



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

STATE DISCHARGE PERMIT NUMBER	21-DP-0359	NPDES PERMIT NUMBER	MD0000060
APPROVAL DATE	Draft	EFFECTIVE DATE	Draft
EXPIRATION DATE	Draft	REAPPLICATION DATE	Draft
MODIFICATION DATE:	N/A	Draft - Tentative Determination	

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 LLC.
6906 Zion Church Road
Salisbury, Maryland 21804

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

001 as identified and described below

TO

Peggy Branch, a designated Use I water body under COMAR 26.08.02.02 protected for water contact recreation, fishing, aquatic life, and wildlife in accordance with the following special and general conditions, and map made a part hereof.

I. SPECIAL CONDITIONSA. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge vegetable oil refinery, vegetable oil refinery truck wash, garage and truck wash, boiler blowdown, noncontact cooling water feed mill, soybean extraction, sanitary 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 the 10-inch pipe at the treatment plant prior to directing flow to the stream 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	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	Report	Report	Report	MGD						Measured	
BOD ₅ (Apr. 1 - Sept. 30)		14.2	28.4	lbs/day		10	20	mg/L	1/Week	8-Hour Composite	
BOD ₅ (Oct. 1 - Mar. 31)		42.5	85	lbs/day		30	60	mg/L	1/Week	8-Hour Composite	
Total Kjeldahl Nitrogen (as N) (Apr. 1-Sept. 30)		15.6	31.2	lbs/day		11	22	mg/L	1/Week	8-Hour Composite	
Total Kjeldahl Nitrogen (as N) (Oct. 1-Mar. 31)		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	
Ammonia (Apr. 1 -Sept. 30)						0.97 (See note 10)	6.1	mg/L	1/Week	8-Hour Composite	(10)
Ammonia (Oct. 1 -Mar. 31)						1.94 (See note 10)	15.1	mg/L	1/Week	8-Hour Composite	(10)
Total Nitrogen (as N)						Report	Report	mg/L	1/Week	8-Hour Composite	
Total Nitrogen (as N)	3,553 (lbs/year)	Report (lbs/month)	Report (lbs/day)	See Notes					1/Month	Calculated	(1) (2) (3) (4) (5)
Total Suspended Solids (TSS)						10	20	mg/L	1/Week	8-Hour Composite	

I. SPECIAL CONDITIONSA. 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	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Total Suspended Solids (TSS)	6.6 (tons/year)	Report (lbs/month)	Report (lbs/day)	See Notes					1/Month	Calculated	(2) (3) (4) (5) (9)
Total Phosphorus (as P)						0.28	Report	mg/L	1/Week	8-Hour Composite	
Total Phosphorus (as P)	146 (lbs/year)	Report (lbs/month)	Report (lbs/day)	See Notes					1/Month	Calculated	(2) (3) (4) (5) (9)
Oil & Grease						10	15	mg/L	1/Week	Grab	
E. coli			0.80	billion MPN/Day		126	Report	MPN/100 mL	2/Week	Grab	(6)
Dissolved Oxygen					5			mg/L	2/Week	Grab	
Total Residual Chlorine						11	19	µg/L	1/Week	Grab	(7)
pH					6.5		8.5	s.u.	1/Week	Grab	
Total PFAS	0.0666 (lbs/year)	Report (lbs/month)	Report (lbs/day)	See Notes		Report	Report	ng/L	1/Month	Grab	(2) (3) (4) (8) (13)
Perfluorooctane-sulfonic acid (PFOS)						Report	Non-detect	mg/L	1/Month	Grab	(8) (11) (12) (13)
Perfluorooctanoic acid (PFOA)						Report	Non-detect	mg/L	1/Month	Grab	(8) (11) (12) (13)

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 250,000 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with Special Condition I.H, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit. (Note the permit limits established for Outfall 001 have taken into account a potential expansion of flow up to 1 million gallons per day (MGD), so this notification is not intended to suggest that a re-evaluation of limits will be warranted if flow exceeds 250,000 gpd.)

I. SPECIAL CONDITIONS

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

- (1) Total nitrogen is defined as the sum of ammonia, organic nitrogen, and nitrate-nitrite. Individual concentrations of each constituent shall also be reported. Testing for all forms of nitrogen must be performed on the same sample.
- (2) Report the Annual Maximum Loading Rate (AMLR) in unit of lbs/year. The AMLR should be reported in the space for Annual Maximum.
- (3) The Monthly Loading Rate (MLR) has units of pounds/month. The MLR should be reported in the space for Monthly Average. It is calculated using the equation below. The variable values input into the equation should be from the month for which the MLR is being calculated.

$$\text{Monthly Average Concentration of Parameter (mg/l)} \times \text{Monthly Average Flow (MGD)} \times 8.34 \times \text{Number of Days in the Month}$$

- (4) The Monthly Loading Rate (cumulative total for a whole month) must be reported each month. The Annual Maximum Loading Rate is a calculated parameter, in units of pounds per year, determined by summing the Monthly Loading Rates from January 1st through December 31st of the current calendar year. The AMLR shall be reported each month as the year-to-date cumulative load to that point each calendar year (i.e., on the March DMR, the AMLR will be reported as the sum of the MLRs for January, February, and March). The details and results of the required monthly and annual calculations shall be submitted as attachments to the applicable reports in NetDMR. The first exceedance of the annual maximum permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31.
- (5) 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).
- (6) 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. The E. coli load may not exceed 0.80 billion MPN/day.
- (7) The minimum level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below this minimum level as “NODI B” or “< 0.1 mg/L”. All results reported below the minimum level shall be considered in compliance.
- (8) The permittee shall use EPA Test Method 1633A for testing of per- and polyfluoroalkyl substances (PFAS), including perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). “Total PFAS” is defined as the sum of the congeners of PFAS which are included Table 1 of Method 1633A, not including EIS and NIS Compounds. A list of these 40 congeners is included as part of Special Condition S. The maximum allowable reporting limit for each congener is defined in Special Condition S (these are not default limits; the Department expects the permittee’s lab(s) will achieve lower PFAS reporting limits than the Maximum Allowable Reporting Limits). The permittee need not include any congeners below the lab reporting limit in its calculation of Total PFAS. All values above the reporting limit of the lab test performed must be reported and the value must be included in the calculation of “Total PFAS.” The permittee shall report Total PFAS on each report in NetDMR and attach results for all individual congeners (including any estimated quantities above the lab detection limits) to each monthly report in NetDMR. See Special Condition S for additional PFAS requirements.

I. SPECIAL CONDITIONS

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

- (9) 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.
- (10) The limitations listed in the monthly average column for ammonia shall be annual average limitations from the effective date of this permit until December 31, 2030. Beginning on January 1, 2031, these limitations shall become monthly average limitations. See Special Condition R for additional details.
- (11) The non-detect limitations for PFOS and PFOA become effective two years (24 months) after the effective date of this permit. Prior to the limitation becoming effective, the non-detectable level is considered an action level. If there is a detection of any PFAS congener, this is an exceedance of the action level and requires the permittee must implement a corrective action to attain non-detectable effluent levels. See Special Condition S.1 for specific requirements which are triggered upon exceedance of an action level.
- (12) Should the permittee request permit modification to adjust either the effective date or the value of the effluent limitations for PFOS and/or PFOA prior to the conclusion of the two-year (24-month) piloting period, the non-detectable level shall be continued as action levels (rather than becoming effluent limitations) until the Department makes a final determination regarding the permit modification request.
- (13) For compliance with the non-detectable limitation (or adherence to the non-detectable action level), the lab test result must be “non detectable,” “ND,” or below the reporting limit and the reporting limit of the lab test result must be no greater than 4 ng/L for PFOS or PFOA. For a test result to be valid for a given congener, the reporting limit of the lab test for the sample collected must be no greater than the corresponding maximum reporting limit identified in Special Condition S.

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 (BOD₅)” 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 BOD₅ 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:
$$\text{G.M.} = [(X_1)(X_2)(X_3) \dots (X_n)]^{\frac{1}{n}}$$
raised to the power of (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 = Σ WLA + Σ 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. Should the facility install new treatment which requires a different certification, it is the permittee's responsibility to maintain compliance with COMAR 26.06.01.16.

G. FLOW MONITORING

In lieu of providing measured flow (defined under Special Conditions in section B above) at Outfall 001, 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

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 fecal bacteria.

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.

To ensure the Chesapeake Bay and its tributaries are protected from discharges of sediments, nitrogen and phosphorus this permit may be reopened as a major modification to implement any future requirements associated with the Chesapeake Bay TMDL. At that time the permittee may become subject to a Department-issued General Permit for the discharge of such pollutants.

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 whole effluent toxicity (WET) at Outfall 001 using the biomonitoring results. The study plan shall include 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. If results from any of the required tests suggest toxicity in the effluent, the permittee shall repeat the required test within 60 days as a follow-up test. If toxicity is observed from the results of the follow-up test, the permittee shall be subject to the requirements specified in Section 10 below of this Special Condition.

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. Test results shall be expressed as LC₅₀.

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 dichlorination. The permittee shall collect 24-hour flow-proportioned composite samples unless the Department has given prior approval of an alternative sampling type.
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 the Department's "Effluent Biotoxicity Testing Protocol for Industrial and Municipal Effluents, Appendix E (Reporting Requirements for Effluent Biomonitoring Data), 01/23/2019".
7. If testing is not performed in accordance with an MDE-approved study plan, additional testing may 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 (LC₅₀ equal to or less than 100%) 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 the permittee completes a TRE in accordance with I.K.8.b and unacceptable toxicity is confirmed, a Whole Effluent Toxicity (WET) permit limit and a compliance schedule will be required.
10. To address federal NPDES requirements for WET testing and limits, MDE shall implement permit limits in a new or renewal permit when a WET test result shows reasonable potential for toxicity unless it can be demonstrated that the source of toxicity has been eliminated, inappropriate test procedures were utilized, or the source has been controlled via a chemical

specific permit limitation. Where reasonable potential has been assumed based on one test result, the permit shall include a WET limit effective within three years unless the effluent shows no toxicity in six follow-up quarterly tests. The permit may be modified to remove the WET limit if the six follow-up quarterly tests show no toxicity.

11. 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.
12. If a significant industrial user locates within the service area so that significant change in the nature of the wastewater might be anticipated, MDE may require the permittee to conduct a new set of tests.
13. The biomonitoring program study plan, WET test results and related materials shall be submitted electronically to the Department if the permittee has already been approved for the NetDMR tool. The material shall be attached as separate single files and labeled as "Biomonitoring Program Study Plan" and "WET Test Results" in the NetDMR tool. Otherwise, the permittee shall submit all pertinent physical documents to:

Attention: Whole Effluent Toxicity Coordinator
Compliance Program
Water and Science Administration
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Boulevard, Suite 420
Baltimore, MD 21230-1708

The permittee shall notify the Department at the above address or via email at mde.biomonitoring@maryland.gov immediately upon electronic submission of the biomonitoring program study plan, WET test results and associated material through NetDMR tool.

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. The permittee shall conduct the TRE in a manner consistent with the plan and schedule submitted to the Department.
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 every 60 days until the toxicity reduction confirmation is completed.

All TRE-related materials shall be submitted electronically to the Department if the permittee has already been approved for the NetDMR tool. The material shall be attached as a separate single file and labeled as "TRE" in the NetDMR tool. Otherwise, the permittee shall submit all pertinent physical documents to:

Attention: Whole Effluent Toxicity Coordinator
Compliance Program
Water and Science Administration
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Boulevard, Suite 420
Baltimore, MD 21230-1708

The permittee shall notify the Department at the above address or via email at mde.biomonitring@maryland.gov immediately upon electronic submission of TRE material through NetDMR tool.

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 measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. Implementation of the measures identified shall begin immediately upon submission of this 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

The permittee shall identify all pollutants expected to be discharged in the permit application. The permittee must notify the Department in writing within 30 days of detecting any pollutant not included in the application or record for this permit. If monitoring data or other reliable information indicate that a pollutant or any discharge has the reasonable potential to cause or contribute to an exceedance of water quality standards in COMAR 26.08.02.03, the Department may reopen and modify this permit to establish effluent limitations or additional monitoring requirements.

O. USE OF THE SUFFICIENTLY SENSITIVE TEST METHODS

In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O, for the analysis of pollutants or pollutant parameters limited in this permit. A method is considered "sufficiently sensitive" when either: (1) the method minimum level (ML) is at or

below the level of the effluent limit established in this permit for the measured pollutant or pollutant parameter; or (2) the method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O for the measured pollutant or pollutant parameter. The ML is not the minimum level of detection, but rather the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence. For the purposes of this permit, the detection limit is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).

P. GROUNDWATER MONITORING REQUIREMENTS

1. The permittee shall analyze one water sample collected every three months from each of the six (6) monitoring wells, as identified in the table below:

NPDES Designation	GPS Coordinates	
	Latitude	Longitude
MW #1	38.38929	-75.53574
MW #2	38.38826	-75.53016
MW #3	38.38641	-75.53382
MW #4	38.38444	-75.53179
MW #5	38.38348	-75.53382
MW #6	38.38345	-75.53713

2. Water samples may be obtained by either pumping or bailing the wells. Prior to taking the sample, a volume of water equal to 300% of the wetted volume of the casing and screen shall be removed.
3. Groundwater samples taken from the six (6) groundwater monitoring wells shall continue until at least six months following closure of the treatment lagoons on site.
4. Groundwater quality should not exceed the standards identified in the table below. Should any sample exceed a value in the table below, the permittee shall notify the Industrial and General Permits Division (email notification is sufficient) and WSA Compliance (via email at mde.wsacompliance@maryland.gov). The Department will evaluate any exceedances on a case-by-case basis, including any trends between multiple exceedances (should they occur). The Department reserves the right to reopen the permit to establish new requirements based on groundwater sampling results.

Parameter	Groundwater Quality Standards	Measurement Frequency	Type of Sample
NO ₃ (Nitrate)	10 mg/l	1/ 3 months	Grab
NO ₂ (Nitrite)	1 mg/l	1/3 months	Grab

TKN	(1)	1/3 months	Grab
Total Nitrogen (TKN + NO ₂ + NO ₃)	10 mg/l	1/3 months	Grab
pH	(1)	1/3 months	Grab
PO ₄ (Total Phosphate)	(1)	1/3 months	Grab
Total Dissolved Solids	500 mg/l	1/3 months	Grab
Chloride	250 mg/l	1/3 months	Grab
Fecal Coliform	Non-Detect	1/3 months	Grab

Q. WATER TREATMENT CHEMICALS

1. The permittee currently uses the following boiler water treatment chemicals in the wastewater discharged from Outfall 001:
2.
 - AF Squelch (defoamer)
 - Sodium Bisulfite
 - Sodium Hypochloride
 - 50% Caustic
 - 25% Caustic (use sporadically)
 - Sulfuric Acid (use sporadically)
 - Caustic Soda Beads (bagged caustic)
 - KCL Filling Solution (for pH electrodes)
 - FOC PD-9524 X (polymer)
 - Aluminum Chloride Solution
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 and General 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 shall not add any new chemicals or constituents without first submitting to the Department (Industrial and General 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.

R. COMPLIANCE SCHEDULE FOR AMMONIA

1. The permittee shall achieve full compliance with the ammonia monthly average limits in section I.A.1. Note 9 by no later than January 1, 2031. Compliance with the above limits shall be met by achieving the following interim requirements according to the schedule specified in the table below.

Item No.	Due Date	Action Required
1	January 1, 2025	Complete the preliminary design for the WWTP expansion and upgrade. Submit a report illustrating the design and any changes from the previous report. The report should include a summary of the findings from Geotechnical and Survey analyses. Specifically identify the portions of the upgrade which will contribute towards compliance with the monthly average ammonia limitations in Special Condition I.A. (NOTE: Item was received by the Department on 1/1/2025)
2	July 1, 2025	Provide a general progress report on activities completed over the previous six months (since the last report due). Per the timeline provided, preliminary engineering should be nearly complete at this time. (NOTE: Item was received by the Department on 7/1/2025)
3	August 1, 2025	The Stage 2 Preliminary Design shall be completed by this date. If the Stage 2 design was not completed and reported upon by the time of the previous required report (due 7/1/25), provide notice to the Department of its completion no later than this date. The report submitted shall include copies of the design which have been completed to date. (NOTE: Item was received by the Department on 8/1/2025)
4	January 1, 2026	Provide a general progress report on activities completed over the previous five (or six) months since the last report was submitted. Specifically, this report should include progress updates regarding contract bidding and inform the Department that the detailed engineering process has begun. (NOTE: Item was received by the Department on 12/30/2025)
5	July 1, 2026	Provide a general progress report on activities completed over the previous six months (since the last report due). Per the timeline provided, the Stage 3 Detailed Engineering report should have been completed and final review of this report by the company have begun. Additionally, the timeline provided indicates that permit applications for stormwater, E&SC, the Army Corps of Engineers, and Air should have been completed and submitted to applicable agencies. This report shall provide an update regarding those applications and anticipated dates for receipt.
6	November 15, 2026	The Stage 3 Detailed Design shall be completed by this date. Submit a report with a copy of the final detailed design outlining how the design is expected to comply with the monthly average ammonia limits in Special Condition I.A. This report shall also contain a list of selected equipment for the expansion/upgrade and projected lead times for securing such equipment based on current information.
7	January 1, 2027	Provide a report with updates regarding the progress towards obtaining required permits.
8	July 1, 2027	All necessary permits for construction of the WWTP expansion and upgrade shall be obtained by this date. Provide a general progress

Item No.	Due Date	Action Required
		report on activities completed over the previous six months (since the last report due). This report should identify all permits obtained and their effective dates. It should also include an update on the bidding process for the contractor for construction.
9	January 1, 2028	The permittee shall have selected a contractor for construction of the WWTP expansion and upgrade by this date. Provide a general progress report on activities completed over the previous six months (since the last report due). Per the timeline provided, equipment with long lead times shall have been ordered by this date and civil engineering/construction should have commenced. The report must include updates regarding the ordering of such equipment, anticipate timelines for receipt of equipment, and an update on all completed construction activities. It is also expected that the renewal application for this NPDES permit will be due within a few months of this date. (See the Reapplication Date on the final permit cover page). The renewal application must include an update on the anticipated date for completion of the WWTP expansion and upgrade.
10	July 1, 2028	Provide a general progress report on activities completed over the previous six months (since the last report due). Per the timeline provided, civil engineering/construction and foundation construction should have completed, and construction of any new buildings should have commenced.
11	January 1, 2029	Construction of all foundation and buildings, and installation of all equipment shall be completed by this date. Provide a report which outlines the dates when each portion of construction was completed. Further, provide an update on completion of any mechanical, piping, and electrical work.
12	July 1, 2029	All "long lead equipment" and transformers shall be received by this date. Provide a general progress report regarding completion of mechanical, piping, and electrical work as well as an updated timeline for completion of the overall project.
13	January 1, 2030	All mechanical and piping work shall be completed by this date. Provide a general progress report outlining details of the work completed and updates regarding completion of electrical work. Provide a detailed schedule anticipated for any additional construction work remaining, as well as for testing, start up, and shakedown of the completed WWTP.
14	February 1, 2030	All electrical work shall be completed by this date. If notice of completion of electrical work was not provided in the previous update (due January 1, 2030), provide such notification to the Department.
15	July 1, 2030	Provide a general progress report containing an update on any additional construction work which was completed since the prior report was due (5 or 6 months ago). If the schedule for testing, start up, and shakedown of the completed WWTP has changed, provide an updated timeline.
16	January 1, 2031	Monthly average limitations for ammonia outlined in Special Condition I.A become effective no later than this date.

2. Unless specifically otherwise requested, all progress reports and other documentation required for submittal as outlined in the table in Part 1 of this condition, above, shall be submitted via email to the Department's Industrial and General Permits Division (to the assigned permit writer and/or Division Chief) and to the Water and Science Administration Compliance Program (mde.wsacompliance@maryland.gov).
3. Reports of non-compliance with any of the above milestones shall be submitted within 14 days after missing the date. Such reports shall be submitted via email to mde.wsacompliance@maryland.gov or by mail to the following address:

WSA- Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE-420
Baltimore, MD 21230-1708

S. PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

1. **Action Level Requirements:** As stated in footnotes to Special Condition A of this permit, the non-detectable level for PFOS and PFOA are action levels, as opposed to effluent limitations, for the first two years (24 months) following the effective date of this permit. Should the permittee exceed the action level at any time, the permittee must implement a corrective action to restore effluent levels to non-detect for PFOS and PFOA. Upon receipt of effluent data which exceeds an action level, notification is required to the Water and Science Administration Compliance Program (WSACP) within the same timeframes specified for permit non-compliance in General Condition II.B.2. Within 14 days of completion of the corrective action, notification must be provided to WSACP and the Industrial and General Permits Division (mde.industrialwwpermits@maryland.gov) which documents the actions taken and outcomes. The permittee must maintain a running log of all corrective actions taken and make the log available upon request of Department personnel.
2. **Monitoring Results:** Beginning on the effective date of this permit, the permittee must maintain a spreadsheet containing the sample results for Total PFAS and each of the 40 congeners for all effluent samples collected for per-and polyfluoroalkyl substances at Outfall 001. At the conclusion of calendar year, the permittee shall submit the spreadsheet by attaching it to the January submission in NetDMR and by emailing it to mde.industrialwwpermits@maryland.gov. The spreadsheet shall contain the sample results updated through the previous calendar year. The spreadsheet must also be submitted to the Department as an attachment to the next renewal application. Additionally, the permittee must provide an updated copy of the spreadsheet at any time if requested by the Department.
3. **Progress Reports:** The permittee must also draft a quarterly progress report regarding the treatment system utilized for PFAS removal. The progress report must describe operations of the treatment system including media management and avoiding pollutant breakthrough, summarize any challenges faced with the treatment system including delays in treatment and/or temporary diversion or bypass of any treatment components, and discuss any changes in operation which are being considered to optimize treatment for the upcoming year. The progress report for each quarter must be attached to the following month's submission in NetDMR and emailed to mde.industrialwwpermits@maryland.gov.
4. **Permit Reopener:** The Department may reopen this permit to establish new requirements for PFAS based on monitoring results from the permittee or the Department, new requirements

established pursuant to State law, or for any other reason provided in 40 CFR §§ 122.62 or 122.63.

5. **List of PFAS Congeners:** The list of 40 congeners included in “Total PFAS” for the purposes of this permit, the common abbreviation and CAS Number for each, and the maximum allowable reporting limit are in the table below:

List of Congeners Comprising “Total PFAS”

Target Analyte Name	Abbreviation	CASRN	Maximum Allowable Reporting Limit (ng/L)
Perfluoroalkyl carboxylic acids			
Perfluorobutanoic acid	PFBA	375-22-4	16
Perfluoropentanoic acid	PFPeA	2706-90-3	8
Perfluorohexanoic acid	PFHxA	307-24-4	4
Perfluoroheptanoic acid	PFHpA	375-85-9	4
Perfluorooctanoic acid	PFOA	335-67-1	4
Perfluorononanoic acid	PFNA	375-95-1	4
Perfluorodecanoic acid	PFDA	335-76-2	4
Perfluoroundecanoic acid	PFUnA	2058-94-8	4
Perfluorododecanoic acid	PFDoA	307-55-1	4
Perfluorotridecanoic acid	PFTTrDA	72629-94-8	4
Perfluorotetradecanoic acid	PFTeDA	376-06-7	4
Perfluoroalkyl sulfonic acids			
Perfluorobutanesulfonic acid	PFBS	375-73-5	4
Perfluoropentanesulfonic acid	PFPeS	2706-91-4	4
Perfluorohexanesulfonic acid	PFHxS	355-46-4	4
Perfluoroheptanesulfonic acid	PFHpS	375-92-8	4
Perfluorooctanesulfonic acid	PFOS	1763-23-1	4
Perfluorononanesulfonic acid	PFNS	68259-12-1	4
Perfluorodecanesulfonic acid *	PFDS	335-77-3	4
Perfluorododecanesulfonic acid *	PFDoS	79780-39-5	4
Fluorotelomer sulfonic acids			
1H,1H,2H,2H-Perfluorohexane sulfonic acid	4:2FTS	757124-72-4	15
1H,1H,2H,2H-Perfluorooctane sulfonic acid	6:2FTS	27619-97-2	15
1H,1H,2H,2H-Perfluorodecane sulfonic acid	8:2FTS	39108-34-4	15
Perfluorooctane sulfonamides			
Perfluorooctanesulfonamide	PFOSA	754-91-6	4
N-methyl perfluorooctanesulfonamide	NMeFOSA	31506-32-8	4
N-ethyl perfluorooctanesulfonamide	NEtFOSA	4151-50-2	4
Perfluorooctane sulfonamidoacetic acids			
N-methyl perfluorooctanesulfonamidoacetic acid	NMeFOSAA	2355-31-9	4
N-ethyl perfluorooctanesulfonamidoacetic acid	NEtFOSAA	2991-50-6	4
Perfluorooctane sulfonamide ethanols			
N-methyl perfluorooctanesulfonamidoethanol	NMeFOSE	24448-09-7	40
N-ethyl perfluorooctanesulfonamidoethanol	NEtFOSE	1691-99-2	40
Per- and Polyfluoroether carboxylic acids			
Hexafluoropropylene oxide dimer acid	HFPO-DA	13252-13-6	8
4,8-Dioxa-3H-perfluorononanoic acid	ADONA	919005-14-4	8

Target Analyte Name	Abbreviation	CASRN	Maximum Allowable Reporting Limit (ng/L)
Perfluoro-3-methoxypropanoic acid	PFMPA	377-73-1	16
Perfluoro-4-methoxybutanoic acid	PFMBA	863090-89-5	15
Nonafluoro-3,6-dioxaheptanoic acid	NFDHA	151772-58-6	7
Ether sulfonic acids			
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	756426-58-1	15
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	763051-92-9	15
Perfluoro(2-ethoxyethane)sulfonic acid	PFEESA	113507-82-7	8
Fluorotelomer carboxylic acids			
3-Perfluoropropyl propanoic acid	3:3FTCA	356-02-5	20
2H,2H,3H,3H-Perfluorooctanoic acid	5:3FTCA	914637-49-3	100
3-Perfluoroheptyl propanoic acid	7:3FTCA	812-70-4	100

T. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

The permittee shall maintain active coverage under Maryland's *General Permit for Discharges from Stormwater Associated with Industrial Activities* (current permit registration number is 20-SW-3337).

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 QUARTERLY

Monitoring results obtained during each calendar quarter shall be summarized and submitted electronically using NetDMR. For each effluent characteristic monitored at a frequency of less than once per month the results obtained during the reporting period shall be summarized on a single report for each quarter. More frequently monitored effluent characteristics and effluent characteristics limited as a monthly average shall be reported on a separate report for each calendar month of the reporting period. Results shall be submitted to the Department via NetDMR no later than the 28th of the month following the end of the reporting period. Specific requirements regarding submittal of data and reports 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. The permittee must apply for access to NetDMR at 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. 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 one (1) year 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.

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 the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying 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

limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying 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 may require additional permits. In addition to adhering to all other applicable requirements, wastes 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, in accordance with the provisions set forth in COMAR 26.08.04.10, 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 Permittee shall be subject to civil penalty set forth in 33 U.S.C. § 1319 (d) of the Clean Water Act as adjusted for inflation according to 40 CFR, §19.4.

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 Permittee shall be subjected to criminal penalty set forth in 33 U.S.C. § 1319 (c).

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.

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

Map of Monitoring Wells and Outfall 001 Locations

