



**GENERAL PERMIT FOR DISCHARGES FROM
 SEAFOOD PROCESSING FACILITIES**

DISCHARGE PERMIT NO. 21-SE

NPDES PERMIT NO. MDG52

Effective Date: November 1, 2022 **Expiration Date:** October 31, 2027

Table of Contents

PART I. APPLICABILITY AND COVERAGE	4
A. Geographic Coverage	4
B. Facilities Covered	4
C. Limitations on Coverage	4
D. Prohibited Discharges	4
E. Eligible Discharges	5
F. No Exposure Certification	5
G. Alternative Permit Coverage	5
H. Continuation of an Expired General Permit	6
I. Duty to Reapply	6
PART II. AUTHORIZATION UNDER THIS PERMIT	6
A. How to Obtain Authorization	6
B. Transfer of Authorization	8
C. Changes in Permit Coverage	9
D. Deadlines for Coverage	10
E. Required Signatures	10
F. Failure to Notify	11
G. Additional Notification	11
PART III. CONTROL MEASURES AND EFFLUENT LIMITS.....	12
A. Control Measure Requirements	12
1. Technology-Based Limits	12
2. Water Quality-Based Effluent Limitations	14
3. Alternatives to Surface Water Discharges.....	15
4. Removed Substances	15
B. Stormwater Pollution Prevention Plan (SWPPP) Requirements	16
PART IV. INSPECTIONS, MONITORING AND REPORTING	17

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

A.	Routine Facility Inspection	17
B.	Representative Sampling	17
C.	Sampling and Analytical Methods	18
D.	Data Recording Requirements	18
E.	Monitoring Equipment Maintenance	18
F.	Additional Monitoring by Permittee	18
G.	Electronic Reporting Requirement	18
H.	Records Retention	19
PART V. CORRECTIVE ACTIONS		19
A.	Noncompliance with Discharge Limits	19
B.	Conditions Requiring Corrective Actions to Ensure Effluent Limits are Met	19
C.	Corrective Action Deadlines	20
D.	Effect of Corrective Action	20
E.	Corrective Action Documentation	20
PART VI. STANDARD TERMS AND CONDITIONS		21
A.	Duty to Comply	21
B.	Property Rights.	21
C.	Water Construction and Obstruction	21
D.	Right of Entry	21
E.	Duty to Provide Information.	22
F.	Availability of Reports	22
G.	Submitting Additional or Corrected Information	22
H.	Removed Substances	22
I.	Toxic Pollutants	22
J.	Oil and Hazardous Substances Prohibited	22
K.	Proper Operation and Maintenance.	22
L.	Bypass	23
M.	Upset	23
N.	Need to Halt or Reduce Activity Not a Defense.	23
O.	Duty to Mitigate	23
P.	Permit Actions.	23
Q.	Severability.	24
R.	Reopener Clause for Permits	24
S.	Civil and Criminal Liability	24
T.	Action on Violations	24
U.	Civil Penalties for Violations of Permit Conditions.	24

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

V. Criminal Penalties for Violations of Permit Conditions.	24
W. Administrative Penalties for Violations of Permit Conditions.	25
PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS.....	26

APPENDICES

- Appendix A - Definitions, Abbreviations and Acronyms
 - Appendix B - 21-SE SWPPP Template
 - Appendix C - Effluent Limitation Tables
-

PART I. APPLICABILITY AND COVERAGE

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Maryland Department of the Environment (the Department), hereby authorizes operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department, to discharge industrial stormwater and wastewater from seafood processing facilities described herein to waters of this state in accordance with the eligibility requirements and other conditions set forth in this permit and consistent with the permittees' NOI on file with the Department. "You" and "Your" are used in this permit to refer to the permittee or the permit applicant, as the context indicates, and that party's facility or responsibilities.

A. Geographic Coverage

This permit covers discharges to surface or groundwater located within the territorial boundaries of the state of Maryland.

B. Facilities Covered

To be eligible to discharge wastewater from seafood processing operations and/or industrial stormwater runoff associated with these facilities under this permit you must either:

1. have been covered under previous 11-SE permit; or
2. be a facility or establishment identified by primary Standard Industrial Classification (SIC) codes 2091 (Canned and Cured Fish and Seafoods) and/or 2092 (Prepared or Frozen Fish and Seafoods); or SIC codes 2031 or 2036 where processors of oily species such as menhaden and anchovy for fish meal, oil and solubles, including the reduction of fish waste when processed at the same facility; or
3. be notified by the Department that your Seafood processor operation is eligible for coverage. (No permit coverage is required for discharges from outdoor crab shedding operations or for operations where organisms are rinsed, and sediment is discharged directly to the originating waterbody with no persistent plume.)

C. Limitations on Coverage

The following activities or discharges are not eligible for coverage under this permit:

1. Sanitary wastewater discharges, including commingled sanitary and other wastewater discharges;
2. Wastewater discharges from chemical stripping operations and any stormwater which commingles with such wastewaters;
3. In-water washing of boat bottoms painted with soft abrasive paints, or paints which create visible plume;
4. Removal of any paints while the vessel is in water;
5. Any wash water containing soaps or any detergents, regardless of whether they are labeled 'biodegradable' or 'green';
6. Stormwater discharges associated with construction activity, as defined in 40 CFR 122.26(b)(15); or
7. Discharges whose National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at the request of the permittee) or denied, or those discharges for which the Department requires an individual permit.

D. Prohibited Discharges

If you are covered under this permit, a discharge to waters of this state that contributes to a violation of a water quality standard is a permit violation and subject to corrective actions (see Part V).

E. Eligible Discharges

This permit covers the following discharges:

1. Wastewater from seafood processing operations including crabs, oysters, and fish (Part III.A.1.a);
2. Auxiliary discharges which are limited to noncontact cooling water, ice machine drainage, steam or cooling coil condensate (Part III.A.1.b);
3. Industrial Storm water runoff associated with your seafood processing operations (Part III.A.1.c);
4. Pavement and dock wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
5. Routine external building wash down that does not use detergents and where any dislodged paint chips are filtered; and
6. crab shedding tray overflow.

F. No Exposure Certification

If you are eligible for authorization to discharge pursuant to this permit and meet the requirements for a no exposure exclusion from industrial stormwater permitting under 40 CFR 122.26(g), you may file a No Exposure Certification to be exempted from the stormwater requirements (Part III.A.3) and SWPPP requirements (Part III.B). Upon written notice from the Department that you have met the requirements, you are no longer required to comply with the terms and conditions of the stormwater requirements of this permit.

1. To qualify for this certification, you must first verify that there is no potential for the stormwater discharged from your facility to waters of this state to be exposed to pollutants in accordance with the criteria established by the Department on form PER.067 (found on MDE's website or at the link <https://mdewwp.page.link/NEForm>).
2. You are required to provide photographic evidence to support your claim which must include, at a minimum: satellite image of your property, your dumpsters, outside storage areas, loading docks, material handling areas, and parking areas.
3. If you qualify, you will submit the completed and appropriately signed form to the Department, along with the required written certification according to the deadlines of this permit (Part II.B) or as an attachment to your NOI.
4. The exemption is non-transferable and is only valid while this permit is in effect. Should this permit be administratively continued, you must submit a No Exposure Certification to the Department at least once every five years.

G. Alternative Permit Coverage

The Department may require you to obtain, or you may request, an individual permit or coverage under another general permit as described below, even though you may be eligible for coverage under this permit. If the Department requires you to apply for and obtain another permit and you do not apply as required, the Department may terminate your coverage under this permit. This termination is effective at the end of the day specified by the Department for the required application or Notice of Intent (NOI) to be submitted, after which you must cease discharges that were covered by this permit.

1. If the Department determines that a discharge from your facility may cause an exceedance of water quality standards in the receiving stream, the Department may require additional actions, including obtaining an individual permit or coverage under another general permit.
 2. The Department may require any person authorized by this permit to apply for and obtain an individual state or state/NPDES discharge permit or obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for the Department-required individual state or state/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as established by this condition, the applicability
-

of this permit to the owner or operator is automatically terminated. Effective at the end of such day that was specified by the Department for the application or NOI to be submitted, this permit is terminated and the permittee's continuance of discharges that are covered by this permit is no longer authorized.

3. You may request to be excluded from coverage under this permit by applying for an individual state or state/NPDES discharge permit or requesting coverage under another general permit. The Department may grant this request by issuing an individual state or a state/NPDES discharge permit or by granting coverage under another general permit, if the reasons cited by the owner or operator are adequate to support the request. If you are issued an individual NPDES permit, the Department may terminate your coverage under this permit.
4. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of the discharging facility may be required to obtain an individual state or a state/NPDES discharge permit or coverage under another general permit.
5. If a person otherwise covered under this permit is denied coverage under an individual state or a state/NPDES discharge permit, the denial automatically terminates on the date of the denial, the person's coverage under this general permit, unless otherwise specified by the Department.

H. Continuation of an Expired General Permit

Unless this permit is terminated by the Department, an expired general permit continues in full force and effect during the period that the Department is drafting a new general permit and until the date(s) specified under a reissued general permit. If you wish to continue an activity regulated by this permit after the expiration date of this permit, you shall submit a Continuation of Registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. Notices of Intent or Continuation of Registration statements submitted later than the expiration date of the existing permit will not be accepted by the Department.

I. Duty to Reapply

If you wish to continue an activity regulated by this permit under a renewed general permit, you must apply for and obtain authorization as required by the new permit once the Department issues it.

PART II. AUTHORIZATION UNDER THIS PERMIT

A. How to Obtain Authorization

If you are eligible for coverage under this permit (PART I), to obtain authorization you must

- Select, design, install, and implement control measures to meet numeric and non-numeric effluent limits (Part III.A); and
- Submit a complete and accurate Notice of Intent (NOI) (Part II.A.1) or Permit Transfer Request (Part II.B) with Permit Fee as indicated below (Part II.A.4); and
- Develop and submit to the Department a Site Map (Part II.A.2); and either
 - a Stormwater Pollution Prevention Plan (SWPPP), using the SWPPP template in Appendix B, or using a Department approved alternative that meets the permit requirements (Part III.B); or
 - an industrial stormwater No Exposure Certification (Part I.F).

Based on a review of your NOI or Transfer Request, the Department may delay your authorization for further review, notify you that additional effluent limitations are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the

delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1. Notice of Intent (NOI)

Applicants shall complete all required information on this permit's corresponding NOI form found at <https://mdewwp.page.link/SEGP>, or an equivalent electronic (eNOI) form provided by the Department. Detailed instructions are included on the NOI or eNOI form. If you operate multiple facilities, you must submit an NOI or eNOI for each noncontiguous site. Once the eNOI electronic form is available, all applicants must use the eNOI form. However until the eNOI is available the completed and signed copy of the NOI should be sent to the following address:

Maryland Department of the Environment
P. O. Box 2057
Baltimore, MD 21203-2057

You are required to provide the following information on the appropriate form:

- a. Facility Operator information including name, mailing address, email address, telephone number, IRS Employer Identification Number (EIN) and Worker's Compensation Insurance company and policy.
- b. Facility information, including the facility location (physical address and coordinates in degrees decimal) and verification that this is a new discharger or of any preexisting NPDES permit number for seafood processor coverage.
- c. Receiving waterbody(ies) 8-digit watershed identifier for your discharge.
- d. Type of seafood and pounds processed.
- e. Discharge type (surface water or alternative (see Part III.A.3)) and flow (expressed in gallons per day) for each outfall (discharge point) and describe each outfall and monitoring point.
- f. Signatory name, title and contact information and space for the actual signature.
- g. Provide the NOI preparer information, including phone number and email address.

2. Site Map

- a. A site map shall be included with the NOI identifying discharge locations (include any surface water or alternative discharges). The map should provide significant points of reference (i.e., road, building, bulkhead, etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point.
- b. A latitude and longitude must be provided for each surface water discharge point. All locations are to be provided in the North American Datum (NAD83), Geographic Projection of Latitude/Longitude in Decimal Degrees.
- c. The sampling point(s) shall also be identified on the map. Include references such as "beneath batch cooker" to provide a specific location in the building.

3. Stormwater Pollution Prevention Plan (SWPPP)

Proper formats for submitting your SWPPP are provided below.

- a. You should not include any confidential information in your submitted SWPPP, which will be a public document available for review by the public.
 - b. You must submit an electronic copy of the SWPPP to the Department and have a hard copy available onsite. Your electronic copy (PDF, JPEG or Word) of the SWPPP must be provided to the Department by one of these methods.
 - i.) Including a file on electronic media (CD, DVD, USB drive, or other approved media) along with your mailed copy of the NOI.
 - ii.) Emailing the file to swppp.permit@maryland.gov when you send your NOI to the Department. The email cannot exceed 25 MB and so you may need to use more
-

than one email to deliver the entire file. The email subject line should include "21SE", your previous registration number (if you did have previous coverage under 11SE) and your facility name.

- iii.) Posting a copy of the SWPPP using your NetDMR account when you send your NOI to the Department.
- iv.) Including a link (URL) to your SWPPP on your NOI, which provides access to your SWPPP on a publicly available company website.
- v.) Other electronic means that you make accessible to the Department such as a link to DropBox, Google Drive, SkyDrive, etc.

4. Permit Fee

- a. You must submit the permit fee to the Department with the completed NOI for the fee amount in effect at the time that the payment is due as specified in COMAR 26.08.04.09-1(E.2). Facilities owned and/or operated by local and state governments are not required to pay the fee.
- b. Make the fee payable to the Maryland Department of the Environment and send it together with the completed NOI to:

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21203-2057

- c. If you pay the fee by a check that does not clear for any reason, you will have 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, your coverage under this permit must be considered void from the outset. You should save the canceled check, a copy of the completed NOI, and the letter confirming your authorization from the Department. These documents must be provided to the Department upon request.
- d. A new owner of a facility because of a transfer of ownership is responsible for any fees unpaid by the former owner.
- e. Any permittee making changes in the Average Daily Discharge that may alter fees is required to give notice as described in Part II.H.

B. Transfer of Authorization

For transfer of ownership, you can complete the Permit Transfer Request Form found on the Department's website <https://mdewwp.page.link/GPXferForm>. Detailed instructions are included with the form. If you operate multiple facilities, you must submit a Transfer Request for each noncontiguous site. The authorization under this permit is not transferable to any person except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

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

C. Changes in Permit Coverage

Certain planned changes in stormwater discharge or termination of permit coverage, both described below in this section, require notification to the Department's Water Permits Program at this address:

Maryland Department of the Environment
Wastewater Permits Program
1800 Washington Blvd, Ste 455
Baltimore, MD 21230

1. Submit a Notice of Termination

To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT), found on MDE's website at <https://mdewwp.page.link/GPNOT>, to the Department's Wastewater Permits Program (Part II.E.2). Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part II.C.2. below, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

2. When to Submit a Notice of Termination

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- All operations at your facility have permanently ceased and there will be no further exposure of stormwater to any industrial activity, process, material, or transport at the facility; or
- You move your operation to a new location (After submitting an NOT you must then apply for coverage at the new location per Part II.); or
- A new owner or operator has taken over responsibility for the facility; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

3. Planned Changes

When possible, consider the contours/elevations at a particular site and aim to site new structures on the higher elevations at a site and put parking or other structures that can be flooded at the lower elevations, in anticipation of climate change effects. You must give written notice to Department's Water Permits Program as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan; or
 - d. Anticipated Noncompliance Notification - You shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
-

D. Deadlines for Coverage

You will be in violation of state and federal requirements to obtain a permit and subject to enforcement action by the Department if you fail to obtain authorization (Part II.A. i) in a timely manner as provided in the following table. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Table 2. Submittal Deadlines

Category	Coverage Submittal Deadline
Existing Dischargers – in operation as of the effective date of this permit and previously authorized for coverage under 11-SE.	Within 90 days after the effective date of this permit. Authorization to discharge under 11-SE continues in the interim.
New Dischargers or New Sources.	A minimum of 60 days prior to commencing discharge.
New Owner/Operator of Existing Discharger - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit.	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
Other Eligible Dischargers – in operation prior to permit effective date, but not covered under the 11-SE or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.
Changes in Discharge	If changes at the facility increase or decrease discharges, if you add outfalls, if you change the type of discharge which changes limits, submittal is required, at most, 30 days prior to the date.

E. Required Signatures1. Certification.

Any person signing an NOI shall make the following certification as part of the NOI.

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

2. Signatories.

All permit documents shall be signed as follows:

- a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

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

3. Report Submission

- a.** All reports required by permits, and other information requested by the Department shall be signed by a person described in Part II.E.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i.)* The authorization is made in writing by a person described in PART II.E.2;
 - ii.)* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and
 - iii.)* The written authorization is submitted to the Department.
- b.** Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part V, and all reports submitted to the Department, must be signed by a person described in Part II.E.2 above or by a duly authorized representative of that person.

F. Failure to Notify

If you (1) engage in an activity covered under this permit, (2) fail to notify the Department of your intent (Part II.A) to be covered under this permit within the deadlines established in this permit (Part II.D) , and (3) discharge to waters of this state without an individual NPDES discharge permit, then you are in violation of the Federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

G. Additional Notification

If stormwater from your facility discharges into a Municipal Separate Storm Sewer System (MS4) you must notify the MS4 that you are registered under this permit if the system is regulated by a NPDES permit. If the MS4 notifies you of additional requirements that you must meet to discharge into that system then you must comply with those requirements to stay eligible for this permit.

PART III. CONTROL MEASURES AND EFFLUENT LIMITS**A. Control Measure Requirements**

Control measure requirements for seafood processors include the following: Technology-Based Limits (Part III.A.1), Water Quality-Based Limits (Part III.A.2) and Alternatives to Surface Water Discharge (Part III.A.3).

1. Technology-Based Limits

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the non-numeric effluent limits, as described below and numeric effluent limits in Appendix C. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Specific requirements follow:

- a. Seafood Processing Wastewater Discharges: If you are a processor subject to one of the effluent limitations guidelines identified in the following Table, you must meet the effluent limits referenced in Appendix C (exceptions in Part III.A.3).

<i>Regulated Activity</i>	<i>Category in Appendix C</i>
Conventional (Handpicked) Blue Crab Processing—Existing Sources Processing More Than 3,000 Pounds Of Raw Material Per Day On Any Day	Part 1
Mechanized Blue Crab Processing—All Existing Sources	Part 2
Conventional (Handpicked) Blue Crab Processing—All New Sources	Part 3
Mechanized Blue Crab Processing—All New Sources	Part 4
Shucked Oyster Processing Facilities, Existing Facilities	Part 5
Shucked Oyster Processing Facilities, New Sources	Part 6
Steamed and Canned Oyster Processing – All New Sources	Part 7
Hand-Shucked Clam Processing—All New Sources	Part 8
Scallop Processing – New Sources	Part 9
Non-Breaded Shrimp Processing—All New Sources	Part 10
Breaded Shrimp Processing—All New Sources	Part 11
Tuna Processing—All New Sources	Part 12
Conventional Bottom Fish Processing—All New Sources	Part 13

Mechanized Bottom Fish Processing—All New Sources	Part 14
Farm-Raised Catfish Processing—All New Sources	Part 15
Herring Processing—All New Sources	Part 16
Fish Meal	Part 17
Other Seafood Processors	Part 18

- b. Cooling Water Condensate and Non-Contact Cooling Water Discharges:** This permit authorizes the discharge, without limits or monitoring, of cooling water and condensate water as long as the discharge is non-contact cooling water not containing additives and the condensate water does not come in contact with any contaminants associated with the site activities. Examples of such discharges are ice machine drainage, condensate from cooling coils or steam, and once-through non-contact cooling water.
- c. Stormwater Pollution Prevention:** In the technology-based limits included in this part (Part III.A.1.c), the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.
- i.) Control Measure Selection and Design Considerations**
 You must consider the following when selecting and designing control measures for all areas of the facility with point source discharges of stormwater associated with industrial activity:
- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
 - assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
 - minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, pervious pavement, or improving soils on-site by adding organic matter, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
 - attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
 - conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality;
 - using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants; and
 - adapting operations to address climate change impacts by implementing structural improvements, enhanced pollution prevention measures, and other mitigation measures, to minimize impacts from stormwater discharges from major storm events that cause extreme flooding conditions.

ii.) Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)

Minimize Exposure. All materials stored on site shall be covered to minimize contact with stormwater runoff.

Good Housekeeping. You must practice good housekeeping by maintaining a clean, orderly facility. Property shall be cleared of all debris at least daily. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment).

Maintenance. You must practice preventive maintenance, including cleaning any oil/water separators or catch basins located on the site. Disposal of any substances shall be in accordance with Part III.A.4.

Spill Prevention and Response Procedures. You must establish written procedures for cleaning up spills of any materials kept on site, including procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur. The necessary equipment to implement a cleanup shall be available to the appropriate personnel. The permittee shall notify the Department of any spills or other discharges as detailed under PART V.

Erosion and Sediment Controls. You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants.

Employee Training. All employees shall be trained in the implementation of the storm water pollution prevention practices. Documentation of the training shall be maintained and kept on-site.

Waste, Garbage and Floatable Debris. You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged. The Department recommends practices including placing garbage or recycling containers at traffic areas, and identifying a schedule for personnel to walk site for trash and litter daily/weekly/monthly, etc.

Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and offsite tracking of raw, final, or waste materials.

Non-Stormwater Discharges. You must eliminate non-stormwater discharges not authorized by a NPDES or State discharge permit. See Part I.E.3 for a list of non-stormwater discharges authorized by this permit.

Salt Storage Piles or Piles Containing Salt. You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES or State discharge permit.

2. Water Quality-Based Effluent Limitations

Your discharge must be controlled as necessary to meet applicable water quality

standards. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. There shall be no discharge that causes visible oil sheen, visible plume of sediments and 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. If at any time you become aware, or the Department determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, then you must (1) take corrective action, (2) document the corrective actions, and (3) report the corrective actions to the Department's Water and Science Administration Compliance Program as required by Part V. Additionally, if information in your NOI or required reports or if information from other sources indicates that your discharge is not controlled as necessary to meet applicable water quality standards, the Department may impose additional control measures on a site-specific basis or require you to obtain coverage under an individual permit. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA established or approved TMDL.

3. Alternatives to Surface Water Discharges

You may select a discharge option alternative other than to surface waters. Wastewater discharged solely via the following alternative methods (i.e. not discharged to surface waters), are waived of the discharge limits identified in Part III.A.1.a and Appendix C.

a. Groundwater Discharges

This permit authorizes discharges to groundwaters of the State. Discharge to groundwaters may not result in ponding of wastewater, identifiable seepage or wastewater runoff into surface waters. Discharge methods include:

- i.) drainfield*
- ii.) seepage pit*
- iii.) overland flow*
- iv.) infiltration basin*
- v.) land application (Note: If discharging via land application, wastewater cannot be land applied onto bare ground, saturated or snow covered soil or frozen ground. Land application of wastewater is prohibited during winter months (December 15 - February 28). A minimum setback distance of 35 feet must be maintained between the edge of land applied wastewater and any surface water body. In addition, the permittee may be required to obtain and comply with a Nutrient Management Plan), and*
- vi.) other Department approved disposal methods.*

b. Offsite Disposal

When utilizing offsite disposal, you must record the amount of wastewater and the date it is hauled offsite.

c. Sanitary Sewer

For discharges to sanitary sewer, you must work with the wastewater treatment plant authority and abide by their pretreatment and reporting requirements.

4. Removed Substances

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from being discharged to waters of this state. An exception is made for the return, for seed purposes only, of oyster shells to oyster beds. The permittee shall keep a record of the

following, and make it available to the Department upon request:

- a. The location of all areas used for the disposal of any removed substances as described above;
- b. The physical, chemical and biological characteristics of the removed substances (as appropriate), quantities of any removed substances handled, and the method of disposal; and
- c. Identification of the contractor or subcontractor, their mailing address and the information specified in Section 4.a and 4.b above if disposal is handled by persons other than the permittee.

B. Stormwater Pollution Prevention Plan (SWPPP) Requirements

The SWPPP is intended to document the selection, design, and installation of control measures. The SWPPP does not contain effluent limitations; the limitations for stormwater are contained in Part III.A.1.c of the permit. Your SWPPP must contain all of the following elements, as described below (these same elements are contained in the template in Appendix B).

- Stormwater pollution prevention team (see Part III.B.1);
- Site description (see Part III.B.2);
- Summary of potential pollutant sources (see Part III.B.3);
- Description of control measures (see Part III.B.4);
- Schedules and procedures (see Part III.B.5); and
- Signature requirements (see Part III.B.6).

The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with major storm events. As distinct from the SWPPP, the additional documentation requirements (see Part IV.H) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

1. Stormwater Pollution Prevention Team

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team.

2. Site Description

Your SWPPP must include a site map showing:

- a. the size of the property in acres;
- b. directions of stormwater flow (use arrows);
- c. locations of all receiving waters in the immediate vicinity of your facility;
- d. locations of all stormwater conveyances including ditches, pipes, and swales;
- e. locations of all stormwater monitoring points;
- f. locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc);
- g. locations of significant structures and impervious surfaces;
- h. locations of any liquid storage tanks;
- i. locations of any processing storage areas;
- j. locations of loading and unloading areas;
- k. locations used for treatment, storage, and disposal of facility wastes;
- l. locations of any salt storage;
- m. locations of any major pieces of machinery or equipment.

3. Summary of Potential Pollutant Sources

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Document in your SWPPP, in addition to seafood processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds. You must also document any control measures which are in place to address the potential pollutants.

4. Spills and Leaks

You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks.

5. Schedules and Procedures

You must document schedules and procedures relating to control measures Used to Comply with the Effluent Limits in Part III.A.1.c.ii.

6. Inspections and Reports

You must keep copies of all inspection reports, monitoring data, reports, and corrective action documentation (Part V.E) with your SWPPP, consistent with, but not limited to, the documents identified in Part IV below.

7. Signature Requirements

You must sign and date your SWPPP in accordance with Part II.E, including the date of signature.

8. Required SWPPP Modifications

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part V and to ensure that they do not reoccur.

PART IV. INSPECTIONS, MONITORING AND REPORTING

You must conduct the following inspections (Part IV.A). You must monitor your discharges in accordance with the following monitoring procedures (Part IV.B-IV.F). You must report monitoring results according to the following requirements (Part IV.G-Part IV.H). You must keep a copy of the documentation from all inspections and evaluations onsite (Part IV.H).

A. Routine Facility Inspection

At least once per quarter, you must conduct a site assessment when discharges are occurring, that will review the effectiveness of your pollution prevention efforts. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. Inspect at a minimum the following areas where the potential for exposure to stormwater exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment. The facility inspections must be documented with a checklist for presence of color, oil sheen, odor, floating solids, settled solids, suspended solids, or foam (you may use the checklists in the SWPPP Template in Appendix B). The checklist must include an indication that the site is in compliance with this permit, or a record of the deficiencies and necessary follow up actions. Refer to Part V Corrective Actions for actions required and deadlines for addressing issues identified.

B. Representative Sampling

Required samples and measurements for the parameters you are subject to (Part III.A.1.a

and as found in Appendix C) shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other permitted discharges of wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

C. Sampling and Analytical Methods

The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

D. Data Recording Requirements

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

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;
3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

E. Monitoring Equipment Maintenance

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

F. Additional Monitoring by Permittee

If you monitor any pollutant more frequently than required by this permit, you shall use approved analytical methods as specified in Part IV.C above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Part IV.G below.

G. Electronic Reporting Requirement

You must summarize and submit monitoring information electronically using NetDMR once you are granted access to this tool, unless you demonstrate a reasonable basis that precludes the use of NetDMR. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

1. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. You must apply for access to NetDMR at www.epa.gov/netdmr and register for a NetDMR Webinar, unless you are able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs ("opt-out request"). Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within six (6) months of authorization under this permit, including applying for access within one (1) month of being registered.
 2. Opt-out requests must be submitted in writing to the Department for written approval at least sixty (60) days prior to the date you would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed opt-out request and such request is approved by the Department. All opt-out requests and subsequent hardcopy DMRs should be sent to the following addresses with
-

“Attn: DMRs”: Maryland Department of the Environment WSA – Compliance Program
1800 Washington Blvd., Suite 425 Baltimore, MD 21230

3. If you are required to perform monitoring and report for specific pollutants you must report the monthly measurements no later than 28 days following the end of each calendar quarter (March, June, September and December), and according to the other Monitoring Procedures (Part IV.B-IV.F). Failure to sample and report is considered a permit violation.

H. 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 five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

PART V. CORRECTIVE ACTIONS

A. Noncompliance with Discharge Limits

The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit.

1. If, for any reason, you do not comply with or will be unable to comply with any of the effluent limitations in this permit, you shall notify, within 24 hours of discovery of the noncompliance, the:

Maryland Department of the Environment
WSA – Compliance Program
1800 Washington Boulevard, STE 420
Baltimore MD 21230
Phone: (410) 537-3510
Fax: (410) 537-4883

2. The permittee shall take all reasonable steps within the deadlines in Part V.C to minimize or prevent any adverse impact to the waters of this state or to human health from noncompliance with any effluent limitations specified in this permit.
3. For exceedance of effluent limits or any other instances of noncompliance with this permit, you shall provide the Department with the corrective action documentation (see Part V.E).

B. Conditions Requiring Corrective Actions to Ensure Effluent Limits are Met

When any of the following conditions occur, or are detected during an inspection, monitoring or other means, or the Department informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your control measures and, if applicable, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation, and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

1. an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
 2. your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit; or
 3. whenever a visual assessment (Part IV.A) shows evidence of pollution (e.g., color, oil sheen, odor, floating solids, settled solids, suspended solids, foam).
-

C. Corrective Action Deadlines**1. Immediate Actions.**

You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In Part V, the term “immediately” means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the workday to initiate corrective action, you must perform the corrective action the following work day morning. The term “all reasonable steps” means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new Control to be installed.

2. Subsequent Actions.

If additional actions are necessary beyond those implemented pursuant to Part V.C.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next discharge or storm event if possible or within no more than 14 calendar days from the time of discovery that the condition in V.B.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for initiating the work and complete the corrective action identified as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the Department Compliance program of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part V.E). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

D. Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Department may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

E. Corrective Action Documentation**1. Documentation within 24 Hours.**

You must document the existence of any of the conditions listed in Parts V.A.1 or V.B within 24 hours of becoming aware of such conditions. You are not required to submit this documentation to the Department unless specifically required or requested to do so (i.e. during contacting the Department as required in Part V.A.1). However, you must summarize your findings and keep on-site available for inspectors. Include the following information in your documentation:

- a. Description of the condition or event triggering the need for corrective action review.
-

For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to Waters of this state, through stormwater or otherwise;

- b. Date the condition/triggering event was identified;
- c. Description of immediate actions taken pursuant to Part V.C.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases; and
- d. A statement, signed and certified in accordance with Part II.E.1.

2. Documentation within 14 Days.

You must also document the corrective actions you took within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action response. If infeasible to complete the necessary corrective actions within the specified timeframe, per Parts V.C, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified the Department regarding an allowed extension of the specified timeframe, you must document your rationale for an extension, and attach your documented rationale to your next discharge monitoring report through NetDMR. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action. You are not required to otherwise submit this documentation to the Department, unless specifically required or requested to do so. Keep all required documentation on-site available for inspectors.

PART VI. STANDARD TERMS AND CONDITIONS

A. Duty to Comply

You must comply at all times with the terms and conditions of this permit, the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part V (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part V.D.

B. Property Rights.

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

C. Water Construction and Obstruction

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any Waters of this State, unless otherwise authorized by the appropriate State and/or Federal Agency.

D. Right of Entry

You must permit the Secretary of the Department, the Regional Administrator for the EPA,

or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharges' source is located or where any records are required to be kept under the terms and conditions of this permit;
2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. sample, at reasonable times, any discharge of pollutants; and
6. take photographs (which may require direction for reasons of national security).

E. Duty to Provide Information.

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

F. Availability of Reports

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data, plans or reports prepared pursuant to this permit, including self-inspection information, must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

G. Submitting Additional or Corrected Information

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other approved plans or report to the Department, you must submit the facts or information to the Department within 30 days.

H. Removed Substances

Refer to Part III.A.4.

I. Toxic Pollutants

You must comply with effluent standards or prohibitions for toxic pollutants established under the Federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. You must be in compliance within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

J. Oil and Hazardous Substances Prohibited

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you 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.

K. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the installation and operation of backup,

auxiliary, or similar systems or controls, by a permittee when necessary to achieve compliance with the conditions of the permit.

L. Bypass

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

1. 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;
2. there are no feasible alternatives;
3. 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
4. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

M. Upset

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:

1. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. 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;
3. the permittee submitted a 24-hour notification of upset within 24-hours of becoming aware of the upset in accordance with the reporting requirements of Corrective Actions above;
4. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. the permittee complied with any remedial measures required to minimize adverse impact.

N. Need to Halt or Reduce Activity Not a Defense.

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

O. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to Waters of this 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.

P. Permit Actions.

Authorization under this permit may be modified, revoked and reissued, or terminated for cause. At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may require the owner or operator of such discharge to obtain an individual permit or alternative general permit coverage. A

request by the permittee for a modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not suspend the permittee's obligation to comply with all permit conditions.

Q. Severability.

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

R. Reopener Clause for Permits

This permit must be modified, or alternatively, revoked and reissued, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5, 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 issued or approved:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
2. controls any pollutant not limited in this permit. This permit, as modified or reissued under this section, must also contain any other requirements of the Act then applicable.

S. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 309 of the CWA, with Title 9 of the Environment Article, Annotated Code of Maryland, any applicable State or Federal law, or regulation under authority preserved by section 510 of the CWA.

T. Action on Violations

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

U. 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 and EPA regulations at 40 C.F.R. Part 19 provide 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 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. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule (40 CFR 19.4).

V. Criminal Penalties for Violations of Permit Conditions.

In addition to the 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:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 311(b)(3), 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 year, or both; In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to a fine of
-

- not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both;
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 311(b)(3), 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 years, or both; in the case of a second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both;
 3. Any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 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 is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both; in the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both; an organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 for a first violation and up to \$2,000,000 for second or subsequent convictions;
 4. Any person who: falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

W. Administrative Penalties for Violations of Permit Conditions.

In addition to administrative 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 a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

1. Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
 2. Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$187,500).
-

PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342. On May 15, 1989, EPA and Maryland entered into a superseding Memorandum of Agreement for such discharges. On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program. Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.



D. Lee Currey, Director
Water and Science Administration