the eligibility requirements and other conditions in this permit and consistent with your NOI, as on file with the Department. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and implementing regulations in COMAR 26.08.04.09.

### A. Geographic Coverage

This permit covers the discharge of compost toilet wastewater via land application within the territorial boundaries of the State of Maryland.

### B. Eligible Discharges

This permit is for the onsite discharge of compost toilet wastewater via land application to groundwaters of the State of Maryland.

### C. Limitations on Discharge

The following discharges are not eligible for coverage under this General Permit:

1. The discharge of graywater.
2. The subsurface discharge of compost toilet wastewater.
3. The discharge of compost toilet wastewater to surface waters.
4. The land application of compost toilet wastewater in critical areas - *UNLESS* the State of Maryland has approved the compost toilet system as Best Available Technology (BAT) for treating nitrogen.

### D. Alternative Permit Coverage

1. The Department may require any person authorized by this general permit to apply for and obtain an individual wastewater discharge permit. If an owner or operator fails to submit, in a timely manner, an application for an individual discharge permit, as required by the Department under this condition, the applicability of this general permit to the owner or operator is automatically terminated at the end of the day specified by the Department for application for the individual discharge permit.
2. Discharges that are ineligible for discharge under this general permit may be eligible to discharge under an individual permit.
3. A person who is required to obtain permit authorization to discharge compost toilet wastewater via land application may either apply to register under this General Discharge Permit or apply for an Individual Discharge Permit.
4. Any person authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual State discharge permit. The request may be granted by issuing an individual State discharge permit if the reasons cited by the owner or operator are adequate to support the request.
5. When an individual State discharge permit is issued to a person otherwise subject to this permit, the applicability of this general permit to the permittee is automatically terminated on the effective date of the individual State discharge permit.

6. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this general permit, the owner or operator of such discharge may be required to obtain an individual State discharge permit.
7. If an application for an individual discharge permit is denied, the person's coverage under the general permit automatically terminates, on the date of the denial, unless otherwise specified by the Department.

#### **E. Continuation of an Expired General Permit**

The terms and conditions of this permit and authorized permit registrations are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit unless the permit or authorization is revoked or terminated by the Department.

## **PART II. AUTHORIZATION UNDER THIS PERMIT**

### **A. How to Obtain Authorization**

#### **1. Notice of Intent (NOI) Application and Supplemental Information**

- a. NOI. Applicants must complete all required information on this permit's corresponding NOI application form: (<Insert New Link>), including owner and permittee names, address, electronic mail (email) address, telephone numbers; facility address; and
  - i. The designated operator (see Part III.C.2).
  - ii. The EJ score of the operation's census tract (See Appendix D).
  - iii. The type of vegetation that is applied with compost liquids.
  - iv. Manufacturer's information on the type of composting toilet.
  - v. The number of composting toilets.
  - vi. The average and maximum quantity of compost toilet wastewater estimated to be generated per year – for each toilet.
  - vii. The calculated nutrient uptake required for land application (See Appendix E)
- b. 'Supplemental Information' includes:
  - i. Site Map: This map must identify the Primary and Reserve compost liquid land application areas. These two areas must be delineated according to Part III.A.6-7, "Compost Toilet Wastewater Land Application Rates" and "Compost Toilet Wastewater Land Application Areas." These areas must be separate from any approved sewage disposal area required by the County Health Department. This Map must be to scale and include the required buffer zone requirements of Part III.A.4 and notable geographic features such as roads, buildings, and importantly – the approved graywater disposal area, surface water features and water wells.
  - ii. "Operation and Maintenance Manual" according to requirements of Part III.C.1.
  - iii. The applicant must submit Graywater Onsite Disposal System Approval documentation from the local approving authority, if required, to the Department to support this General Permit Coverage (see Appendix C for the local approving authority in each county).
  - iv. Name of Designated Operator.

## 2. Application Submission

Send (a) the NOI application form and (b) 'Supplemental Information' to the Maryland Department of the Environment:

Maryland Department of the Environment  
1800 Washington Boulevard: Suite 455  
Baltimore, MD 21230-1720

## 3. Transfer of Authorization

For transfer of permit coverage, the permittee can complete the Groundwater General Discharge Permit Transfer Request Form for General NPDES Permits found on the Department's website or at <Insert New Link>, or an equivalent electronic (eNOI) form provided by the Department. Detailed instructions are included with the form. If you operate multiple facilities, you must submit a Transfer Request for each noncontiguous site. The authorization under this permit is not transferable to any person except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

- a. The current permittee notifies the Department in writing of the proposed transfer;
- b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with the terms and conditions of this permit, is submitted to the Department;
- c. The new permittee either confirms in writing that the type of discharge, number of discharge points, and other information given on the original NOI remain correct or updates this information;
- d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items above, of intent to terminate coverage under this permit.

## B. **Alternative Registration**

A permittee may register multiple sites under one permit provided each location seeking registration is owned by the same entity. The Department reserves the right to require each location to obtain a separate permit.

1. To register multiple sites under one permit, the permittee must provide:
  - a. All information in accordance with Part II.A.1 for each site; and
  - b. One permittee contact that will be responsible for all sites
2. Each different location that will be registered under the permit will be considered a separate outfall and is required to:
  - a. Keep a logbook in accordance with Part III.C.3;
  - b. Submit DMRs in accordance with Appendix A; and
  - c. Keep a copy of the registration letter onsite.

## C. **Notification of Authorization to Discharge Compost Toilet Wastewater**

1. Coverage under this permit is effective on the date that the NOI is accepted by the Department. The Department will notify the applicant of this acceptance and that the land application of compost toilet wastewater is authorized under the terms and conditions of this permit.
2. The permittee should save a copy of the completed NOI and the acceptance letter from the

Department. These documents must be provided to the Department on request.

#### **D. Options if You Have an Individual Discharge Permit for Compost Toilet Wastewater**

Any person who has an existing individual discharge permit for activities covered under this general permit may:

1. wait to obtain coverage under this general permit until the individual discharge permit expires. With this, at least 365 calendar days prior to the expiration of the individual discharge, a person must submit an NOI requesting coverage under this general permit, or
2. request coverage under this general permit by submitting an NOI in accordance with this permit's authorization process requirements. Your individual permit coverage will be terminated once coverage under this permit is granted.

#### **E. Deadlines for Coverage**

##### **1. New Discharges**

A minimum of 60 days prior to the commencement of any new discharge covered under this general permit, a person must request coverage by submitting a NOI in accordance with the requirements of Part II.A.

##### **2. Transfer of Operation of a Facility Whose Discharge is Authorized Under This Permit**

A minimum of 30 days prior to the date that the transfer will take place to the new operator.

##### **3. Renewals of General Permit 18-CT to 23-CT**

Within six months after the effective date of this permit, any permittee currently registered under General Permit 18-CT must submit to the Department a new NOI and application fee to obtain coverage under this permit. Failure to provide the required documents in a timely manner will result in a violation of State requirements and may subject the discharger to enforcement action by the Department. Permittees who submit timely notification for continued permit coverage must operate under the administratively extended permit 18-CT until receiving notification from the Department of coverage under the new permit.

##### **4. Declaration of Intent Under an Expired General Permit**

For any new discharge covered under this general permit that would commence after the expiration of this permit, a person must submit a signed Declaration of Intent and NOI in accordance with the requirements of Part II.A. These documents must be submitted a minimum of 60 days prior to the new discharge. The Declaration of Intent document can be found at <Insert Link Here>.

#### **F. Required Signatures**

##### **1. Certification**

Any person signing a NOI must make the following certification as part of the NOI:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

## 2. Signatories

The NOI must be signed by a Signatory, as defined in COMAR 26.08.04.01-1(B)(5) as follows:

- a. *For a corporation:* By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - i. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
  - ii. the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or
- b. *For a Limited Liability Company (LLC):* this must be a member of the LLC, unless limited by the LLC's articles of organization. If limited, then the responsible corporate officer is the member or members designated by the LLC's articles of organization; or
- c. *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or
- d. *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - i. the chief executive officer of the agency; or
  - ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

## G. Report Submission

1. All reports required by permits and other information requested by the Department must be signed by the person described in Part II.E.2. or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II.E.2.;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the Department.
2. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.E.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

## H. Failure to Notify

Persons who (1) engage in an activity covered under this general permit, (2) fail to notify the Department of their intent to be covered under this general permit, and (3) discharge to waters of this State without an appropriate discharge permit, are in violation of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

## I. Changes in Permit Coverage

Certain changes in discharge or termination of permit coverage, both described below in this section, require notification to the Department.

### 1. Change in Discharge

The permittee must submit a new NOI for any anticipated facility expansions that will result in an increased wastewater discharge. Based on its evaluation of the NOI, the Department may:

- a. Continue to authorize the discharge under this general permit; or
- b. Require the permittee to apply for an individual State or State/NPDES discharge permit or obtain coverage under another general permit.

If any anticipated facility expansions will not result in a violation of the discharge limitations specified in this permit, the permittee must report the change to the Department in writing.

### 2. Termination of Permit Coverage

#### a. Submitting a Notice of Termination (NOT)

To terminate permit coverage, the permittee must submit a complete and accurate Notice of Termination (NOT) found at <Insert New Link Here> to the Department. The permittee's authorization to discharge under this permit terminates at midnight of the day that a complete NOT is processed and acknowledged by the Department. If a NOT is submitted without meeting one or more of the conditions identified in Part b below, then the NOT is not valid. The permittee is responsible for meeting the terms of this permit until your authorization is terminated.

#### b. When to Submit a Notice of Termination (NOT)

The permittee must submit a NOT within 30 days after one or more of the following conditions have been met:

- i. all operations at the facility that are covered by the permit registration have permanently ceased; or
  - ii. the operation is moved to a new location; or
  - iii. a new owner or operator has taken over responsibility for the facility; or
  - iv. you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by a State/NPDES permit.
- c. The Department may terminate your coverage under this general permit if the Department finds good cause to do so.

## J. Permit Expiration and Renewal

Upon issuance of this general permit with new effective and expiration dates, the permittee is required to submit to the Department either:

1. A notice that discharge will cease by the expiration date of this general permit; or
2. A new NOI and any fee in accordance with the requirements of the reissued general permit to be covered under the reissued general permit.

#### **K. Denial of Authorization**

The Department may terminate or deny coverage under this general permit for an applicant or an existing permittee if the Department finds that:

1. The NOI contained false or inaccurate information;
2. Conditions or requirements of the discharge permit have been or are about to be violated;
3. Substantial deviation from plans, specifications, or requirements have occurred;
4. The Department has been refused entry to the premises for the purpose of inspecting to ensure compliance with the conditions of the discharge permit;
5. A change in conditions requires temporary or permanent reduction or elimination of the permitted discharge;
6. Any State or federal water quality standard or effluent standard has been or is threatened to be violated; or
7. Site specific conditions or scale of the compost toilet system installation increase the potential that the onsite discharge of compost toilet wastewater/liquids may endanger human health or the environment.

## **PART III. COMPOST TOILET WASTEWATER MANAGEMENT**

### **A. Land Application Requirements**

1. Discharges authorized by this permit must be limited to the land application of compost toilet wastewater. The permittee is strictly prohibited from discharging or causing to be discharged any other wastewater into any place that would allow these substances to reach surface waters or groundwaters of the State, including wetlands.
2. The permittee must land apply the compost toilet wastewater:
  - a. By low-pressure manual methods; and
  - b. Only on the area outlined in the "Operation and Maintenance Manual" and as developed and submitted with the Supplemental Information as required in Part II.A.1.b.; or
  - c. On a Department-approved replacement area.
3. Land Application Prohibitions:
  - a. Land application of compost toilet wastewater shall not take place during adverse weather conditions. Adverse weather conditions are severe or unexpected weather such as high winds, heavy rain/snow, icing, dense fog, or freezing temperatures.
  - b. Land application of compost toilet wastewater must not take place for a 75-day period beginning December 16th and ending the last calendar day of February of the following year. The Permittee must install or provide a storage facility designed to hold compost toilet wastewater during periods when land application cannot take place. The storage facility must be capable of containing compost toilet wastewater generated during no less than 75 days of normal operation of the

composting toilet. The storage facility must be sealed or constructed to prevent the direct seepage of stored liquids to groundwater beneath the site. The permittee must ensure it has sufficient effluent storage capacity to allow the discharge to be consistent with the Department of Agriculture regulations at COMAR 15.20.07.02, Supplement No. 7 (June 2022).

- c. The permittee must not apply compost toilet wastewater on bare soils, i.e., lacking vegetation.
  - d. This land application must not cause any ponding or surface runoff.
  - e. The permittee is prohibited from discharging wastewaters of any kind to the surface waters of the State.
  - f. The permittee is prohibited from applying compost toilet wastewater to consumable food crops.
4. Buffer Zone from compost toilet wastewater land application area: The permittee must provide adequate means to prevent land applied compost toilet wastewater from entering adjacent properties, either by direct application or wind carry-over. These means must include, but not be limited to, a buffer zone from the land application area that is:
  - a. Fifty (50) feet from the wetted perimeter of the land application site to all property lines; and
  - b. One hundred (100) feet from the wetted perimeter of the land application site to any potable water supply well or surface water;
  - c. Or such alternative means which are approved by the Department as suitable to control the movement of compost toilet wastewater onto adjacent land.
5. The permittee must take sufficient measures to ensure that no member of the public comes in contact with the compost toilet wastewater and compost toilet solids.
6. Compost Toilet Wastewater Land Application Rates
  - a. Application to Vegetation (Nutrient Management-NM). The minimum amount of vegetated land required to uptake the nitrogen (NM) in the compost toilet wastewater shall be determined based on the average discharge volume (in gallons), the vegetative uptake and the average concentration of total nitrogen in the composting toilet wastewater (See Appendix E for the calculations). The calculated nutrient management information will be included in the registration letter to the permittee.
  - b. Alternate Application Rates. The permittee may request an alternative land application rate for: a) application to grasses, or b) application to vegetation other than grasses.
    - i. An alternate application rate must be based on an analysis for total nitrogen of a representative sample of compost toilet wastewater.
    - ii. Approval to land apply compost toilet wastewater at an alternate application rate is only effective upon receipt by the permittee of an authorization letter.
    - iii. To request an alternative land application rate, contact [groundwaterpermits.mde@maryland.gov](mailto:groundwaterpermits.mde@maryland.gov).
7. Compost Toilet Wastewater Land Application Areas
  - a. A Primary and Reserve Land Application Area must be identified on a map. (See Part II.A.1.b. Supplemental Requirements) These areas must be separate from any approved sewage disposal area required by the local approving authority, typically your county (Environmental) Health Department. These areas must be delineated according to the Compost Toilet Wastewater Land

Application Rate requirements in Part III.A.6.

## **B. Fecal Coliform Testing of Compost Toilet Wastewater: Required Prior to Land Application**

Compost toilet wastewater must be tested for fecal coliform and meet the discharge limit of 200 mpn/100 mL before land application of this wastewater. Compost toilet wastewater that exceeds this limit cannot be land applied.

See Appendix A

1. If Fecal Coliform is LESS THAN (and therefore meet) the fecal coliform limit of 200 mpn/100 mL discharge limit, then the compost toilet wastewater must be land applied within 10 days of receipt of the wastewater analysis.
2. If Fecal Coliform is GREATER THAN (and therefore fails) the fecal coliform limit of 200 mpn/100 mL, THEN:
  - a. The permittee must have the compost toilet wastewater transported offsite to a wastewater treatment plant. Recording of this is required per Part III.C.3.c.; or
  - b. contact the Department for other compost toilet liquid management options.
3. If, for any reason, the permittee exceeds the fecal coliform limit of 200 mpn/100 mL and the compost toilet wastewater is transported offsite three times, the permit holder or Designated Operator must submit a report detailing the steps that will be taken to ensure that this wastewater consistently meets the fecal coliform limit of 200 mpn/100 mL. This report must include at minimum:
  - a. laboratory results of the Fecal Coliform test results that exceeded 200 mpn/100 mL.
  - b. the suspected cause or potential causes of the exceedances.
  - c. steps taken by the permittee to prevent further fecal coliform exceedances.
  - d. This report must be submitted to the Department within 30 days of the third fecal coliform exceedance.
4. Compost toilet wastewater may be transported offsite only when the fecal coliform limit of 200 mpn/100 mL is exceeded.

## **C. Operation and Maintenance Manual, Designated Operator and Records Retention**

1. The permittee must develop and submit to the Department an "Operation and Maintenance Manual." This manual must be submitted to the Department prior to any land application of compost toilet wastewater.

The 'Operation and Maintenance Manual' must include:

- a. A Map showing the 'Primary' and 'Reserve' compost toilet wastewater land application area. See Part II.A.1.b. 'Supplemental Information' for details on map requirements.
  - b. Recommended maintenance and compost toilet liquid sampling procedures.
  - c. Maintenance schedule for the compost toilet system to ensure its satisfactory operation.
  - d. Procedures and equipment used to store and land apply compost toilet wastewater.
  - e. Procedures employed to protect people from exposure to compost toilet wastewater and solids.
2. Designated Operator. The entire wastewater-treatment system must be monitored and maintained per the "Operation and Maintenance Manual" by a "Designated Operator."

- a. A Designated Operator is someone who has been approved by the Department
  - b. The permittee or their designee can request to become a Designated Operator by submitting a request in writing to the Department. This request must include documentation of completion of appropriate training to operate and maintain the specific type of composting toilet system installed.
  - c. The permittee must not land apply compost toilet wastewater until a Designated Operator is approved by the Department.
3. Records Retention: The permittee must maintain onsite the following information. These must be made available for review, upon request, by Department personnel:
- a. Logbook. This logbook must record:
    - i. The date of land application of compost toilet wastewater;
    - ii. The operator's name;
    - iii. The area irrigated;
    - iv. The amount irrigated;
    - v. The amount of solids removed from the compost toilet and how the solids were managed;
    - vi. Weather conditions;
    - vii. A description of any ponding or runoff;
    - viii. Maintenance performed on the system; and
    - ix. Fecal coliform test results including date sampled.
  - b. Fecal Coliform Test Results: The permittee must maintain the fecal coliform laboratory analyses of the compost toilet wastewater onsite.
  - c. Offsite transport of compost liquids documentation. If the compost toilet wastewater exceeds the fecal coliform limit and are transported offsite, documentation (such as receipts) must be kept onsite and made available for review by Department personnel upon request. This must also be noted in the Logbook.
  - d. These records and fecal coliform test results must be retained according to the requirements of Part III.B.3.

## **PART IV. COMPOST TOILET SOLIDS MANAGEMENT**

The solid materials removed from the compost toilet must be handled in accordance with Appendix B: "Compost Toilet Solids: Management Recommendation and Requirements." Information on compost toilet solids management must be recorded in the Logbook, as required in Part III.C.3.a.

## **PART V. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply**

The permittee must comply at all times with the terms and conditions of this permit, and the provisions of the Environment Article, Title 7, Subtitle 2, Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland. Any noncompliance with any of the requirements of this permit constitutes a violation of the Environment Article, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

1. The permittee must comply with effluent standards or prohibitions established under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland, for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.
2. Penalties for Violations of Permit Conditions: The maximum and minimum statutory civil penalty amounts are adjusted through rulemaking by January 15 each year to account for inflation.
  - a. Criminal penalties for violations of State water pollution control laws are set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland. State criminal penalties include a \$25,000 fine or imprisonment not exceeding one year or both for a first offense, and a \$50,000 fine or imprisonment not exceeding two years or both for subsequent offenses.
  - b. Civil penalties for violations of State water pollution control laws are set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland. State civil penalty includes an amount not to exceed \$10,000 per day for such violation.
  - c. Administrative penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland.

#### **B. Severability**

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

#### **C. Civil and Criminal Liability**

Nothing in this permit must be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulation.

#### **D. Action on Violations**

The issuance or reissuance of this permit does not constitute a decision by the State not to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or reissuance of this permit, nor a waiver of the State's right to do so.

#### **E. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain authorization as required by the new permit once the Department issues it.

#### **F. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

#### **G. Duty to Mitigate**

The permittee must 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.

#### **H. Adverse Impact**

The permittee must take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

#### **I. Proper Operation and Maintenance**

The permittee must 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. Proper operation and maintenance requires the operation of backup, auxiliary facilities, or similar systems which are installed by a permittee when the operation is necessary to achieve compliance with the conditions of the permit.

#### **J. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. Filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **K. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor does it authorize any infringement of federal, State, or local laws or regulations.

#### **L. Water Construction and Obstruction**

This permit does not authorize the construction or placing of physical structures, facilities, or debris or undertaking related activities in any waters of this State. Operations within the floodplain may require additional permit coverage and may justify flood insurance in those flood prone areas, especially due to climate change effects on increased frequency of flooding.

#### **M. Duty to Provide Information**

The permittee must provide within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit or to determine compliance with this permit to the Department. The permittee must also provide to the Department, upon request, copies of records required to be kept with this permit.

#### **N. Inspection and Entry**

The permittee must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. Enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. have access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location;

5. take photographs (which may require discretion for reasons of national security), and
6. use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings.

#### **O. Monitoring and Records**

1. Samples and measurements, if required herein, must be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.
2. The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of the Department at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.

The analytical and sampling methods used must conform to procedures for the analysis of pollutants as identified in Title 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified. You must use only test procedures with quantitation limits at or below concentrations specified for all monitored parameters for which you are required to sample.

#### **P. Reporting Requirements**

1. Planned changes. The permittee must give notice to the Department as soon as possible, but no fewer than 30 days, of any planned physical alterations or additions to the permitted facility.
2. Anticipated noncompliance. The permittee must give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers. This permit is not transferable to any person except after notice to the Department. Where a facility wants to change the name of the permittee, the original permittee (the first operator) must submit a Notice of Transfer pursuant to Part II.A.3.
4. Discharge Monitoring reports. This section is only applicable if you are subject to numerical limits or monitoring (including "REPORT" parameters) or submission of reports/documents which the Department specifies are to be submitted as attachments to DMRs according to Appendix A.
  - a. You must summarize and submit monitoring information electronically using NetDMR once you are granted access to this tool, unless you demonstrate a reasonable basis that precludes the use of NetDMR. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:
    - i. NetDMR is a U.S. EPA tool. You must apply for access to NetDMR at

[https://usepa.servicenowservices.com/oeca\\_icis?id=netdmr\\_homepage](https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage) and register for a NetDMR Webinar. Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within one (1) month of authorization under this permit.

- ii. Opt-out requests must be submitted in writing to the Department for written approval at least sixty (60) days prior to the date you would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed opt-out request and such request is approved by the Department. All opt-out requests and subsequent hardcopy DMRs should be sent to the following addresses with "Attn: DMRs":

Maryland Department of the Environment  
WSA – Compliance Program  
1800 Washington Blvd., Suite 425  
Baltimore, MD 21230-1708

- b. If the permittee is required to perform benchmark or other numeric discharge monitoring for specific pollutants you must report the data at least annually, no later than 28 days following the Monitoring Period (Appendix A). Failure to sample and report is considered a permit violation.
  - c. If the permittee monitors any pollutant more frequently than required by this general permit, the permittee must use approved analytical methods as specified in Part V.O. above, and must report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values required in the DMR..
  - d. Calculations for all limitations which require averaging of measurements must use an arithmetic mean. For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.
5. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
6. Twenty-four hour reporting.
- a. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - b. The following shall be included as information which must be reported within 24 hours under this paragraph.
    - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
    - ii. Any upset which exceeds any effluent limitation in the permit.

iii. Violation of a maximum daily discharge limit for any numeric effluent limitation.

c. The Department may waive the written report on a case-by-case basis for reports under the twenty-four hour reporting requirements in these Reporting Requirements if the oral report has been received within 24 hours.

7. Other noncompliance. You must report all instances of noncompliance not reported under the monitoring reports, compliance schedules and twenty-four hour reporting requirements of these Reporting Requirements, at the time monitoring reports are submitted. The reports must contain the information listed in the twenty-four hour reporting requirements in these Reporting Requirements.
8. Other information. When you become aware that you failed to submit any relevant facts in your NOI, or submitted incorrect information in your NOI or in any report to the Permitting Authority, you must promptly submit such facts or information to the Department within 30 days.

#### **Q. Notification of a Pollutant Discharge Not Limited in This Permit**

The permittee must notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in the 40 CFR § 122.42.

#### **R. Availability of Reports**

Except for data determined to be confidential under the Maryland Public Information Act and 40 CFR § 123.25, all submitted data, plans or reports prepared pursuant to this permit, including self-inspection information, must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

#### **S. Retention of Records**

Copies of all records and information required by this permit, including records of all data used to complete the NOI to be covered by this permit, and all records of fecal coliform analyses performed, must be retained for a minimum of three (3) years. This period must be automatically extended during litigation or when requested by the Department.

#### **T. Removed Substances**

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewater or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting waters of this State.

#### **U. Oil and Hazardous Substances Prohibited**

Nothing in this permit must be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under the Federal Act or the Annotated Code of Maryland. Permittees may be subject to additional requirements and regulations dictated by the Department's Oil Control Program and Emergency Planning and Community Right-to-Know Act (EPCRA) (40 CFR 116). Any requirements listed in this permit which control grease, oil or fuel are to address potential pollutants not governed directly by Oil Pollution Prevention (40 CFR 112), as the handling and storage of fuel and other petroleum products has a potential to cause negative impacts to waters of this State. In addition, to 24 hour reporting in Part V.Q.6., any prohibited oil or hazardous substance discharge must be followed up with a written description sent to the Department within 10 working days of knowledge of the incident including: the type and estimate of the amount of material released, the date it occurred, the circumstances leading to it, and any other information as required by COMAR 26.10.01.05.

## V. Bypass

### 1. Definitions

- a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

### 2. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the notice and prohibition of bypass provisions below in subpart 3 and 4.

### 3. Notice

- a. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Reporting Requirements for twenty-four hour reporting.

### 4. Prohibition of bypass

- a. Bypass is prohibited, and the Department may take enforcement action against you for bypass, unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii. You submitted notices as required above for anticipated bypass.
- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in subpart a.

## W. Upset

1. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the conditions necessary for a demonstration of upset below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
3. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative

defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that you can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. You submitted notice of the upset as required in Reporting Requirements above for twenty-four hour reporting of upsets.
  - d. You complied with any remedial measures required under Duty to Mitigate requirements above.
4. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof.

#### **X. Reopener Clause for Permits**

1. Procedures for modification or revocation. Permit modification or revocation will be conducted according to COMAR 26.08.04.10. This includes reasons such as new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to any Reasonable and Prudent Alternatives or Reasonable and Prudent Measures developed in Endangered Species Act consultation, and/or future monitoring results.
2. Water quality protection. If there is evidence indicating that the groundwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.
3. Timing of permit modification. The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

## **PART VI. GENERAL PERMIT EXPIRATION AND REAUTHORIZATION**

This permit and the authorization to discharge must expire at midnight on the expiration date of the permit, unless the permittee has submitted an application for renewal in accordance with Part V.E.

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Naomi Howell, Program Manager  
Wastewater Pollution Prevention and Reclamation Program  
Water and Science Administration