Maryland
Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

TENTATIVE DETERMINATION

GENERAL PERMIT FOR DISCHARGES FROM MINERAL MINES, QUARRIES, BORROW PITS AND CONCRETE AND ASPHALT PLANTS

GENERAL DISCHARGE PERMIT NO. 22MM **NPDES PERMIT NO. MDG49**

DRAFT

Effective Date: **Date, 2023** **Expiration Date:** **Date, 2028**

PART I. PERMIT APPLICABILITY

By this permit and the appendixes herein incorporated, the Maryland Department of the Environment (the Department) authorizes the discharge of stormwater and certain wastewater to waters of the state. This authorization is only for facilities covered (Part I.B) located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department to discharge in accordance with the eligibility requirements and other conditions in this permit and consistent with your NOI, as on file with the Department. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.* and implementing regulations in COMAR 26.08.04.09 and 40 CFR Parts 122, 123, 124, and 125. “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 applies to facilities operating within the state of Maryland.

B. Facilities Covered

To be eligible to discharge under this permit you must either (1) have been covered under previous permit 15-MM or (2) have a stormwater discharge associated with industrial activity, as defined in Appendix E, and/or a process water discharge, from a primary industrial activity included in Appendix A or (3) be notified by the Department that you are eligible for coverage under Sector AD: Non-Classified Facilities, as defined in Appendix A.

C. Limitations on Coverage

The following stormwater discharges are not eligible for coverage under this permit. Additional limitations on coverage for each sector covered under this permit are listed in Appendix D. You must determine which sector(s) your industrial activities are defined as in Appendix A to determine which additional limitations from Appendix D apply.

1. Stormwater discharges associated with construction activity, as defined in Appendix E, disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities as specified in Sector J (Part J. 3.2.a);

2. Stormwater discharges subject to effluent limitations guidelines, other than those listed in Part I.E.3;

3. Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part I.E.4 or Part I.E.5;

4. Stormwater discharges for which a National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at your request) or denied, or those for which the Department requires an individual permit to address stormwater discharges or an alternative general permit (Part I.G.3);

5. A new discharger discharging to water quality "impaired waters," as defined in Appendix E, are not eligible for coverage under this permit unless you:
- **a.** prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or
- **b.** document that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
- **c.** in advance of submitting your NOI, provide to the Department data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must provide data and other technical information to the Department sufficient to demonstrate:
  - ***i.)*** For discharges to waters without a EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
  - ***ii.)*** For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

  You are eligible to discharge to impaired waters if you receive an affirmative determination from the Department that your discharge will not contribute to the existing impairment, in which case you must maintain such determination onsite with your SWPPP.

D. Prohibited Stormwater Discharges

If you are covered (i.e., authorized to discharge) under this permit, a discharge to waters of the State that contributes to a violation of a water quality standard is a permit violation and subject to corrective actions (see Part IV).

E. Eligible Discharges

Unless otherwise ineligible under Part I.C, the following discharges may be covered under this permit:

1. Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities if that activity is listed in Appendix A, or discharges previously covered under permit 15-MM;

2. Industrial stormwater discharges per the Department's discretion under Sector AD in Appendix A, or on a site specific basis as determined by the Department;

3. Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1;

Table 1-1. Stormwater-specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	22-MM Sector
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J

4. Non-stormwater discharges from:
- **a.** water used to fight active fires (not from fire system cleaning or testing),
- **b.** pavement wash waters provided that detergents or hazardous cleaning products are not used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part III.C.5), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- **c.** landscape watering, only if all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- **d.** routine external building wash down that does not use detergents or hazardous cleaning products and any dislodged paint chips are filtered;
- **e.** uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- **f.** irrigation drainage;
- **g.** uncontaminated ground water or spring water;
- **h.** foundation or footing drains where flows are not contaminated with process materials;
- **i.** incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);
- **j.** discharges for earth-disturbing activities conducted prior to active mining activities for Sector J (appendix D limits apply) when conducted prior to active mining activities, as defined in Appendix D Part J.3.2.
- **k.** process generated wastewater from mining operations under Sector J (appendix D limits apply);
- **l.** process generated wastewater from hydrodemolition operations to ground waters (appendix D limits apply);
- **m.** waste wash water at concrete plant operations from hosing down vehicles, including washing concrete mixer trucks, mixing equipment, and moulds or forms, to surface or ground waters (appendix D limits apply); and
- **n.** miscellaneous wastewater from spillage at ready-mix plants and concrete manufacturing plants to surface or ground waters.

5. Use of chemical additives (defined in Appendix E) requires prior notice, indicating your

intent to use them on your NOI and listing the additives and any pertinent associated documentation in your Stormwater Pollution Prevention Plan (SWPPP). In addition, the use of Cationic Chemical Additives (defined in Appendix E) for sediment control is subject to the Department's approval policy as outlined in *Erosion and Sediment Controls* requirements (Part III.B.1.b.v) of this permit. Any substances not approved by the Department are prohibited.

6. Discharges that are not otherwise required to obtain NPDES permit authorization but are commingled with discharges that are authorized under this permit.

F. No Exposure Certification

If you are eligible for coverage by this permit, and meet the requirements for a no exposure exclusion from permitting under 40 CFR §122.26(g), you may file a No Exposure Certification. Upon written notice from the Department that you have met the requirements, you are no longer required to have a permit.

- To qualify for this certification, you must first verify that there is no potential for the stormwater discharged from your facility to waters of the State to be exposed to pollutants in accordance with the criteria established by the Department on form (found on MDE's website at https://mdewwp.page.link/NEForm).
- If your operations are within the Base Flood Elevation (BFE), or your operations are within a census tract with an EJScore >= 0.76, or your industrial operations exceeds 5 acres, then you shall also obtain written certification by either a Professional Engineer, a Certified Professional in Storm Water Quality (CPSWQ), a Certified Hazardous Materials Manager (CHMM), a Certified Professional Environmental Auditor (CEPA), a Registered Architect, a Landscape Architect, or other professional as approved by the Department, that you meet the requirements of no exposure.
- If your facility is not required to obtain written certification as in the previous condition (based on BFE or EJScore), you are required to provide photographic evidence to support your claim to include: satellite image of your property, your dumpsters, outside storage areas, loading docks, material handling areas, and parking areas.
- 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).
- The exemption is non-transferable and is only valid while this permit is in effect at which point a new exemption is required. However you must submit a No Exposure Certification to the Department at least once every five years.
- You must notify the Municipal Separate Storm Sewer System (MS4) if your facility is exempted from obtaining an NPDES permit for stormwater associated with industrial activity.

G. Alternative Permit Coverage

The Department may require you to obtain, or you may also 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 an alternative 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 that the Department specified for the 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 may cause water quality standards to be exceeded in the receiving water, then the Department may require you to take additional actions. You may be required to obtain an individual NPDES discharge permit

or coverage under another general permit. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow the facility to be covered under the general permit without compromising water quality. This could occur if, for example, a permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.

2. For discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, only those stormwater discharges identified in Table 1-1 are eligible for coverage under this permit. If any stormwater discharges at your facility are subject to any other effluent limitations guidelines or new source performance standards under 40 CFR Subchapter N, then you must apply for an individual NPDES permit or coverage under an industry-specific general permit for those stormwater discharges. This permit may cover parts of your facilities not covered by effluent limitation guidelines or new source performance standards. For a complete list of current effluent guidelines by industry, see the indicated 40 CFR part on the Environmental Protection Agency's (EPA) website for Industrial Regulations (*http://www.epa.gov/waterscience/guide/industry.html*). If your industry is included in this list then you should review the applicable 40 CFR part to determine if you are subject to effluent limitation guidelines for stormwater.

3. If the Department has issued an industry-specific general permit addressing stormwater and wastewater discharges from your primary industrial activity, you should apply for coverage (including stormwater) under that permit.

4. You may request to be excluded from coverage under this permit by applying for an individual state NPDES discharge permit or submitting an NOI for coverage under another general permit. The Department may grant your request if the Department determines your reasons are adequate. If you are issued an individual NPDES permit or apply for coverage under an industry-specific general permit, the Department may terminate your coverage under this permit.

H. Continuation of an Expired General Permit

Upon the expiration of the 22-MM, the Department may administratively extend the 22-MM. If an administrative extension is necessary, in order to maintain 22-MM Coverage, You must submit a Continuation of Registration statement at least 60 days before the expiration of the 22-MM. Late Continuation of Registration statements will not be accepted.

I. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this 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, per PART I, to obtain authorization you must

- Select, design, install, and implement control measures prior to discharge in accordance with Part III to meet numeric and non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI) or Permit Transfer Request with Permit Fee as indicated below; and

- Develop and submit to the Department, a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements in Part III.C of this permit.

Based on a review of your NOI or Transfer Request, the Department may delay your authorization for further review 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, or of the request for submission of an individual NPDES permit application or alternative general permit NOI.

1. Notice of Intent (NOI) and Transfer Requests

a. Notice of Intent (NOI)

You must complete all information required on this permit's corresponding NOI formfound at https://mdewwp.page.link/MMGP, , 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, payment (Part II.A.1.b) and SWPPP (Part II.A.1.c) for each noncontiguous site. Once the eNOI electronic form is available, all applicants must use the eNOI form. When submitting electronically, verification that you meet the signature requirements is required. However until the eNOI is available the completed and signed copy of the NOI and payment 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 NOI form.

- Facility Operator Information including your name, mailing address, email address, telephone number, IRS Employer Identification Number (EIN) and Worker's Comp Insurance company and policy.
- Facility Information including the facility location, including physical address and coordinates in degrees decimal; the primary and any subsequent co-located Standard Industrial Classification (SIC) codes relevant to this permit, verification if this is a new discharger or if there is any preexisting NPDES permit number for stormwater coverage, the total acres of property at that address and whether the facility is presently inactive and unstaffed.
- Information on the receiving waters of the industrial stormwater. Identify the receiving water body(s) and 8 digit identifier for your discharges, including whether they qualify as high quality Tier II, and identification of any impairments. Specify the MS4 jurisdiction you operate in.
- Identify who has prepared the Stormwater Pollution Prevention Plan (SWPPP), including email and phone number, along with how you have provided the SWPPP to the Department.
- Document discharge type and flow (expressed as gallons per day) for each outfall and describe each outfall and monitoring point.
- Identify which industry sector benchmarks, process waste water numeric limits and effluent limitation guidelines apply to the operation.
- Clarify which limits apply for each specific outfall at your operation.
- If you intend to use cationic chemical additives, include the approved product you intend to use.
- Selection of appropriate annual fee or fee exemption ;
- Identify if your operation is within a census tract with an EJScore >=0.76. (EJScore is defined in Appendix E).

- Identify if your operation is within the Base Flood Elevation (BFE). (BFE is defined in Appendix E).
- Provide the signatory name, title, contact information and their signature. Provide the NOI preparer information, including phone number and email address.

b. Transfer of Authorization.
For transfer of ownership, you can complete the Permit Transfer Request Form for General NPDES Permits found on the Department's website or at 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.

2. Permit Fee

a. You must submit the initial permit fee to the Department with the NOI form for the fee in effect at the time that the payment is due as specified in COMAR 26.08.04.09-1(F)(2)(b). Certain exemptions from the fee do exist, including mineral mines, quarries, and borrow pits which discharge mining wastewater, process generated wastewater, and stormwater to ground water only are exempt from the permit fee.

b. If the fee is being paid by check it must be made payable to the Maryland Department of the Environment and sent with the completed NOI to:

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

c. If you pay the NOI 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 cancelled 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 as a result of a transfer of ownership is responsible for any fees unpaid by the former owned.

e. Any permittee making facility modifications to reduce water discharged may be entitled to a fee reduction equivalent to the reductions achieved each year after the first year of the permit. The permittee shall submit before and after photographs and site plans documenting changes made to the Department at least 90 days before the

anniversary date of the permit.

f. Any changes in operations that may increase fees are required to give notice as described in Part II.F.

3. 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 maintain a copy available onsite. If the updated SWPPP is maintained only in hardcopy, a scanned version of this is acceptable. 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 "22-MM", your previous registration number (if you had previous coverage under the 15-MM) and your facility name.

iii.) Posting a copy of the SWPPP using your NetDMR account when you send your NOI to the Department.

iv.) Providing the Department a link (URL) to your document 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.

B. Deadlines for Coverage

If you have missed the deadline as provided in the following table to submit your i) No Exposure Certification, or ii) an NOI, SWPPP and fee payment or iii) transfer request, any and all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. The Department may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization. Late submittals will be accepted, but authorization to discharge will not be retroactive.

Category	Coverage Submittal Deadline
Existing Dischargers – in operation as of the effective date of this permit and previously authorized for coverage under 15-MM.	Within 6 months after the effective date of this permit. Authorization to discharge under 15-MM 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 15-MM or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

C. Required Signatures

1. Any person signing documents in accordance with part II.C.2 and II.C.3 below must include the following certification: *"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. All applications, including NOIs, transfer requests, and No Exposure Certifications must be signed by a Signatory as follows:

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

i.) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

ii.) the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part IV, and all reports submitted to the Department, must be signed by a person described in Part II.C.2 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. the authorization is made in writing by a Signatory;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

c. the signed and dated written authorization is included in the SWPPP and made available to the Department upon request.

4. If an authorization for a representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new

authorization satisfying the requirements of PART II.C.2 must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

D. 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.B), and (3) discharge to waters of the state without an appropriate 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.

E. Additional Notification

1. Municipal Separate Storm Sewer System (MS4)

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.

2. Wastewater Pollution Prevention and Reclamation Program

When directed to contact the Department's Wastewater Pollution Prevention and Reclamation Program use this address and phone number:

Maryland Department of the Environment
Industrial Stormwater Permits Division
1800 Washington Blvd, Suite 455
Baltimore, MD 21230
Phone: 410-537-3323

3. Compliance Program

When directed to contact the Department's Compliance Program use one of the following addresses and phone numbers as applicable for your operations. To determine which Sector applies to your facility, refer to Appendix A.

For mining operations (Primary Activity in Sectors J):
Maryland Department of the Environment
LMA - Mining Program
1800 Washington Blvd., Suite 655
Baltimore MD 21230
Phone: 410-537-3557

For non-mining operations (All Primary Activity in Sectors other than J):
Maryland Department of the Environment
WSA – Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230
Phone: 410-537-3510

F. 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 Wastewater Pollution Prevention and Reclamation Program (Part II.E.2):

1. 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 Wastewater Pollution Prevention and Reclamation Program (Part II.E.2) as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when one of the following conditions exist.

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).

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).

c. The alteration either adds or removes outfalls subject to this permit.

d. The alteration either adds or removes process water which requires changes in monitoring or reporting.

2. Termination of Permit Coverage

a. Submitting a Notice of Termination
To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT) found at https://mdewwp.page.link/GPNOT to the Department's Wastewater Pollution Prevention and Reclamation 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 the Part b below, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

b. 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:

i.) 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, and you have already implemented necessary sediment and erosion controls as required by Part III.B.1.b.v; or

ii.) 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

iii.) a new owner or operator has taken over responsibility for the facility; or

iv.) you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless the Department has required that you obtain such coverage under Part I.E.4, in which case coverage under this permit will terminate automatically.

c. The Department may terminate your coverage under this general permit if the Department finds good cause to do so.

3. Notification of the Discharge of a Pollutant Not Limited in This Permit
The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in the 40 CFR §122.42.

G. Requirement to Post a Sign of your Permit Coverage.

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to your facility and at potentially impacted public access areas. You must use a font large enough to be readily viewed from a public right-of-way and

conduct periodic maintenance of the sign to ensure that it is legible, viable, and factually correct. At minimum, the sign must include:

- The State and NPDES permit number (i.e., permit tracking number assigned to your NOI);
- The Department's wastewater permits portal URL (https://mdewwp.page.link/WWPPortal); and
- A contact name and phone number for obtaining additional facility information.

Signage location and content questions may be discussed with an inspector, if there are no safe locations available to post signage. For mining sites which have numerous signs required under their permits, alternatives for technology-based solutions may include QR codes which provide easy access to website confirming multiple permits held by the location.

PART III. STORMWATER MANAGEMENT REQUIREMENTS

A. [Reserved]

B. Control Measures and Effluent Limits

In the technology-based limits included in Part III.B.1 and in Appendix D, 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.

1. Control Measures

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, meet limits contained in applicable process water numeric limits and effluent limitations guidelines in Appendix D, and water quality based effluent limitations in Part III.B.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures. 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. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

a. *Control Measure Selection and Design Considerations*

You must consider the following when selecting and designing control measures:

i.) preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

ii.) using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;

iii.) 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;

iv.) minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, 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;

v.) attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

vi.) conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality; and

vii.) using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants; and

viii.) 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, such as the following:

- Reinforce materials storage structures to withstand flooding and additional exertion of force;
- Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE)[1] level or securing with non-corrosive device;
- When a delivery of materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);
- Temporarily store materials and waste above the BFE level;
- Temporarily reduce or eliminate outdoor storage;
- Temporarily relocate any mobile vehicles and equipment to upland areas;
- Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
- Conduct staff training for implementing your emergency procedures at regular intervals.

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

i.) *Minimize Exposure.* You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to onsite storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and

[1] Base Flood Elevation (BFE) is the computed elevation to which floodwater is anticipated to rise during the base flood. BFEs are shown on the Federal Emergency Management Agency's Flood Maps and on the flood profiles, which can be access through https://msc.fema.gov/portal/search. Refer also to Appendix E.

- ensure that all washwater not covered by this permit (Part I.E.4) drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of wastewater from steam cleaning or cleaning with detergents of vehicle and equipment, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

ii.) *Good Housekeeping.* You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. A good practice for ensuring housekeeping activities are performed at regular intervals would be keeping a schedule for routine grounds maintenance and cleanup.

iii.) *Maintenance.* You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must clean catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keep the debris surface at least six inches below the lowest outlet pipe. You must also maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Particular care should be taken to inspect compaction dumpsters to prevent debris around or under the dumpster as well as prevent hydraulic fluid leakage. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

iv.) *Spill Prevention and Response Procedures.* You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. These procedures are complementary to and do not replace any requirements of RCRA (42 U.S.C. §6901), the Department's Land Management Administration Oil Control Program, NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112). At a minimum, you must implement:

- 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;
- Monthly inspection procedures for above ground storage tanks containing oil and quarterly inspection procedures for all other containers that are susceptible to spillage or leakage (e.g., used oil) to ensure the containment structures have no leaks/cracks, and that the outlets are properly sealed. Check that plugs are properly affixed, that valves are in working condition, and that neither are leaking;
- Procedure for the discharge of any stormwater from a containment structure, requiring a visual observation to ensure that no visible or odorous pollutants are discharged. If a visual observation identifies a visible sheen, floating solids or a noxious smell, then you must discharge the remaining wastewater to a sanitary sewer system or haul it to a recycler or TSDF

(Treatment Storage & Disposal Facilities) or disposal facility;

- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team as described in Part III.C.1; and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the Department's Emergency Spill Response number at (866) 633-4686 and EPA's National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available. In addition, you must submit to the Department a written description within 10 working days of knowledge of the incident including: the type and estimate of the amount of material released, the date it occurred, the circumstances leading to it, and any other information as required by COMAR 26.10.01.03

v.) *Erosion and Sediment Controls.* You must minimize erosion a) consistent with the facility's approved erosion and sediment control (E&SC) plan or b) by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. These requirements include timeframes for the temporary and permanent stabilization of all inactive, disturbed areas; which are either identified on your E&SC plan or if you don't have an approved ES&C, then stabilization is to be completed within three (3) calendar days for perimeter sediment controls and slopes steeper than 3:1 and seven (7) calendar days for all other areas not under active grading. You must also use structural and non-structural control measures to minimize the discharge of sediment. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Soil Erosion & Sediment Control resources (https://mdewwp.page.link/ESCRegs

Use of Chemical Additives. If you are using chemical additives (defined in Appendix E) for control of sediment (such as polymers or flocculants) at your site, you must comply with the requirements identified in this section. You shall refer to the most current version of *Standards for Use of Chemical Additives for Sediment Control* document available on the Department's website at https://mdewwp.page.link/ChemAddStandards for specific instructions on information which must be included in your SWPPP, additional requirements, and assistance in applying for additive use.

- The use of chemical additives for sediment control should only be considered in the event that water quality standards cannot be met using conventional best management practices.
- Should the use of chemical additives be necessary, you must utilize conventional best management practices for E&SCs at a location prior to and after the application of chemical additives.
- Additives may only be applied where treated stormwater is directed to a sediment control (e.g., sediment basin, perimeter control) prior to discharge. This permit intends to authorize additives used to create flocculation of suspended materials in stormwater or groundwater. It does not authorize use of additives for bank or soil stabilization.
- Chemical additives must be approved by the Department prior to use. The Department maintains a current list of pre-approved polymers/flocculants including approved application method and maximum allowable dosage concentration or application rate on its website (https://mdewwp.page.link/MDFlocs).
- If you wish to use a chemical additive which is not found on the approved list, you must request approval by following the Department's *Procedures for Review of Chemical Additives for Sediment Control* (https://mdewwp.page.link/ChemAddReview). You may not begin use of any chemical additive absent from the pre-approved list until you receive written approval from the Department.
- You are required to identify all additives you will be using in your SWPPP, and any cationic chemical additives in your Notice of Intent (pursuant to Part II.A.1 of this permit). If you wish to change to or add another preapproved chemical, you shall provide notification to the Industrial Stormwater Permits Division of the Department within 30 days of commencing the use of the new pre-approved additive. If you wish to change or add another preapproved cationic chemical, you must obtain express written approval for that specific cationic additive prior to use.
- You must minimize exposure of stored chemicals to stormwater. Store all treatment chemicals in leakproof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).
- You must comply with relevant local requirements affecting the use of chemical additives. If requested by the E&SC plan approval authority, provide a Safety Data Sheet (SDS) with your E&SC plan.
- You must use chemical additives and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.
- You must document any departures from good engineering practices or dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.
- Selection of additives and dosing rates should be determined based on site-specific test results. Documentation of the chemical selection process and dosing rate determination shall be included in your SWPPP. Dosing

rates cannot exceed those found on the Department's list of pre-approved additives.

- Ensure that all persons who handle and use chemical additives at the site are provided with appropriate, product-specific training. At a minimum, this training must cover proper dosing requirements and safe handling practices.
- You must notify and receive written approval from the Department's Industrial Stormwater Permits Division of the Department at least 7 days prior to using cationic chemical additives (as defined in Appendix E). Use of anionic chemical additives requires notice once on the NOI to indicate additives are being used, however when changing additives for better results, only SWPPP updates are required. For anionic the notice to the Department must occur no later than a week (7 days) after you begin using a product.
- To receive authorization to use cationic chemical additives under this permit, you must identify in your SWPPP appropriate controls and implementation procedures (including where the chemical is applied, description of active treatment systems required, dosing, filtering, pH monitoring, etc.) designed to ensure that your use of cationic chemical additives will not lead to a violation of water quality standards. See the Standards for Use of Chemical Additives for Sediment Control document for additional instructions for completing your SWPPP and requesting use of cationic chemical additives.
- A copy of the SWPPP section regarding use of cationic chemical additives must be submitted along with the NOI and Request for Use of Cationic Chemical Additives form. You are required to comply with all such requirements if the Department has authorized you to use cationic chemical additives at your site.
- Depending on the additive selected for use, you may be required to sample discharges and test for residuals or other components. Any such monitoring requirement will be laid out in your authorization letter. Results of required monitoring shall be maintained with the SWPPP and made available if requested by Department personnel.
- Authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP.

vi.) *Management of Runoff.* You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Design Manual, EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series (https://mdewwp.page.link/ISWGuidance).

vii.) *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. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. 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.

viii.) *Sector Specific Non-Numeric Effluent Limits.* Appendix A of this permit identifies

your specific Industry Sector. You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Appendix D: Sector-Specific Requirements for Industrial Activity.

ix.) *Employee Training.* You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team described in Part III.C.1, below. Training must cover the specific control measures used to achieve the effluent limits in this part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. As part of the employee training program you must address, at a minimum, the following activities (as applicable): used oil management, spent solvent and paint management, disposal of spent abrasives (e.g., blasting materials, etc.), spill prevention and control, fueling procedures, general good housekeeping practices (e.g., dumpster/debris removal), used battery management, waste recycling (e.g., metals, plastics), used container controls (e.g., re-banding barrels, plugging drums), etc. The Department recommends training be conducted at least annually (or more often if employee turnover is high).

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

xi.) *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.

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

2. Water Quality-Based Effluent Limitations

a. *Water Quality Standards*

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, 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 of 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 Compliance Program (Part II.E.3) as required by Part IV. 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 water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit.

b. *Discharges to Water Quality Impaired Waters*

If you discharge to an impaired water, the Department will inform you if any additional monitoring, limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in an EPA Approved TMDL, or if coverage under an individual permit is necessary in accordance with Part I.G. For

any additional control requested by the Department you must include a plan to implement BMPs to address the pollutant of concern in your SWPPP.

c. *Tier II Antidegradation Requirements for New or Increased Dischargers*
If you are a new discharger or are required to notify the Department of a modified discharge (Part II.F.1), and you discharge directly to waters designated by the State as Tier II for antidegradation purposes under 40 CFR §131.12(a), the Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part I.G.

d. *Criteria Selection*
Any additional numerical water quality based limits for any specific discharger under Part III.B.2 of the permit shall be based solely on Maryland's Numeric Water Criteria for Designated Uses in COMAR 26.08.02.03-3 and Maryland's Criteria for Toxic Substances in Surface Waters in COMAR 26.08.02.03-2, applied at end of pipe, or the applicable wasteload allocation in a final approved TMDL.

C. 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 are contained in Part III.B of the permit, and, for some Industry Sectors, Appendix D of the permit.

Your SWPPP must contain all of the following elements, as described below.

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.III.C.8) 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 as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

2. Site Description
Your SWPPP must include the following:

a. *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.

b. *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility. Ideally this map will extend one-quarter of a mile beyond the property boundaries of the facility and identify any water body where discharge is conveyed. At least one public roadway must be identified on the map.

c. *Site map(s).* Provide a map (or alternatively several overlay maps) showing:

i.) the size of the property in acres;

ii.) the location and extent of significant structures and impervious surfaces;

iii.) directions of stormwater flow (use arrows);

iv.) locations of all existing structural control measures or BMPs;
v.) locations of all receiving waters in the immediate vicinity of your facility;
vi.) locations of all stormwater conveyances including ditches, pipes, and swales;
vii.) locations of potential pollutant sources identified under Part III.C.3;
viii.) locations where significant spills or leaks identified under Part III.C.3 have occurred;
ix.) locations of all stormwater monitoring points;
x.) locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as substantially identical, and an approximate outline of the areas draining to each outfall;
xi.) municipal separate storm sewer systems, where your stormwater discharges to them;
xii.) locations and descriptions of all non-stormwater discharges identified under Part I.E.3;
xiii.) locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing and storage areas; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; transfer areas for substances in bulk; machinery; and manufacturing buildings; and
xiv.) locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

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. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

a. *Activities in the area.* A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
b. *Pollutants.* A list of the pollutant(s) or pollutant constituents (e.g., admixtures, crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP.
c. *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. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR §110.6 and 40 CFR §117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR §110, 40 CFR §117, and 40 CFR §302 relating to spills or other releases of oils or hazardous substances.

d. *Non-Stormwater Discharges.* You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

i.) The date of any evaluation;

ii.) A description of the evaluation criteria used;

iii.) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;

iv.) The different types of non-stormwater discharge(s) and source locations; and

v.) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary sewer, wash water is collected and hauled away, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

e. *Salt Storage.* You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

4. Description of Control Measures to Meet Effluent Limits

You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part III.B.1.b and, where applicable, in Appendix D Sector-Specific Requirements for Industrial Activity, and the water quality-based effluent limits in Part III.B.2, and describe how you are addressing the control measure selection and design considerations. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part III.C.3 and any stormwater run-on that commingles with any discharges covered under this permit.

5. Schedules and Procedures

a. Pertaining to Control Measures Used to Comply with the Effluent Limits in Part III.B. The following must be documented in your SWPPP:

i.) *Good Housekeeping (See Part III.B.1.b.ii or Appendix D)* – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;

ii.) *Maintenance (See Part III.B.1.b.iii or Appendix D)* – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;

iii.) *Spill Prevention and Response Procedures (See Part III.B.1.b.iv or Appendix D)* – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by a NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part III.C.8; and

iv.) *Employee Training (See Part III.B.1.b.ix or Appendix D)* – The SWPPP must identify how often training will take place. All training must be held at least once

per calendar year (or more often if employee turnover is high).

b. *Pertaining to Inspection and Monitoring*

i.) You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:
- Routine facility inspections (see Part V.A.1);
- Quarterly visual assessment of stormwater discharges (see Part V.A.3); and
- Comprehensive site inspections (see Part V.A.2).

ii.) For each type of inspection performed, your SWPPP must identify:
- Person(s) or positions of person(s) responsible for inspection; and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

iii.) If numeric or benchmark monitoring is required for your industry or industries, per Appendix D your SWPPP must document:
- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility;
- Schedules and procedures for periodic calibration and maintenance of any monitoring and analytical instrumentation to insure accuracy of measurements;
- Any numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part V.C.

iv.) You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part V.A.3 or your benchmark monitoring requirements in Part V.B:
- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

v.) If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts V.A.4. If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part V.B.5.

6. Signature Requirements

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

7. Required SWPPP Modifications

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part IV and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part IV.B indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts IV.C and IV.D, and must be signed and dated in accordance with Part II.C.

8. Documentation Requirements

You must retain a copy of the current SWPPP required by this permit at your facility, and it must be immediately available to the Department (an electronic copy easily available to personnel is also acceptable). In cases where there is no office to store documentation, an alternative central location may be used for storing documents, as long as personnel at the permitted facility are aware of the plan and have access to critical information to ensure compliance. The Department encourages you to post your SWPPP online and provide the website address on your NOI. You are required to keep the following inspection, monitoring, and certification records with your SWPPP (or in accessible Environmental Management System (EMS)) that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- **a.** A copy of the NOI submitted to the Department along with any correspondence exchanged between you and the Department specific to coverage under this permit;
- **b.** A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- **c.** A copy of the relevant portion of any other facility document referred to in your SWPPP, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan;
- **d.** Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part III.B.1.b.iv);
- **e.** Records of employee training, including date training received (see Part III.B.1.b.ix);
- **f.** Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part III.B.1.b.iii);
- **g.** All inspection and discharge monitoring reports (an electronic copy easily available is also acceptable), including the Routine Facility Inspection documentation (see Part V.A.1), the Quarterly Visual Monitoring Form in Appendix B, and the Comprehensive Site Inspection reports (see Part V.A.2);
- **h.** Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts V.C.5);
- **i.** Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- **j.** Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedence was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part V.B.3;

k. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources.

If during the term of this permit, your site becomes inactive, you must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP and additional documentation. These must be made available during normal working hours. Note inactivity does not refer to seasonal closures.

9. Facilities Subject To SARA Title III, Section 313 Requirements

If you are subject to SARA Title III, Section 313 (42 U.S.C. 11023) reporting requirements, in addition to the requirements of this Part, provide additional narrative on the preventive measures used to eliminate the exposure of these chemicals to stormwater run-on or run-off. To identify if your facility is subject to this requirement, visit the Maryland Department of the Environment's Community Right-to-Know website (http://www.mde.state.md.us). A list of the Section 313 chemicals can be found at the EPA's LIST OF LISTS Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act (http://www.epa.gov/). Additionally, SARA Title III, Section 313 water priority chemicals are often identified on Material Data Safety Sheets (MSDS).

PART IV. CORRECTIVE ACTIONS AND ADDITIONAL IMPLEMENTATION MEASURES (AIM)

A. Corrective Action

1. Conditions Requiring SWPPP Review and Revision 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 or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, 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:

a. 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;

b. a discharge violates a numeric effluent limit;

c. 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;

d. a required control measure was never installed, was installed incorrectly, or not in accordance with Parts III.A, III. B and/or in Appendix D, or is not being properly operated and maintained; or

e. whenever a visual assessment (Part V.A.3) shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

2. Corrective Action Deadlines

a. 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 IV, 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 work day 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 in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new Stormwater Control to be installed.

b. Subsequent Actions. If additional actions are necessary beyond those implemented pursuant to Part IV.A.2.a, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible or within no more than 14 calendar days from the time of discovery that the condition in IV.A.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 IV.C). 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

3. 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. The taking of a Corrective Action by itself is not evidence that a violation has occurred.

4. Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next

storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part IV.A.2.

B. Additional Implementation Measures (AIM)

If any of the following events in Parts IV.B.1, IV.B.2, or IV.B.3 occur, you must follow the response procedures described in those parts, called "additional implementation measures" or "AIM." There are multiple AIM levels: AIM Benchmark Action Level 1 through Benchmark Action Level 3. You are required to respond to different AIM levels which prescribe increasingly robust responses depending on the nature, duration, and magnitude of the benchmark exceedance. In the context of the following parts "year you are subject to benchmarks" means 4 quarters of monitoring. See Part IV.B.4 for AIM exceptions.

1. Benchmark Action Level 1 (AIM Level 1):

a. AIM Level 1 Triggering Events. If, during the first year you are subject to benchmarks (Year 1), any of the following events occur, you are in AIM Level 1. You must follow the AIM Level 1 responses (Part IV.B.1.b) and deadlines (Part IV.B.1.c).

i.) An Annual Average Over the Benchmark Threshold. If an annual average for a parameter is over the benchmark threshold during Year 1, you are in AIM Level 1. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., if the sum of quarterly sample results to date is already more than 4 times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one single sampling event during Year 1 for a parameter is over 4 times the benchmark threshold, you are in AIM Level 1.

b. AIM Level 1 Responses. Except as provided in Part IV.B.4 (AIM Exceptions) if any of the triggering events in Part IV.B.1.a occur, you must:

i.) Review Stormwater Control Measures. Immediately review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the benchmark threshold for the applicable parameter (Examples include: review sources of pollution, spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, making a change in subcontractor, implementing a new control measure, and/or increasing inspections.) and

ii.) Implement Additional Measures. After reviewing your control measures, you must implement additional implementation measures to ensure the effectiveness of your control measures to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your control measures, you must document per Part III.C and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold; and

iii.) Continue Quarterly Benchmark Monitoring. After compliance with (i) and (ii) in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 1 Deadlines: If any modifications related to control measures are necessary, you must implement those actions or modifications within 14 days of the

occurrence of the triggering event under Part IV.B.1.a, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part IV.C why it is infeasible and implement such modifications within 45 days. Exception: You do not have to implement any modifications if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.5 (AIM Exceptions).

2. Benchmark Action Level 2: (AIM Level 2)

a. AIM Level 2 Triggering Events. If, during the second year you are subject to benchmarks (Year 2), any of the following events occur, you are in AIM Level 2. You must follow the AIM Level 2 responses (Part IV.B.2.b) and deadlines (Part IV.B.2.c).

i.) The second Annual Average Over the Benchmark Threshold. If your second annual average for a parameter is over the benchmark threshold during Year 2, you are in AIM Level 2. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one single sampling event during your second year of coverage for a parameter is over 4 times the benchmark threshold, you are in AIM Level 2.

b. AIM Level 2 Responses. Except as provided in Part IV.B.4 (AIM Exceptions), if any of the triggering events in IV.B.2.a occur, you must:

i.) Install Permanent Controls. Install structural source controls (e.g. permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, the use of Chemical Additives (Part I.E.5), and infiltration structures), except as provided in Part IV.B.5 (AIM Exceptions). The treatment technologies or treatment train you install must be appropriate for the pollutants that triggered AIM Tier 2 and must be more rigorous than the pollution prevention-type measures employed under AIM Level 1 in Part IV.B.1. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must have a professional engineer, stormwater professional or geologist assist with the installation of such controls for the discharge point in question and for substantially similar discharge points, unless you individually monitor those substantially similar discharge points and demonstrate that AIM Level 2 requirements are not triggered at those discharge points; and

ii.) Continue Quarterly Benchmark Monitoring. After compliance with (i) and/or (ii) (if the Department approves) in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 2 Deadlines. You must install the appropriate structural source and/or treatment control measures within 30 days of the occurrence of the triggering event under Part IV.B.2.a. If it is not feasible within 30 days, you may take up to 90 days to install such measures, documenting in your SWPPP why it is infeasible to install the measure within 30 days. The Department may also grant you an extension beyond

90 days, based on an appropriate demonstration by you, the operator. Exception: You do not have to install structural source controls or treatment controls if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.4 (AIM Exceptions).

3. Benchmark Action Level 3+: (AIM Level 3)

a. AIM Level 3 Triggering Events. If during the third or subsequent year you are subject to benchmarks (Year 3+) any of the following events occur, you are in AIM Level 3. You must follow the AIM Level 3 responses (Part IV.B.3.b) and deadlines (Part IV.B.3.c).

i.) The third Annual Average Over the Benchmark Threshold. If your third or subsequent year's annual average for a parameter is over the benchmark threshold during Year 3+, you are in AIM Level 3. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one single sampling event during your third or subsequent year of coverage for a parameter is over 4 times the benchmark threshold, you are in AIM Level 3.

b. AIM Level 3 Responses. Except as provided in Part IV.B.4 (AIM Exceptions), if any of the triggering events in IV.B.3.a occur, you must:

i.) consult a professional engineer, stormwater professional or geologist to prepare an action plan. You may take up to 30 days to select the professional, and an additional 30 days to prepare the action plan for the Department, which must include milestone dates and either option below:

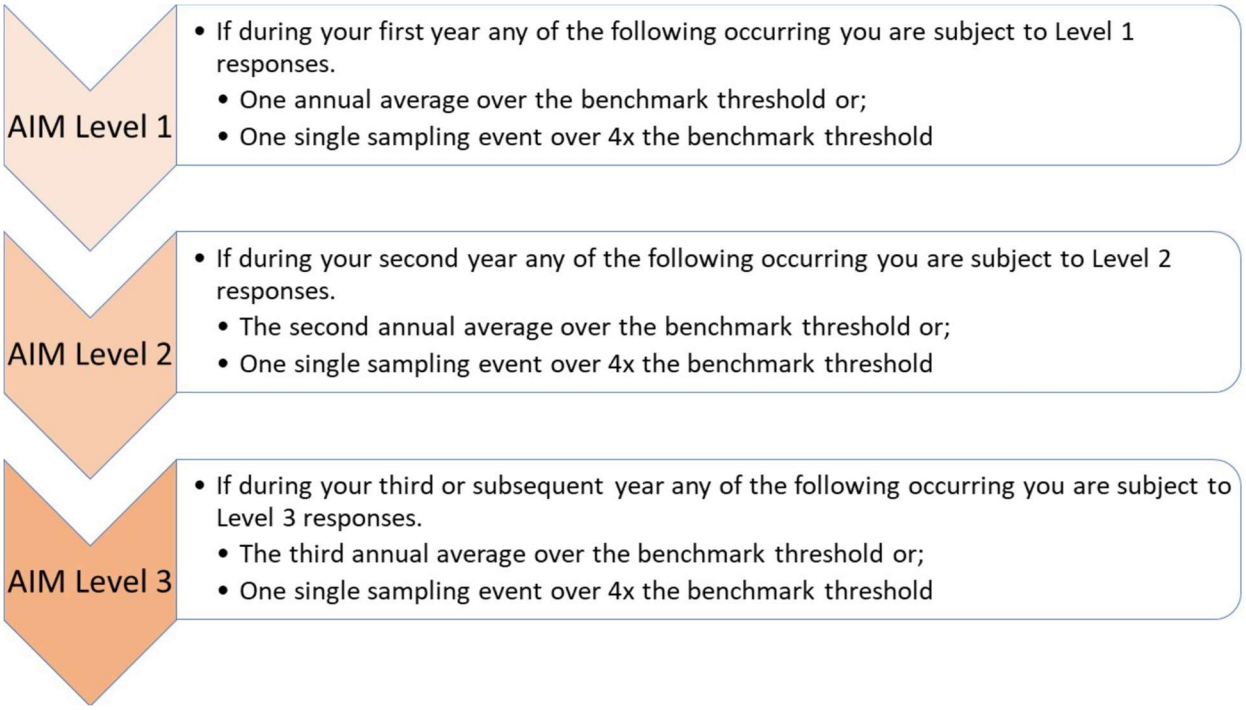
- installing additional structural source controls (see Part IV.B.2.b.i), enhancing existing structural source controls, enclosing operations in storm resistant shelters (see Part III.B.1.a.i) and/or addition of treatment controls or
- an adequate demonstration to the Department that your discharge does not result in any exceedance of water quality standards and the Department approves such demonstration within 60 days of receipt (the Department may take up to 180 days upon notice to you before the 60th day that the Department needs such extra time). The demonstration to the Department, which shall be made publicly available, must include the following minimum elements in order to be considered for approval by the Department: o the water quality standards applicable to the receiving water;
    - the flow rate of the stormwater discharge;
    - the instream flow rates of the receiving water immediately upstream and downstream of the discharge point;
    - the ambient concentration of the parameters) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
    - the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
    - any relevant dilution factors applicable to the discharge; and
    - the hardness of the receiving water.

If the Department disapproves such demonstration within 60 days (or 180 days if the Department notifies you that it needs more than 60 days), you must install structural source controls and/or treatment controls within 30 days of such disapproval (or 60 days if you document in your SWPPP why it is infeasible within 30 days; the Department may also grant an extension beyond 60 days based on an appropriate demonstration by you, the operator). It is recommended that you work with the Department well in advance of the required demonstration and prepare to install controls if the demonstration cannot be approved. If the Department does not reject the plan within the required 60 days or does not provide for an extension, you are obligated to proceed with plan implementation. However, the Department may impose additional requirements.

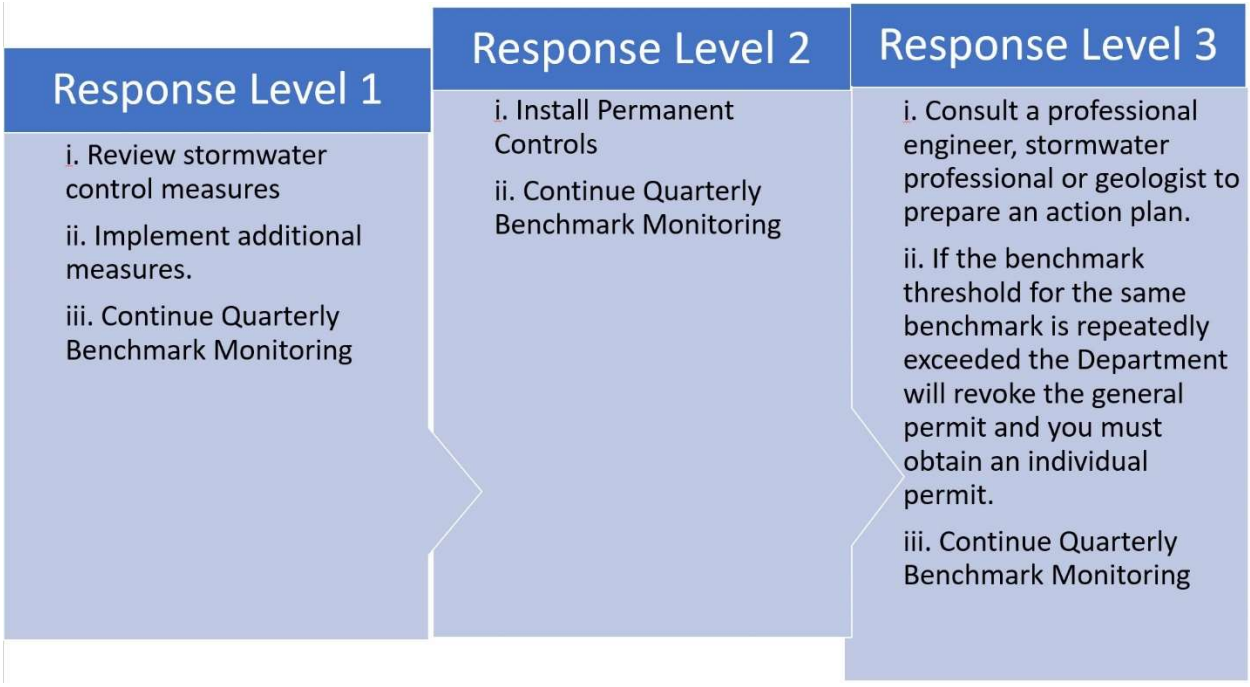
ii.) If you continue to exceed the quarterly benchmark threshold for the same parameter and cannot demonstrate at least a 20% reduction from the previous year performance, even after installation of structural source controls or treatment controls as required in Part IV.B.3.b.i, the Department will revoke coverage under this permit through the development of an individual permit to address site specific water quality limits, or a final determination to deny permit coverage, unless you are under a consent order.

iii.) Continue Quarterly Benchmark Monitoring. After compliance with (i), or (ii), in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 3 Deadlines. You must install the appropriate structural source and/or treatment control measures within 90 days of the occurrence of the triggering event under Part IV.B.3.a. If it is not feasible within 90 days, you may take up to an additional 30 days to install such measures, documenting in your SWPPP why it is infeasible to install the measure within 90 days. The Department may also grant you an extension beyond 120 days, based on an appropriate demonstration by you, the operator. Exception: You do not have to install structural source controls or treatment controls if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.4 (AIM Exceptions).



The above image shows a simplified view of how a site would progress through the AIM levels.



The above image shows the actions a site is required to take as they progress through the aim levels. Refer to IV.B for the detailed requirements.

4. AIM Exceptions.

At any point or Benchmark Action Level of AIM, the below exceptions from AIM requirements and additional benchmark monitoring below may apply. You must still review your stormwater control measures, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate.

a. Natural Background Pollutant Levels: You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate with Department agreement that the benchmark exceedance is attributable solely to the presence of that pollutant in the natural background (i.e. you would not have exceeded the benchmark if it were not for the contribution of that natural background pollutant). You are not required to perform corrective action or additional benchmark monitoring provided that all the following conditions are met, and you submit your analysis and documentation to the Department's Permitting Program:

i.) The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and

ii.) You document and maintain with the SWPPP as required in Part III.C, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

iii.) You notify the Departments Permitting Program and get concurrence, and include the concurrence on your final quarterly benchmark monitoring report that the benchmark exceedances are attributable due to natural background pollutant levels. The Department will take into consideration any impairments for that pollutant, potential impacts to receiving waters, in addition to the methodologies and information provided (refer to Part III.B.2).

Natural background pollutants are those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

b. Run-On: You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate and obtain the Department's agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the Department for concurrence:

i.) After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.

ii.) If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact the Department's Compliance Program.

c. Due to an abnormal event: You must immediately document per Part IV.C that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NetDMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per

parameter, and one time per discharge point, which shall include substantially identical discharge points (SIDP), provided you qualify for the exception.

d. For Aluminum and Copper benchmark parameters only: Demonstrated to not result in an exceedance of your facility-specific value using the national recommended water quality criteria in-lieu of the applicable benchmark threshold: To be eligible for the exception, you must demonstrate to the Department that your stormwater discharge(s) that exceeded the applicable benchmark threshold would not result in an exceedance of a derived facility-specific value. The demonstration to the Department, which will be made publicly available, must meet the minimum elements below in order to be considered for and approved by the Department. If you exceed the benchmark threshold for aluminum or copper, you must still comply with any applicable AIM requirements and additional benchmark monitoring until the demonstration is made to and approved by the Department. In this case, the Department suggests that samples collected for any continued benchmark monitoring also be analyzed for the required input parameters for each model for efficiency. If you are an existing operator and you anticipate an exceedance of the benchmark(s) based on previous monitoring data and expect to utilize this exception(s), the Department recommends you begin the required data collection in your first year of permit coverage.

i.) Aluminum (only for discharges to freshwater):

Conditions for this exception are:

- Use of EPA's 2018 National Recommended Aluminum Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-aluminum;
- In-stream waterbody sampling for the three water quality input parameters for the recommended criteria model: pH, total hardness, and dissolved organic carbon (DOC); and
- Completion of sampling events sufficient to capture spatial and temporal variability. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving Waters of this State. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving waters of this State, samples of the ambient downstream waterbody conditions are sufficient.

The demonstration provided for aluminum to the Department must include, at minimum:

- A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Documents/GDP%20Stormwater/EPA%20Industrial%20Stormwater%20Guidance/EPA_Monitoring_Guide.pdf ;
- The input parameters and export of results from the Aluminum Criteria Calculator, available at: https://mdewwp.page.link/ISWGuidance; and,
- A narrative summary of results.

ii.) Copper (only for discharges to freshwater):

Conditions for this exception are:

- Use of EPA's 2007 National Recommended Freshwater Copper Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-copper;
- In-stream waterbody sampling for the 10 water quality input parameters to the BLM for copper: pH; dissolved organic carbon (DOC); alkalinity; temperature; major cations (calcium, magnesium, sodium, and potassium); and major anions (sulfate, chloride);
- The water quality input parameters, with the exception of temperature, must fall within the range of conditions recommended for use in the Biotic Ligand Model (BLM), found in Table 1-1 of the Data Requirements document: https://www.epa.gov/sites/production/files/2015-11/documents/copperdata-requirements-training.pdf; and
- Completion of sampling events sufficient to capture spatial and temporal variability. Because some of the BLM input parameters are known to vary seasonally, the Department suggests a possible starting point of at least one sampling event per season. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving Waters of this State. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving Waters of this State, samples of the ambient downstream waterbody conditions are sufficient.

The demonstration provided for copper to the Department must include, at minimum:

- A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Documents/GDP%20Stormwater/EPA%20Industrial%20Stormwater%20Guidance/EPA_Monitoring_Guide.pdf;
- A discussion of how the data collected reflects the site-specific characteristics and how the operator considered special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions;
- The input file and export of the results from the BLM software, which can be requested at: https://www.epa.gov/wqs-tech/copper-biotic-ligandmodel; and
- A narrative summary of results.

C. Corrective Action and AIM Documentation

1. Documentation within 24 Hours.

You must document the existence of any of the conditions listed in Parts IV.A.1, IV.B.1.a, IV.B.2.a, and/or IV.B.3.a within 24 hours of becoming aware of such condition. You are not required to submit this documentation to the Department, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part V.A.2. Include the following information in your documentation:

a. Description of the condition or event triggering the need for corrective action review and/or AIM response. 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 IV.A.2.a 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 (see Part III.B.1.b.iv); and

d. A statement, signed and certified in accordance with Part II.C.1.

2. Documentation within 14 Days.

You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in IV.A.1, IV.B.1.a, IV.B.2.a, and/or IV.B.3.a 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 and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts IV.A.2, IV.B.1.c, IV.B.2.c, and/or IV.B.3.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 and/or AIM response in Part IV. You are not required to otherwise submit this documentation to the Department, unless specifically required or requested to do so. In addition, you must summarize your corrective actions and/or AIM responses in the annual report required in Part V.A.2.

PART V. INSPECTIONS, MONITORING, AND REPORTING

A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You must keep a copy of the documentation from all inspections and evaluations with your SWPPP per Part III.C.8.g. Records may also be kept in an Environmental Management System (EMS) that is accessible by site personnel.

1. Routine Facility Inspection

At least two times a year, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. The facility inspections must be documented with a checklist or other summary signed in accordance with Part II.C.3 of this permit, by qualified personnel, with at least one member of your stormwater pollution prevention team participating. The checklist must include a record of the deficiencies and necessary follow up actions. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

2. Comprehensive Site Compliance Evaluation

You must conduct comprehensive site compliance evaluations once a year. The evaluations must be performed by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can evaluate the effectiveness of all existing BMPs. The personnel conducting the evaluations may be either facility employees (such as pollution prevention team members) or contractors you hire. If a scheduled compliance evaluation overlaps with a routine facility inspection, the annual compliance evaluation may be used as one of the two routine facility inspections.

a. Evaluations must include all areas where industrial materials or activities are exposed to stormwater, at a minimum:

i.) Industrial materials, residue or trash that may have or could come into contact with stormwater;

ii.) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

iii.) Offsite tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

iv.) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

v.) Evidence of, or the potential for, pollutants entering the drainage system;

vi.) Evidence of pollutants discharging to surface waters at all facility outfalls;

vii.) The condition of and around any outfall, including flow dissipation measures to prevent scouring;

viii.) Training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and

ix.) Visual and analytical monitoring results from the past year.

b. A report must be written summarizing the scope of the evaluation, name(s) of personnel performing the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP. The report, which must be signed in accordance with Part II.C.3 of this permit, must include a certification that the site is in compliance with the SWPPP. Based on the results of the evaluation, the SWPPP must be modified as necessary. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

3. Quarterly Visual Monitoring

You are required to begin visual monitoring in the first full quarter after you have been notified that you are covered by this permit. For example, if you obtain permit coverage in June, then your first monitoring quarter is July 1 - September 30 of that year. Once each quarter, you must collect a stormwater sample from each outfall (except in adverse weather conditions, substantially identical outfalls, winter shutdown as described in Appendix D for Sector D or inactive and unstaffed sites as noted below) and assess the sample visually. Samples may be taken during any precipitation event (except as noted in Areas Subject to Snow below) where there is a measurable discharge and must be sampled within the first 30 minutes of the storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site. These samples are not required to be collected consistent with 40 CFR §136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

a. The Quarterly Visual Monitoring Form found in Appendix B of this permit must be completed for each sample. If no sample is possible, the form may be filled out to

reflect no discharge. Documentation of the rationale for no visual assessment for the quarter must be included in SWPPP records (or in an Environmental Management System (EMS) that is accessible by site personnel).

b. Adverse Weather Conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples during the quarter, a substitute sample must be taken during the next qualifying storm event.

c. *Areas Subject to Snow:* In areas subject to snow, at least one quarterly visual assessment shall attempt, if possible, to capture snowmelt discharge. The assessment should identify the date when the sample was taken.

d. *Substantially identical outfalls:* If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4. Inactive and Unstaffed Sites Exceptions to Routine Facility Inspections.

The requirement to conduct routine facility inspections twice a year and visual monitoring on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part V.A.2. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part III.C.5.b.v indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR §122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part II.C. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part III.C.5.b.v.

B. Required Numeric Monitoring

This permit specifies various numeric criteria for your operations. These include numeric limits and benchmarks.

- The numeric limits are for process water, washwater and stormwater subject to Effluent Limitation Guidelines in Appendix D according to your industry sector. Exceedances of these numeric limits is a permit violation.
- This permit also stipulates pollutant benchmark concentrations that may be applicable to your discharge. You must conduct benchmark monitoring quarterly for four (4) full quarters. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control

measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part III.B.

Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

1. Applicability of Monitoring

You must monitor for any numeric or benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Applicable concentrations are listed in the sector-specific sections of Appendix D. If your facility is in one of the industrial sectors subject to a hardness-dependent benchmark, you are required to submit to the Department with your first discharge monitoring report (Part V.B.4) a hardness value, established consistent with the procedures in Appendix C, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below concentrations specified for all monitored parameters for which you are required to sample.

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per month for an effluent numeric limit and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the monthly effluent limit sample and one of the 4 quarterly benchmark monitoring samples).

2. Monitoring Schedule

Your required monitoring frequency varies based on your activity. The tables in Appendix D specify how often that activity must take place. Your monitoring will start the first full quarter (found in Part V.C.7) after registering under this permit. For example, if you obtain permit coverage in May, then your monitoring starts on July 1.

3. Required Responses to Benchmark Monitoring Results

a. *Data not exceeding benchmarks:*

i.) If you met the benchmarks in the previous permit (15-MM), and the first 2 quarterly sampled benchmarks values are below 10% of the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

ii.) After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part V.B.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit. If you have met the requirements and plan to stop benchmark monitoring for a parameter, you must provide written notification to the Department's Wastewater Pollution Prevention and Reclamation Program (Part II.E.3) of this determination with your benchmark monitoring report and modify your SWPPP.

b. *Data exceeding benchmarks:*

After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must review the selection, design, installation, and implementation of selected control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

i.) Make the necessary modifications and continue quarterly monitoring until you

have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or

ii.) Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Part III.B of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must provide written notification to the Department's Compliance Program of this determination with your next benchmark monitoring report.

In accordance with Part V.B, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

c. *Natural Background Pollutant Levels:*

Following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

i.) The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;

ii.) You must document and maintain with the SWPPP (or in an Environmental Management System (EMS) that is accessible by site personnel) your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

iii.) You notify the Department's Compliance Program (Part II.E.3) on your final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring. Note: When run-on to your facility causes a benchmark exceedance, in addition to reviewing and revising, as appropriate, your SWPPP, you should notify the other operators contributing run-on to your discharges to abate their pollutant contribution. Where the other operators fail to take action to address the stormwater run-on, the Department may allow you to discontinue benchmark monitoring.

4. Submitting Discharge Monitoring Reports (DMRs)

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:

a. 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. Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within one (1) month of authorization under this permit.

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. The application form for a waiver from electronic reporting requirements can be found at http://bit.ly/NetDMR-Waiver. All subsequent hardcopy DMRs shall be sent to the following address:

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

c. If you are required to perform benchmark or other numeric discharge monitoring for specific pollutants you must report the data at least quarterly, no later than 28 days following the Monitoring Period (Part V.C.7), and according to the other Monitoring Procedures (Part V.C).

5. Exception for Inactive and Unstaffed Sites

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR §122.26(g) and sign and certify the statement in accordance with Part II.C; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part V.B as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this

permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must provide written notification to the Department's Compliance Program (Part II.E.3) of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified the Department, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

6. Substantially identical outfalls

If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may perform benchmark monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform benchmark monitoring on a rotating basis of each substantially identical outfall throughout the period you are required to under this permit. If stormwater contamination is identified through benchmark monitoring performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

7. Exception for Discharges to Groundwater

For discharges to groundwater via treatment, holding, or seepage facilities that are designed with no means for overflow, the associated surface water discharge monitoring and limits (Part V.B and Appendix D) are waived.

8. Flow Monitoring

Reporting of measured flow may be required for your facility as specified in Appendix D. In lieu of providing measured flow, the permittee may estimate flows and submit the following information with the NOI, and with the discharge monitoring report in the first quarter of each calendar year:

a. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;

b. Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, location, and persons performing the measurements/observation should also be provided; and

c. A description of the factors (e.g. batch discharges, intermittent operation, etc) which cause flow at the outfall to fluctuate significantly from the estimate provided.

C. Monitoring Procedures

You must collect and analyze discharges associated with effluent limitations guidelines, process water monitoring, as well as quarterly stormwater benchmark samples and document monitoring activities for the monitoring consistently with the procedures described in this section and the industry specific monitoring requirements of Appendix D. When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per month for an effluent limit and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the monthly effluent limit sample and one of the 4 quarterly benchmark monitoring samples).

1. Monitored Outfalls

You must conduct monitoring as required by this permit at each outfall authorized by this permit, except benchmark monitoring for an outfall exempt from monitoring as a substantially identical outfall. In the case of benchmark monitoring, if your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part III.C.5, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

2. Commingled Discharges

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. The following are some examples of mixed water source situations that should not be sampled.

- **a.** A common ditch that carries stormwater from properties upstream. In this case, the stormwater from the permitted facility is mixed with other water. You should find a location or locations where your facility's stormwater alone can be sampled.
- **b.** A partially submerged storm sewer pipe where it discharges into the receiving water body. In this case, this final discharge point should not be used as a sampling point because the stormwater flow is mixed with the receiving water.
- **c.** A manhole that carries stormwater not only from the permitted facility but from other stormwater sources as well. If taking a grab sample from a manhole, you should make sure that the flow in that pipe is entirely from your facility.

3. Measurable Storm Events

All required stormwater related monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

4. Sample Type

Grab samples for process water or washwater are taken at your selected Outfall during a time of discharge. For stormwater related samples, you must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described above. Samples must be collected within the first 30 minutes of a measurable storm event. However, the Department does not advocate impractical or potentially unsafe sampling methods during periods of adverse weather conditions. Therefore, if it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP (or in an Environmental Management System (EMS) that is accessible by site personnel) explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

5. Adverse Weather Conditions

When adverse weather conditions, as described in Part V.A.3.b, prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. You must keep a record with your SWPPP (or in an Environmental Management System (EMS) that is accessible by site personnel) of any failure to monitor as specified, indicating the basis for not sampling during the usual reporting period.

6. Representative Sampling

You must take all required samples and measurements at times to be representative of the quantity and quality of the discharges during the specified monitoring periods. At a minimum, samples must be taken once every quarter unless otherwise specified.

The sampling and analytical methods used must conform to procedures for the analysis of pollutants as identified in 40 CFR §136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" except for visual monitoring which is not subject to 40 CFR §136, or unless otherwise specified.

7. Monitoring Periods

Visual (Part V.A.3) and benchmark (Part V.B.2) monitoring are required on a quarterly basis, and process water and washwater monitoring occurs either monthly or quarterly based on the industry specific requirements in Appendix D. Quarterly monitoring follows these 3-month intervals:

i.) January 1 – March 31;
ii.) April 1 – June 30;
iii.) July 1 – September 30; and
iv.) October 1 – December 31.

8. Data Recording Requirements

If you are required to perform monitoring, you must record the following information for each sample:

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.

D. Records Retention

You must retain 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, for a minimum of three (3) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

PART VI. STANDARD PERMIT CONDITIONS

A. Facility Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and

appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or a similar system that you have installed only when the operation is necessary to achieve compliance with the conditions of the permit.

B. 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 report to the Department, you must submit the facts or information to the Department within 30 days.

C. 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.

D. 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.

E. 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 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.

F. Removed Substances

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

G. 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).

H. 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 must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

I. Permit Modification

The Department may revoke this permit or modify this permit to include different limitations and requirements, 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.

J. Total Maximum Daily Load (TMDL)

The permit may be reopened in accordance with Maryland's Administrative Procedures Act to incorporate future Total Maximum Daily Load requirements.

K. 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.

L. 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.

M. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve you from any civil or criminal responsibilities, liabilities, 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.

N. 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.

O. Severability

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

P. 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 the State.

Q. Compliance with this General Permit and Water Pollution Abatement Statutes

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 IV (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, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part IV.C.

R. 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.

S. Civil Penalties for Violations of Permit Conditions

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule (40 CFR §19.4).

T. Criminal Penalties for Violations of Permit Conditions

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

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation, must, upon conviction, be subject to a penalty of not more than $1,000,000.
4. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than $10,000 or by imprisonment for not more than two (2) years, or by both.

U. 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.

V. Reopener Clause for Permits

This permit must 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 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.

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 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.

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D. Lee Currey, Director
Water and Science Administration