



# Maryland

Department of  
the Environment

Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Crumles  
Secretary

JAN 31 2017

## CERTIFIED MAIL

Martin Stewart, Environmental Manager  
Perdue Farms, Inc.  
P.O. Box 1537  
Salisbury, MD 21804

Re: State Discharge Permit No. 15DP0359, NPDES Permit MD0000060

Dear Mr. Stewart,

Enclosed is the issued discharge permit referenced above with the effective date indicated on the cover page. The permittee is responsible for complying with all permit conditions. You are therefore advised to read the permit carefully and become thoroughly familiar with the requirements.

The U.S. Environmental Protection Agency (EPA) recently promulgated a final rule to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system (see 40 CFR 127.16). Under the final rule, any Discharge Monitoring Reports (DMRs) to be submitted on or after **December 21, 2016** must be electronically reported to the Department.

Thus Maryland Department of the Environment now requires use of NetDMR for filing your required NPDES DMRs. NetDMR is a freely available Web based tool that allows NPDES permittees to electronically sign and submit their DMRs to EPA via a secure internet connection. NetDMR is designed to improve data quality, reduce reporting liabilities, save paper, and provide cost savings. It allows participants to discontinue mailing in hard copy forms under 40 CFR 122.41 and 403.12. For more information go to the EPA website ([www.epa.gov/netdmr](http://www.epa.gov/netdmr)) or call the MDE Water Management Administration, Compliance Program, at [410-537-3520](tel:410-537-3520) and ask to speak to a NetDMR coordinator.

As indicated in Condition II.A.2 of your permit, before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. If you do not attend the required training in a timely manner, you will be at risk of violating the new U.S. EPA NPDES electronic reporting rule.

Enclosed is also a copy of the Federal Register, Part 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants". Unless otherwise specified, these guidelines are to be used for the analyses required by this permit. The most current version of 40 C.F.R. Part 136 can be found online at

Martin Stewart

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EPA's website ([www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm)). Finally you'll find enclosed a brochure for NetDMRs.

Please direct all future correspondence regarding permit compliance to the following address:

Attention: Discharge Monitoring Reports  
Water Management Administration – Compliance Program  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 425  
Baltimore, Maryland 21230-1708

If you have any other questions, please do not hesitate to call Paul Hlavinka, Industrial and General Permits Division, at 410-537-3323.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lee Currey".

D. Lee Currey, Acting Director  
Water Management Administration

LB:aw

Enclosures (3)

Cc: William Lee (delivered electronically)  
Mark Smith, EPA Region 3 (delivered electronically)  
WMA-Compliance, Eastern Division Chief



# Maryland

Department of  
the Environment

Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Grumbles  
Secretary

|                                  |               |                        |                   |
|----------------------------------|---------------|------------------------|-------------------|
| STATE DISCHARGE<br>PERMIT NUMBER | 15-DP-0359    | NPDES PERMIT<br>NUMBER | MD0000060         |
| EFFECTIVE DATE                   | March 1, 2017 | EXPIRATION<br>DATE     | February 28, 2022 |
| MODIFICATION DATE:               | N/A           | REAPPLICATION<br>DATE  | February 28, 2021 |

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment hereinafter referred to as the "Department," hereby authorizes

Perdue Agribusiness Inc.  
P.O. Box 1537  
Salisbury, Maryland 21802

TO DISCHARGE FROM

a chicken hatchery and plant processing poultry feed and soybean oil

LOCATED AT

6906 Zion Church Road, Salisbury, Wicomico County, Maryland 21802

VIA OUTFALL(S)

001, 002, 005, 006 as identified and described below and from facility areas identified in the Stormwater Pollution Prevention Plan (SWPPP) referenced herein

TO

Peggy Branch, via Outfall 001 and 002, a designated Use I water body under COMAR 26.08.02.02 protected for water contact recreation, fishing, aquatic life, and wildlife and to groundwater, via Outfall 005 and 006, in accordance with the following special and general conditions, and maps made a part hereof.

**I. SPECIAL CONDITIONS****A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the effective period of this permit the permittee is authorized to discharge noncontact cooling tower bleed from refinery; extraction plant and refinery boiler blow down; process wastewater from hatcheries, soybean oil refinery, and soybean extraction plant; vehicle wash water; sanitary wastewater; print shop wastewater; and contaminated stormwater via Outfall 001 (Maryland Coordinates 1,733.38 E and 264.59 N).

Discharges authorized from this outfall shall be limited and monitored by the permittee at as specified in the table below:

| PARAMETER                                    | QUANTITY OR LOADING             |                                   |                                 |           | QUALITY OR CONCENTRATION |                 |               |       | FREQUENCY OF ANALYSIS | SAMPLE TYPE      | NOTES    |
|----------------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------|--------------------------|-----------------|---------------|-------|-----------------------|------------------|----------|
|                                              | ANNUAL MAXIMUM                  | MONTHLY AVERAGE                   | DAILY MAXIMUM                   | UNITS     | MIN.                     | MONTHLY AVERAGE | DAILY MAXIMUM | UNITS |                       |                  |          |
| Flow                                         | Report                          | Report                            | Report                          | MGD       |                          |                 |               |       |                       | Measured         | (7)      |
| BOD <sub>5</sub> (April-Sept.)               |                                 | 14.2                              | 28.4                            | lbs/day   |                          | 10              | 20            | mg/l  | 1/Week                | 8-Hour Composite |          |
| BOD <sub>5</sub> (Oct.-March)                |                                 | 42.5                              | 85                              | lbs/day   |                          | 30              | 60            | mg/l  | 1/Week                | 8-Hour Composite |          |
| Total Kjeldahl Nitrogen (as N) (April-Sept.) |                                 | 15.6                              | 31.2                            | lbs/day   |                          | 11              | 22            | mg/l  | 1/Week                | 8-Hour Composite |          |
| Total Kjeldahl Nitrogen (as N) (Oct.-March)  |                                 | 46.8                              | 93.6                            | lbs/day   |                          | 33              | 66            | mg/l  | 1/Week                | 8-Hour Composite |          |
| Nitrate plus Nitrite (as N)                  |                                 |                                   |                                 |           |                          | Report          | Report        | mg/l  | 1/Week                | 8-Hour Composite | (2)      |
| Total Nitrogen (as N)                        |                                 |                                   |                                 |           |                          | Report          | Report        | mg/l  | 1/Week                | 8-Hour Composite | (2)      |
| Total Nitrogen (as N)                        | 3,570 <sup>(2)</sup> (lbs/year) | Report <sup>(2)</sup> (lbs/month) | Report <sup>(2)</sup> (lbs/day) | See Notes |                          |                 |               |       | 1 / Month             | Calculated       | (3), (8) |
| Total Suspended Solids (TSS)                 |                                 |                                   |                                 |           |                          | 10              | 20            | mg/l  | 1/Week                | 8-Hour Composite | (6)      |
| Total Phosphorus (as P)                      |                                 |                                   |                                 |           |                          | 0.28            | Report        | mg/l  | 1/Week                | 8-Hour Composite | (6)      |

I. SPECIAL CONDITIONSA.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

| PARAMETER               | QUANTITY OR LOADING              |                                      |                                    | QUALITY OR CONCENTRATION |      |                 | FREQUENCY OF ANALYSIS | SAMPLE TYPE              | NOTES                              |
|-------------------------|----------------------------------|--------------------------------------|------------------------------------|--------------------------|------|-----------------|-----------------------|--------------------------|------------------------------------|
|                         | ANNUAL MAXIMUM                   | MONTHLY AVERAGE                      | DAILY MAXIMUM                      | UNITS                    | MIN. | MONTHLY AVERAGE | DAILY MAXIMUM         | UNITS                    |                                    |
| Total Phosphorus (as P) | 146 <sup>(1)</sup><br>(lbs/year) | Report <sup>(1)</sup><br>(lbs/month) | Report <sup>(1)</sup><br>(lbs/day) | See Notes                |      |                 |                       |                          | 1 / Month<br>Calculated<br>(1) (3) |
| Oil & Grease            |                                  |                                      |                                    |                          |      | 10              | 15                    | mg/l                     | 1/Week<br>Grab                     |
| E. coli                 |                                  |                                      |                                    |                          |      | 126             |                       | MPN/<br>100 ml<br>(G.M.) | 2/Week<br>Grab<br>(4) (7)          |
| Dissolved Oxygen        |                                  |                                      |                                    |                          | 5    |                 |                       | mg/l                     | 2/Week<br>Grab                     |
| Total Residual Chlorine |                                  |                                      |                                    |                          |      | 11              | 19                    | µg/l                     | 1/Week<br>Grab<br>(5)              |
| pH                      |                                  |                                      |                                    |                          | 6.5  |                 | 8.5                   | s.u.                     | 1/Week<br>Grab                     |

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 175,000 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

(1) The load limitation for total phosphorus is an Annual Maximum Loading Rate. The first exceedance of the permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31. In addition, after any such exceedance, the permittee shall demonstrate to the Department's satisfaction that the facility is optimizing its nutrient control capability, and neither the arrival of the next calendar year nor the issuance of a permit renewal during a period of noncompliance shall obviate continuance of any noncompliance status related to treatment optimization requirements.

The permittee shall report the monthly average loading as pounds/month, daily maximum loading as pounds/day, and annual maximum loading as pounds/year. The Annual Maximum Loading Rate is a calculated parameter to be reported monthly as the sum of the Monthly Loading Rates from January through December of the current calendar year. At the end of each calendar year, the permittee shall report, and comply with the above loading limit.

## I. SPECIAL CONDITIONS

### A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

The details and results of the required annual calculations shall be submitted to the Department's Compliance Program with the Discharge Monitoring Report for December.

- (2) Individual concentrations of each constituent shall also be reported. Testing for all forms of nitrogen must be performed on the same sample.

The load limitation for total nitrogen is an Annual Maximum Loading Rate. The first exceedance of the permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31. In addition, after any such exceedance, the permittee shall demonstrate to the Department's satisfaction that the facility is optimizing its nutrient control capability, and neither the arrival of the next calendar year nor the issuance of a permit renewal during a period of noncompliance shall obviate continuance of any noncompliance status related to treatment optimization requirements.

The permittee shall report the monthly average loading as pounds/month, daily maximum loading as pounds/day, and annual maximum loading as pounds/year. The Annual Maximum Loading Rate is a calculated parameter to be reported monthly as the sum of the Monthly Loading Rates from January through December of the current calendar year. At the end of each calendar year, the permittee shall report, and comply with the above loading limit.

The details and results of the required annual calculations shall be submitted to the Department's Compliance Program with the Discharge Monitoring Report for December.

- (3) Limits are in conformance with the Chesapeake Bay Total Maximum Daily Load (TMDL) for Nitrogen, Phosphorus and Sediment issued December 29, 2010 by the United States Environmental Protection Agency (76 Fed. Reg. 549, January 5, 2011).

- (4) The limit is consistent with the "Total Maximum Daily Loads of Fecal Bacteria for the Non-Tidal Wicomico River Headwaters Basin in Wicomico County, Maryland" approved by the EPA on September 20, 2007.

- (5) The minimum quantification level for total residual chlorine is 0.10 mg/l. The permittee shall report all results below the minimum of 0.10 mg/L as "NODI B" in NetDMR. All results below 0.10 mg/l shall be considered in compliance.

- (6) The limit is consistent with the "Total Maximum Daily Loads of Phosphorus and Sediments to Johnson Pond in the Upper Wicomico Watershed Wicomico County, Maryland" Approved by EPA on February 13, 2001.

- (7) The flow is limited to an annual average of 0.17 MGD. The permittee may petition the Department for an increased flow upon demonstration that the E. coli load will not exceed 0.80 billion MPN/day.

**I. SPECIAL CONDITIONS**

**A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page**

(8) See also Special Condition T.

**I. SPECIAL CONDITIONS****A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the effective period of this permit the permittee is authorized to discharge noncontact cooling water from soybean oil extraction plant and hatcheries via Outfall 002 (Maryland Coordinates 1733.84 E and 264.80 N).

Discharges authorized from this outfall shall be limited and monitored by the permittee at the 16-inch steel pipe to the stream as specified in the table below:

| PARAMETER              | QUANTITY OR LOADING |               |       | QUALITY OR CONCENTRATION |                 |               | FREQUENCY OF ANALYSIS | SAMPLE TYPE | NOTES |
|------------------------|---------------------|---------------|-------|--------------------------|-----------------|---------------|-----------------------|-------------|-------|
|                        | MONTHLY AVERAGE     | DAILY MAXIMUM | UNITS | MINIMUM                  | MONTHLY AVERAGE | DAILY MAXIMUM | UNITS                 |             |       |
| Flow                   | Report              | Report        | MGD   |                          |                 |               |                       | Measured    |       |
| Temperature Difference |                     |               |       |                          |                 | 0             | °F                    | i-s         | (1)   |
| pH                     |                     |               |       | 6.5                      |                 | 8.5           | s.u.                  | Grab        |       |

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 800,000 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

(1) The discharge shall not cause the temperature of the receiving waters, beyond a mixing zone, to exceed 90 °F or to exceed the ambient stream temperature, whichever is higher. A mixing zone extending no greater than 50 feet radially from the point of discharge is allowed. The mixing zone may not form a thermal barrier to aquatic life.

If the temperature of the effluent is equal to or less than 90 °F, the only temperature measurement necessary to calculate the "temperature difference" shall be one measured at the point of discharge to State Waters or at a representative internal monitoring point. A positive "temperature difference" shall be entered as ">0" and shall be reported as a noncompliance. The permittee shall maintain a record of all temperature measurements and their location, to be submitted as an addendum to each discharge monitoring report.

I. SPECIAL CONDITIONSA.3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge noncontact cooling tower bleed from refinery; extraction plant and refinery boiler blow down; process waste water from hatcheries, soybean oil refinery, and soybean extraction plant; vehicle wash water; sanitary wastewater; print shop wastewater; and storm water runoff via Outfall 005 (spray irrigation to wooded lots) (Maryland Coordinates 1732.34E and 264.84N) and Outfall 006 (spray irrigation to agricultural fields) (Maryland Coordinates 1732.54 E and 266.13N).

As specified below, such discharge shall be limited and monitored by the permittee from the 10" PVC pipe at the treatment plant.

| PARAMETER                      | QUANTITY OR LOADING |               |           | QUALITY OR CONCENTRATION |                 |               | FREQUENCY OF ANALYSIS | SAMPLE TYPE | NOTES |
|--------------------------------|---------------------|---------------|-----------|--------------------------|-----------------|---------------|-----------------------|-------------|-------|
|                                | MONTHLY AVERAGE     | DAILY MAXIMUM | UNITS     | MINIMUM                  | MONTHLY AVERAGE | DAILY MAXIMUM |                       |             |       |
| Total Kjeldahl Nitrogen (as N) |                     |               |           |                          | Report          | Report        | 1/Week                | Grab        | (1)   |
| Nitrate plus Nitrite (as N)    |                     |               |           |                          | Report          | Report        | 1/Week                | Grab        | (1)   |
| Total Nitrogen (as N)          | Report              |               | lbs/month |                          | Report          | Report        | 1/Month               | Calculated  | (2)   |
| Fecal Coliform                 |                     |               |           |                          | 200             |               | 1/Week                |             |       |
| Oil and Grease                 |                     |               |           |                          |                 | 15            | 1/Week                | Grab        |       |

(1) Testing for all forms of nitrogen must be performed on the same sample.

(2) Total load will be limited as required by the Nutrient Management Plan under Special Condition O. In addition, the permittee shall submit an annual Nutrient Application Summary Report as required in Special Condition O.12. This report shall be submitted annually with the December Discharge Monitoring Report as required in General Condition II.A.2.

I. SPECIAL CONDITIONS

B. DEFINITIONS

1. "Ambient temperature of the effluent-receiving stream" means water temperature not impacted by a point source discharge, where ambient temperature is measured in areas of the stream representative of typical or average conditions of the stream segment in question.
2. "Annual Maximum Loading Rate (in pounds/year)" means the highest allowable total load of a parameter calculated for a calendar year. It is calculated as the sum of the individual Total Monthly Loading Rates from January through December of the current calendar year.
3. "Biochemical Oxygen Demand (BOD<sub>5</sub>)" means the amount of dissolved oxygen required to biologically break down organic material and oxidize inorganic material in an unfiltered environmental sample during a standard BOD<sub>5</sub> test without the use of a nitrification inhibitor.
4. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
5. "Clean Water Act" means the "Federal Water Pollution Control Act Amendments of 1972," 33 U.S.C. 1251, 86 Stat. 866, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, and all other amendments to that act.
6. "CFR" means the Code of Federal Regulations.
7. "COMAR" means the Code of Maryland Regulations.
8. "Composite sample" means a combination of individual samples obtained at a minimum of hourly intervals over a specified time period, where the volume of each individual sample (or the sampling interval when using constant volume samples) is proportional to discharge flow rates recorded during the sampling period.
9. "Daily determination of concentration" means an analysis performed on a wastewater sample representative of flow for that calendar day, with concentration expressed in mg/l or other appropriate unit of measurement.
10. "Daily determination of discharge of constituents by mass loading" means a value calculated by multiplying the daily determination of concentration times flow in millions of gallons per day (MGD), times 8.34. The product is mass loading expressed in pounds/day.
11. "Daily maximum effluent concentration" means the highest reading of any daily determination of concentration.
12. "Daily maximum effluent limitation by mass loading" means the highest allowable daily determination of discharge of a constituent by mass loading during a 24-hour period.
13. "Department" means the Maryland Department of the Environment (MDE).

14. "Grab sample" means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine must be analyzed within 15 minutes from the time of collection.
15. "Geometric Mean (G.M.) concentration" is the concentration of a parameter calculated as:  $G.M. = [(X_1)(X_2)(X_3) \dots (X_n)]^{1/n}$ , where "X" is the concentration of the parameter measured in each sample, and n is the number of samples taken each month.
16. "Immersion Stabilization (i-s)" - means a calibrated device used to measure temperature. It is immersed in the effluent stream until the temperature reading is stabilized.
17. "Kjeldahl Nitrogen, Total" (TKN) means the sum of organic nitrogen and ammonia nitrogen where all values are reported as nitrogen (N).
18. "Measured flow" means any method of liquid volume measurement for which accuracy has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
19. "Minimum value" means the lowest value measured during a 24-hour period.
20. "Monthly, quarterly, semi-annual, or annual average effluent concentration" means the value calculated by computing the arithmetic mean of all daily determinations of concentration made during any respective calendar-month, 3-month, 6-month, or 12-month period.
21. "Monthly, quarterly, semi-annual, or annual average effluent limitation by mass loading" means the highest allowable value calculated by computing the arithmetic mean of all daily determinations of discharge of a constituent by mass loading made during any respective calendar month, 3-month, 6-month, or 12-month period.
22. "National Pollutant Discharge Elimination System (NPDES)" means the national system for issuing permits established under §402 of the Clean Water Act (1972).
23. "NetDMR" means a nationally-available electronic reporting tool, initially designed by states and later adapted for national use by EPA, which can be used by NPDES-regulated facilities to submit discharge monitoring reports (DMRs) electronically to EPA through a secure Internet application over the National Environmental Information Exchange Network (NEIEN). EPA can then share this information with authorized states, tribes, and territories.
24. "Nitrogen, Total" means the sum of Total Kjeldahl Nitrogen and nitrate plus nitrite, where all values are reported as nitrogen (as N).
25. "Oil and Grease" refers to test results obtained by using EPA Method 1664 (or any EPA approved revisions to this method) for Clean Water Act monitoring programs.
26. "Outfall" means the location where effluent is discharged into receiving waters.
27. "Permittee" means an individual or organization holding a discharge permit issued by the Department.
28. "Temperature Difference" is a calculated value, arrived at by subtracting the effluent temperature or the temperature of the receiving water at the edge of a mixing zone, whichever

is lower, from the ambient receiving water temperature or receiving water quality standard, whichever is higher.

29. "Total Maximum Daily Load (TMDL)" means the maximum amount of a pollutant a waterbody can receive and still meet water quality standards, calculated using the formula  $(TMDL = \Sigma WLA + \Sigma LA + MOS)$  where WLA is the sum of wasteload allocations (point sources), LA is the sum of load allocations (nonpoint sources and background), and MOS is the margin of safety.
30. "Total monthly loading rate (in pounds/month)" means the total load of a parameter calculated for each calendar month using the formula (monthly average concentration in mg/l x (total monthly flow in millions of gallons) x 8.34).
31. "Total Residual Chlorine (TRC)" means the total amount of chlorine present in a sample. This is the sum of the free chlorine residual and the combined available chlorine residual.
32. "Total Suspended Solids (TSS)" means the residue from an effluent sample retained on a filter measured in accordance with ASTM D5907-09, Standard Test Methods for Filterable and Nonfilterable Matter in Water (2009), or other approved methods.
33. "Upset" means an exceptional incident where unintentional and temporary noncompliance with technology-based effluent limitations occurs due to factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
34. "Year-to-Date Cumulative Load (in pounds)" means the sum of individual total monthly loads for a parameter calculated from January through the current reporting month in a calendar year.

#### C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants not specifically limited by this permit have been discharged in excess of notification levels specified in 40 CFR Part 122.42(a).

#### D. REMOVED SUBSTANCES

1. Within 30 days after notification the permittee shall provide the Department with information on the disposal of any removed substances defined under General Condition B.7 in section II of this permit. Requested information may include but may not be limited to:
  - a. A map clearly showing all areas used for disposal of removed substances.
  - b. A description of physical, chemical, and biological characteristics of any removed substances, as well as their quantities and methods of disposal.
  - c. The identity of any contractor or subcontractor, their mailing address and information specified in a and b above if disposal is handled by persons other than the permittee.

2. The Department's notification may also require the permittee to provide the above information prior to use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

Within 30 days after the effective date of this permit the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of the permit the permittee shall notify the Department of the new laboratory within 30 days after the change.

F. WASTEWATER OPERATOR CERTIFICATION

As of the effective date of this permit the permittee's facility shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. Certification shall be for operation of a Class 5 industrial wastewater works unless the Board determines a different classification is appropriate. At no time during the effective period of this permit shall any treatment facility be operated for more than two months without a certified operator.

G. FLOW MONITORING

In lieu of providing measured flow (defined under Special Conditions in section B above) at Outfalls 003, the permittee may estimate flows and submit the following information when submitting the initial discharge monitoring report and/or upon any change in methodology:

1. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present.
2. Documentation appropriate to the methodology utilized which provides information to support the validity of the reported flow estimate. If actual measurements or observations are made a description of typical sampling times, locations, and persons performing the measurements/observations must also be provided.
3. A description of factors (e.g., batch discharges, intermittent operation, etc.) which caused flow at the outfall to fluctuate significantly from the previously provided estimate.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE

The Department will calculate permit fees annually and invoice the permittee based on annual average discharge flow. Permit fees are payable to the Department in advance by July 1 of each fiscal year (July 1 through June 30).

The permittee shall provide notification of any flow revision to the Department's Industrial and General Permits Division by May 1 of each year to update the annual average discharge flow value used for the next billing period, if the flow volume used to calculate the permit fee (or application fee if the permit was renewed within the past year) differs significantly from either of the following flow determinations:

1. Average flow data reported on the permittee's discharge monitoring reports for the current fiscal year, or

2. Estimated flow volume for the next billing period based on recent changes at the facility.

The flow revision notification shall include a summary of flow data reported on DMRs for the previous year and any other supporting documentation to be used as the basis for the flow determination.

I. REAPPLICATION FOR A PERMIT

The Department is implementing a revised schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the new watershed-based schedule the Department may revoke and reissue this permit concurrently with other permits in the watershed.

Unless the Department grants permission for a later date the permittee shall submit a permit renewal application no later than 12 months prior to the expiration date of the current permit, or notify the Department of their intent to cease discharging by the permit's expiration date.

In the event that a timely and sufficient reapplication has been submitted and through no fault of the permittee the Department is unable to issue a new permit before the expiration date, the terms and conditions of this permit are automatically continued and remain in full force and effect.

J. PERMIT REOPENER FOR TOTAL MAXIMUM DAILY LOAD (TMDL)

This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for Wicomico River Headwaters Basin Code 02130304, including but not limited to: biological assessment.

This permit is consistent with the terms and conditions of the Chesapeake Bay Total Maximum Daily Load (TMDL) for Sediments, Nitrogen and Phosphorus, issued December 29, 2010 (76 Fed. Reg. 549, January 5, 2011).

Based on facility operations and/or discharge characteristics this permit limits discharges of total suspended solids, total nitrogen and total phosphorus to prevent water quality degradation of receiving waters and ultimately the Chesapeake Bay.

K. BIOMONITORING PROGRAM

1. Within three months of the effective date of the permit, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity at Outfall 001 by using biomonitoring. The study plan should include at a minimum a discussion of:
  - a. wastewater and production variability
  - b. sampling & sample handling
  - c. source & age of test organisms
  - d. source of dilution water
  - e. testing procedures/experimental design
  - f. data analysis
  - g. quality control/quality assurance
  - h. report preparation
  - i. testing schedule

2. The testing program shall consist of two definitive acute testing events, three months apart. This testing shall be initiated no later than three months following the Department's acceptance of the study plan.
  - a. Each of the two testing events shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.
  - b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.
3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination.
4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002.
5. Test results shall be submitted to the Department within one month of completion of each set of tests.
6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.
7. If testing is not performed in accordance with a MDE-approved study plan, additional testing shall be required by the Department.
8. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute toxicity, the permittee shall repeat the test within 30 days to confirm the findings of acute toxicity. If acute toxicity is confirmed, the permittee shall:
  - a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or
  - b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.
9. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.
10. Submit all Biomonitoring related materials to:

Maryland Department of the Environment  
Water Management Administration  
Compliance Program  
1800 Washington Boulevard, Suite 420  
Baltimore, Maryland 21230-1708

L. TOXICITY REDUCTION EVALUATION

A Toxicity Reduction Evaluation (TRE) is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement necessary control measures and confirm the reduction in toxicity. The permittee shall conduct a TRE when a review of toxicity test data by the Department indicates unacceptable, acute, or chronic effluent toxicity.

1. Within 90 days following notification by the Department that a TRE is required the permittee shall submit a study plan and schedule for conducting the TRE to the Department. The permittee shall conduct the TRE in a manner consistent with the submitted plan and schedule
2. The plan should follow the framework set forth in *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, April 1989).
3. Beginning 60 days following the date of the Department's acceptance of a TRE study plan and every 60 days thereafter the permittee shall submit progress reports including all relevant test data to the Department. The permittee shall continue to submit progress reports to the Department every 60 days until the toxicity reduction confirmation is completed.
4. Within 60 days following completion of the toxicity identification (source isolation) phase of the TRE the permittee shall submit a plan and schedule to the Department for implementing control measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. Implementation of the identified measures shall begin immediately upon submission of the study plan.
5. Within 60 days after completing the implementation of control measures to eliminate or reduce toxicity the permittee shall submit a study plan to the Department for approval, to confirm the elimination or reduction of toxicity using biomonitoring.
6. If for any reason the implemented measures do not result in compliance with the Department's toxicity limitations the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION – [Reserved]

N. PROTECTION OF WATER QUALITY

It is a violation of this permit to discharge any substance not otherwise listed under this permit's "Effluent Limitations and Monitoring Requirements" at levels which would cause or contribute to any exceedance of numerical water quality standards set forth in COMAR 26.08.02.03, unless the level and substance were disclosed in writing in the permit application prior to issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of water quality standards in COMAR 26.08.02.03, including but not limited to general water quality standards, or if the discharge includes a pollutant not disclosed or addressed in the public record for the permit determination; the Department is authorized to modify, suspend or revoke this permit or take enforcement action to address unlawful discharges.

O. SPRAY IRRIGATION REQUIREMENTS

1. Prior to spray irrigation, the raw wastewater shall be treated by the biochemical treatment system or any alternative treatment system approved by the Department. Only treated wastewater shall be spray irrigated.
2. The permittee is authorized to spray irrigate on the following two areas: 1) wooded lots totaling 30.69 acres, and 2) agricultural fields totaling 40 acres. These areas are to be divided into zones. Wastewater shall be applied to each zone on a rotating basis so that each zone shall receive at least three days rest between applications. The permittee shall not irrigate on any other areas without the written authorization from the Department.
3. The permittee is responsible for maintaining a vegetative cover on the spray fields at all times. At no time shall irrigation be conducted on bare unvegetated soils or on dead or stressed vegetation.
4. The irrigation shall not cause persistent ponding or runoff of the wastewater within or adjacent to the spray fields.
5. The permittee shall provide adequate means to prevent spray droplets from entering adjacent properties, either by direct application or wind carry-over.
6. The permittee shall maintain the following wooded buffer zones from the wetted perimeter; 50 feet to any drainage ditches, 100 feet to the property boundaries, and 250 feet to all inhabited dwellings.
7. Irrigation is prohibited when the soils are frozen or saturated so as to prevent runoff of the wastewater.
8. The permittee shall maintain at least two feet of freeboard in the lagoons at all times.
9. The permittee shall maintain a logbook with the following information:
  - a. Date of irrigation, identification of the area that was irrigated and the operator's name;
  - b. Volume, in gallons, of wastewater irrigated;
  - c. Weather conditions during irrigation; and
  - d. Description of any ponding or runoff.Records shall be kept current and shall be available for inspection by Department personnel.
10. Land application of wastewater and shall comply with Maryland Department of Agriculture regulations in COMAR 15.20.04 through 15.20.08; and shall be conducted in conformance with a nutrient management plan written by a nutrient management consultant licensed by the State of Maryland.
  - a. The nutrient management plan shall include field by field application rates of wastewater in gallons per acre.

- b. Compliance includes the prohibition on winter application as defined in Maryland's Nutrient Management Manual Supplement 7 (May 2012), which is incorporated by reference in COMAR 15.20.07.02.
  - c. Within 90 days of the effective date of this permit, the permittee shall submit a schedule of compliance to Wastewater Permitting, for review and approval, to comply with the winter prohibition on land application as defined in COMAR 15.20.07.02, and for verification that it includes and fully considers the nutrients from the industrial wastewater produced by the facility
11. The nutrient management plan shall be written to limit the cumulative amount of nutrients that are land applied from all sources including, but not limited to, wastewater, sludge, animal wastes, and chemical fertilizers based on:
- a. the following crop yield goals:

|                  |                          |
|------------------|--------------------------|
| Field Corn       | 150 bushels per acre     |
| Dryland Soybeans | 45 bushels per acre      |
| Wheat            | 80 bushels per acre; and |
  - b. the plant nutrient recommendations for the above crop yield goals contained in the Maryland Nutrient Management Manual of COMAR 15.20.07.02. The cumulative amount of nutrients from all sources shall not be applied at a rate higher than agronomic requirements in accordance with the Maryland Nutrient Management Manual Supplement 7, Tables 1- 4.
12. The permittee shall submit to the Compliance Program of the Water Management Administration a Nutrient Application Summary Report (month by month and field by field) of the nitrogen and phosphorus loading applied to each field that received industrial wastewater. This report shall also include for these fields that received industrial wastewater, nutrients that are land applied from all sources including, but not limited to sludge, animal wastes, and chemical fertilizers. This report shall compare the amount of these nutrients applied, with the amounts stipulated for each field in the nutrient management plan. Included in this summary shall be the assumptions made to determine how much of the nitrogen and phosphorus in the wastewater was plant available. This report shall be submitted with the December monthly report submitted per the requirements of General Condition A.2.

P. GROUNDWATER MONITORING REQUIREMENTS

- 1. The permittee is responsible for the operation and maintenance of three (3) groundwater monitoring wells each in the agricultural fields and in the wooded lots to be used for obtaining samples of the groundwater.
- 2. Once per quarter, the permittee shall sample the wells at the wooded lots and the agricultural fields for nitrates (as N), TKN, total dissolved solids, phosphorus, pH, and fecal coliform. These results shall be submitted to the Department according to General Condition A.2.
- 3. The monitoring wells shall be operated and maintained in accordance with COMAR 26.04.04, Well Construction. The well screen shall be extended a minimum of 15 feet into the seasonably high water table.

4. Each monitoring well shall contain the necessary apparatus and fittings to allow the proper evacuation and sampling of groundwater. Each well shall also be provided with a cap designed to ensure the integrity of samples and to prevent surface water runoff and precipitation from entering the well. Prior to taking a sample, a volume of water equal to 300% of the wetted volume of the casing and screen shall be evacuated. Low-flow purging and sampling methodology is also acceptable, or another alternative well sampling methodology is acceptable if approved by the Department.

Q. GROUNDWATER STUDY

Within 60 days of the effective date of this permit the permittee shall submit a plan to the Department for review and approval, to study the shallow groundwater flow direction in the land application areas identified in Map B. The plan shall include a proposed schedule for conducting the study.

As specified below, Groundwater Monitoring Well samples taken per requirements of Section (I.P) shall be monitored by the permittee according to the following limitations.

- a. Discharge of treated wastewater authorized in this permit shall not cause an exceedance of limits established for parameters listed below; as measured in the 'designated mixing zone' defined as the downgradient monitoring well(s) where ambient groundwater mixes with discharged wastewater.
- b. The discharge of treated wastewater authorized in this permit shall not cause an exceedance of any other water quality standard adopted by the Department of the Environment in COMAR 26.04.01, and 26.08.02.09.
- c. If average background groundwater quality in the upgradient monitoring wells already exceeds groundwater limitations shown in the following table, then discharge of the treated wastewater shall not cause degradation in background groundwater quality.

Groundwater quality shall not cause an exceedance of the parameters listed below, as measured in the 'designated mixing zone'. The "Groundwater Quality Limitations and Monitoring Requirements" Table below includes the water quality standards for NO<sub>3</sub> and Fecal Coliform. This list is a subset of the water quality standards of COMAR 26.04.01. For the purpose of this permit, an exceedance of any other water quality standard in the downgradient monitoring wells is also a violation of this permit.

Groundwater Quality Limitations and Monitoring Requirements

| Parameter                 | Annual Average<br>Groundwater Quality<br>Limitations | Measurement<br>Frequency | Type of Sample |
|---------------------------|------------------------------------------------------|--------------------------|----------------|
| NO <sub>3</sub>           | 10 mg/l                                              | once/3 months            | Grab           |
| TKN                       | Report <sup>(1)</sup>                                | once/3 months            | Grab           |
| pH                        | Report <sup>(1)</sup>                                | once/3 months            | Grab           |
| PO <sub>4</sub> (Total)   | Report <sup>(1)</sup>                                | once/3 months            | Grab           |
| Total Dissolved<br>Solids | 500 mg/L                                             | once/3 months            | Grab           |
| Fecal Coliform            | non-detect                                           | once/3 months            | Grab           |

(1) Monitoring required without limitation.

R. WATER TREATMENT CHEMICALS

- 1.) The permittee is prohibited from using water treatment chemicals containing phosphorus at Outfall 002.
- 2.) The permittee currently uses the following Chem Treat boiler water treatment chemicals in the wastewater discharged from outfalls 001, 005, and 006:
  - ChemTreat CL16
  - ChemTreat B-121
  - ChemTreat BL-1102
  - ChemTreat BL-1544
  - Colorlok Padding Compound
- 3.) If the permittee changes any of these boiler water treatment chemicals that discharge from the above outfalls subsequent to performing biomonitoring of the discharge from the above outfalls subsequent to performing biomonitoring of the discharge that is required in Special Condition K, before commencing the use of the new product, the permittee shall submit to the Department (Industrial Discharge Permits Division) a listing of the new products and corresponding aquatic toxicity data and manufacturer's information on the chemical composition of the product and the concentrations that will exist in the effluent. Based on this information, if the Department determines that the new wastewater may cause aquatic toxicity, the Department may direct the permittee to perform additional biomonitoring of the wastewater described in Special Condition K.
- 4.) The permittee does not add any chemicals to the cooling water and shall not add any constituents without first submitting to the Department (Industrial Discharge Permits Division) the names of these materials and aquatic toxicity data indicating that, at the concentrations that will exist in the effluent, no aquatic toxicity is likely to result.

S. PRINT SHOP CHEMICALS

- 1.) The wastewater from the print shop (about 12 gallons per month) contains traces of the following chemicals: hydroquinone, sodium hydroxide, potassium sulfite, ammonium hydroxide, acetic acid, ammonium thiosulfate, dibutyl phthalate, propylene glycol, ethanol, acrylic polymer, phosphoric acid, glycerine, and benzyl alcohol.

2.) This wastewater shall only be discharged to the waste treatment plant. No silver or silver compounds shall be discharged to the waters of the State. If the permittee changes any of these chemicals, before commencing use of the new product, the permittee shall submit to the Department (Industrial Discharge Permits Division) a listing of the products and corresponding aquatic toxicity data and manufacturer's information on the chemical composition of the product and the concentration that will exist in the effluent.

- Fanapart High Strength Padding Adhesive
- Polyester Plate Stabilizer Enhanced-Ready to Use
- G5200b
- 57184, 57186 ITEK Subtractive 2 in 1 Developer/ Gum
- 4-1195 Universal Fountain Concentrate
- PRO 10
- FPC (Finisher/Preservative/Cleaner)
- 4-1185 Proformance Fountain Concentrate – Presstek
- 4-1195 Universal Fountain Concentrate
- 4-1177 Alcohol Substitute
- Isopropyl Alcohol
- 4-490 Ink Roller Desensitizer
- 4-1249 Suredot Water Metering Roller Cleaner
- X55-06 APA Fountain Additive
- 4-4968 Offset Glaze Remover
- 4-1200 Safety Zone Offset Roller Cleaner

#### T. NUTRIENT TRADING REQUIREMENTS

The permittee is authorized by the Department to discharge nitrogen loads within the allocated limit specified in Special Condition A.1. 1500 lbs of the allocation is an interim allowance that may be superseded through credit generation on property owned by the permittee (option 1 below) or may be continued (option 2 below) by facilitating the creation of nutrient credits from affiliated or unaffiliated farms and agricultural lands not under the ownership of Perdue AgriBusiness.

- 1.) 1,500 lbs/year of the allocation exists only on an interim basis until such time that the permittee has created an equivalent level of offsets on its land. When such credits have been identified by the permittee, the permittee shall submit to the Department an application for permit modification to incorporate the credit and to release the interim allocation provided under this permit.
- 2.) As an aggregator of credits, the permittee has an alternative. As long as the permittee 1) facilitates the initial registration of at least 4,500 nutrient credits in Maryland's Nutrient Trading/Tracking Tool (MNTT) and 2) then maintains an ongoing level of 1500 nitrogen credits on Nutrient Net, then the full load allocation provided in this permit shall continue.

If sufficient credits are not obtained as specified above, the Department may reevaluate the interim allocations to determine their status for the Phase III Watershed Implementation Plan of the TMDL and reopen the permit to revise the wasteload allocation.

#### U. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

1. No later than 6 months after the permit's effective date the permittee shall apply for coverage under the *General Permit for Discharges from Stormwater Associated with Industrial Activities*

(State Permit No. 12-SW, NPDES Permit No. MDR0000) in accordance with Section II.A of the 12-SW Permit. A copy of the 12-SW permit, notice of intent (NOI) and associated guidance are available at "[http://bit.ly/MDE\\_industrial\\_stormwater](http://bit.ly/MDE_industrial_stormwater)". The application submitted should, minimally, address the following:

- a. The NOI submitted shall address all storm water associated with industrial activity, including but not limited to any storm water discharging via the outfalls authorized under this permit.
  - b. The storm water pollution prevention plan (SWPPP) submitted must be updated in accordance with the requirements of the 12-SW. These requirements are found in Part III, sections C. and D. of the 12-SW permit.
2. Until the facility is covered under the 12-SW, the permittee shall continue to keep up-to-date and implement the SWPPP prepared in accordance with the requirements of your previous permit, 05-DP-0359. Once a 12-SW caliber SWPPP has been completed the permittee shall switch, as soon as feasible, to complying with the new SWPPP. The 12-SW SWPPP must be completed and implemented no later than 6 months after the effective date of this permit.
  3. Once the Department provides written confirmation of registration under the 12-SW, storm water coverage will cease under this individual permit, except for the following Outfall: 001. For this outfall, violations of the limitations and monitoring specified in section I.A.1 are only violations of this permit and are not to be considered violations of the 12-SW. Violations of the conditions of the 12-SW are not to be considered violations of this permit.

## II. GENERAL CONDITIONS

### A. MONITORING AND REPORTING

#### 1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

#### 2. REPORTING-MONITORING RESULTS SUBMITTED MONTHLY

Monitoring results obtained during each calendar month shall be summarized and submitted electronically using NetDMR once the permittee is granted access to this tool. Results shall be submitted to the Department via NetDMR no later than the 28th of the month following the end of the reporting month. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. At the earliest from the effective date of this permit, the permittee must apply for access to NetDMR at [www.epa.gov/netdmr](http://www.epa.gov/netdmr) and register for a NetDMR Webinar. Before the permittee can submit official DMRs using NetDMR the permittee must attend a training Webinar and successfully set-up and submit test monitoring results electronically.
- b. Hard copies of monitoring results obtained before the permittee is granted access to NetDMR or before December 21, 2016, whichever comes first, shall be submitted postmarked no later than the 28th of the month following the end of the reporting month.

Signed copies of the results shall be submitted both to the Department and the United States Environmental Protection Agency at the following addresses:

Attn: Discharge Monitoring Reports  
Maryland Department of the Environment  
Water Management Administration  
Compliance Program  
1800 Washington Boulevard, Suite 425  
Baltimore, Maryland 21230-1708

Attn: Discharge Monitoring Reports  
U.S. EPA, Region III  
Office of Compliance and Enforcement  
NPDES Branch (3WP31)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

- c. The permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for five (5) years 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 waiver request and such request is approved by the Department. All waiver requests and subsequent hardcopy DMRs shall be sent to the following address with "Attn: DMRs":

Attention: NetDMR Waiver Request  
Maryland Department of the Environment  
WMA – Compliance Program  
1800 Washington Blvd., Suite 425  
Baltimore, MD 21230

3. SAMPLING AND ANALYSIS METHODS

The analytical and sampling methods used shall 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.

4. DATA RECORDING REQUIREMENTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall report any anticipated facility expansions, production increases, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge except that if the change only affects a listed pollutant and will not violate the effluent limitations specified in this permit, by providing written notice to the Department. Following such notice, the permit may be modified by the Department to include new effluent limitations on those pollutants.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 537-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

- a. a description of the non-complying discharge including its impact upon the receiving waters;
- b. cause of noncompliance;
- c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;

- d. steps taken by the permittee to reduce and eliminate the non-complying discharge;
- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
- f. a description of accelerated or additional monitoring conducted by the permittee to determine the nature and impact of noncompliant discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall 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 limitation specified in this permit, including any accelerated or additional monitoring necessary to determine the nature and impact of the noncompliant discharge.

5. BYPASSING

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;
- d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,
- b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

The permittee shall permit the Secretary of the Department, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

- a. 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;
- b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and
- e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. the permittee notifies the Department in writing, of the proposed transfer;
- b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and
- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT –[Reserved]

4. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued 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 or permanent 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.
- e. upon a final, unreviewable determination that the permittee lacks, or is in violation, of any federal, state, or local approval necessary to conduct the activities by this permit.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

Nothing in this permit shall 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 Section 311 of the Clean Water Act (33. U.S.C. § 1321), or under the Annotated Code of Maryland.

9. CIVIL AND CRIMINAL LIABILITY

Except as provided in permit conditions on "bypassing," "upset," and "power failure," 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 9 of the Environment Article, Annotated Code of Maryland or any federal, local, or other State law or regulation.

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

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 laws or regulations.

11. SEVERABILITY

The provisions of this permit are severable. If any provisions 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 circumstances is held invalid, its application to other circumstances shall not be affected.

12. WATER CONSTRUCTION AND OBSTRUCTION

This permit does not authorize the construction or placing of physical structures, facilities, or debris, or the undertaking of related activities in any waters of the State.

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

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

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

- a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
- b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
- c. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more \$250,000 or imprisonment of not more than 15 years, or both.
- d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

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

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
- b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the renewal application provisions of this permit.

  
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D. Lee Currey, Acting Director  
Water Management Administration

