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**GENERAL PERMIT FOR DISCHARGES FROM
 SWIMMING POOLS AND SPAS**

DISCHARGE PERMIT NO. 12-SI

NPDES PERMIT NO. MDG76

Effective Date: October 1, 2012

Expiration Date: September 30, 2017

PART I. APPLICABILITY AND COVERAGE 3

- A. **GEOGRAPHIC COVERAGE..... 3**
- B. **ELIGIBLE DISCHARGES 3**
- C. **INELIGIBLE DISCHARGES 3**
- D. **NO PERMIT REQUIRED 3**
- E. **INDIVIDUAL PERMIT OR ANOTHER GENERAL PERMIT REQUIRED..... 3**
- F. **TERMINATION OF PERMIT..... 4**
- G. **AUTHORIZATION 5**
- H. **TRANSFER OF AUTHORIZATION 5**
- I. **CONTINUATION OF AN EXPIRED GENERAL PERMIT..... 6**
- J. **CHANGE IN LOCATION..... 6**

PART II. DEFINITIONS..... 6

PART III. CONDITIONS OF REGISTRATION..... 9

- A. **REQUESTS FOR REGISTRATION AND FEE REQUIREMENTS..... 9**
- B. **DEADLINES FOR NOTIFICATION 9**
- C. **REQUIRED SIGNATURES 10**
- D. **FAILURE TO NOTIFY 11**
- E. **CHANGE IN DISCHARGE 11**

PART IV. SPECIAL CONDITIONS OF DISCHARGES..... 11

- A. **DISCHARGE LIMITS AND MONITORING REQUIREMENTS..... 11**
 - 1. **Backwash, Draw Down and Overflow..... 11**
 - 2. **Cleaning Wastewater..... 12**
- B. **EROSION..... 14**
- C. **OTHER DISINFECTANTS 14**
- D. **ALGAECIDES..... 14**
- E. **OTHER REQUIREMENTS 14**

PART V. MONITORING AND REPORTING 14

- A. **REPRESENTATIVE SAMPLING..... 14**
- B. **SAMPLING AND ANALYTICAL METHODS..... 15**
- C. **DATA RECORDING REQUIREMENTS..... 15**
- D. **MONITORING EQUIPMENT MAINTENANCE 15**
- E. **ADDITIONAL MONITORING BY PERMITTEE..... 15**
- F. **REPORTING MONITORING RESULTS 15**

G.	RECORDS RETENTION.....	16
H.	NONCOMPLIANCE WITH DISCHARGE LIMITS.....	16
PART VI. VIOLATION OF PERMIT CONDITIONS.....		17
A.	COMPLIANCE WITH THIS GENERAL PERMIT AND WATER POLLUTION ABATEMENT STATUTES.....	17
B.	CIVIL AND CRIMINAL LIABILITY.....	17
C.	ACTION ON VIOLATIONS.....	17
D.	CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.....	17
E.	CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.....	17
F.	PENALTIES FOR FALSIFICATION AND TAMPERING.....	18
PART VII. GENERAL CONDITIONS.....		18
A.	RIGHT OF ENTRY.....	18
B.	PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS.....	18
C.	DUTY TO PROVIDE INFORMATION.....	18
D.	BYPASSING.....	19
E.	CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET.....	19
F.	REMOVED SUBSTANCES.....	19
G.	FACILITY OPERATION AND MAINTENANCE.....	20
H.	POWER FAILURE.....	20
I.	OTHER INFORMATION.....	20
J.	AVAILABILITY OF REPORTS.....	20
K.	TOXIC POLLUTANTS.....	20
L.	OIL AND HAZARDOUS SUBSTANCES PROHIBITED.....	20
M.	WATER CONSTRUCTION AND OBSTRUCTION.....	20
N.	PROTECTION OF WATER QUALITY.....	20
O.	PERMIT MODIFICATION.....	21
P.	IMPAIRED RECEIVING WATERS AND TOTAL MAXIMUM DAILY LOADS.....	21
Q.	TOTAL MAXIMUM DAILY LOAD (TMDL).....	21
R.	SEVERABILITY.....	21
PART VIII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS.....		21

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

PART I. APPLICABILITY AND COVERAGE

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Maryland Department of the Environment, hereinafter referred to as the "Department", hereby authorizes operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department, to discharge wastewater from swimming pools and spas described herein to waters of the state of Maryland in accordance with the eligibility requirements and other conditions set forth in this permit and consistent with the permittees' NOI on file with the Department.

A. Geographic Coverage

This permit covers discharges to surface or ground waters within the territorial boundaries of the state of Maryland.

B. Eligible Discharges

This permit covers discharges of overflow, drainage (drawdown), filter backwash, and cleaning water from any public or private pool or spa including baptismal fonts.

C. Ineligible Discharges

Discharges of sanitary wastewater are not eligible for coverage under this general permit. Floor drains in bathrooms or shower and equipment rooms are not eligible for coverage under this general permit.

D. No Permit Required

This discharge permit is not required for the discharge of overflow, drainage, filter backwash and cleaning water directed to a sanitary sewer system; however, the permitting authority responsible for the wastewater treatment/sanitary sewer system must provide authorization prior to discharge.

E. Individual Permit or Another General Permit Required

1. If the Department determines that a discharge may cause an in-stream exceedance of water quality standards, the Department may require additional actions, including an application for an individual permit.
 2. The Department may require any person authorized by this permit to apply for and obtain an individual state or state/NPDES discharge permit or obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for the Department-required individual state or state/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as established by this condition, the applicability of this permit to the owner or operator is automatically terminated. Effective at the end of such day that was specified by the Department for the application or NOI to be submitted this permit is terminated and the permittee's continuance of discharges that are covered by this permit is no longer authorized.
 3. Any person authorized by this permit may request to be excluded from coverage under this permit by applying for an individual state or state/NPDES discharge permit or requesting coverage under another general permit. The Department may grant this request by issuing an individual state or a state/NPDES discharge permit or by granting coverage under another general permit, if the reasons cited by the owner or operator are adequate to support the request.
 4. When an individual state or state/NPDES discharge permit is issued to a person for discharges otherwise subject to this permit, the applicability of this permit to the permittee is automatically terminated on the effective date of the individual state or state/NPDES discharge permit.
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5. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of the discharging facility may be required to obtain an individual state or a state/NPDES discharge permit or coverage under another general permit.
6. If a person otherwise covered under this permit is denied coverage under an individual state or a state/NPDES discharge permit, on the date of the denial, the denial automatically terminates the person's coverage under this general permit, unless otherwise specified by the Department.
7. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow registration of the facility under the general permit without compromising water quality. Such circumstances may occur when 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.

F. Termination of Permit

1. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:
 - a. The NOI contained false or inaccurate information;
 - b. Conditions or requirements of the discharge permit have been or are about to be violated;
 - c. Substantial deviation from plans, specifications, or requirements has occurred;
 - d. The Department has been refused entry to the premises for the purpose of inspecting to insure compliance with the conditions of the discharge permit;
 - e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;
 - f. Any state or federal water quality stream standard or effluent standard has been or is likely to be violated; or
 - g. Any other good cause exists for terminating coverage under this permit.
 2. If the Department terminates permit coverage as a result of one of the conditions listed in Section F-1 above, the permittee must apply for an individual permit immediately. The permittee must also cease any and all activities listed in PART I - Section B. until coverage is granted under an individual permit. If there are periods of discharge between the termination of the general permit and the effective date of the individual permit, the facility operator and owner are accountable for those discharges and any violations of state and federal law are subject to penalty as detailed in PART VI.
 3. Any permittee not requesting termination of permit coverage remains responsible for meeting all permit requirements, including monitoring and reporting. A permittee should request permit termination by submitting a Notice of Termination (NOT) MDE/WMA/PER.005 form (<http://www.mde.state.md.us/>) if:
 - a. All discharges have permanently ceased.
 - b. All discharges have been redirected to the sanitary sewer.
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G. Authorization

1. To be authorized to discharge under this general permit, a person is required to submit an NOI in accordance with the requirements of PART III of this permit, pay the required fee, receive notification from the Department of registration and comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the NOI is accepted by the Department, provided the NOI fee has been paid to the Department in accordance with the terms stipulated in PART III below. A person who submits such an NOI, is notified of its acceptance by the Department, complies with the terms and conditions of this permit, and pays the required fee, is authorized to discharge under the terms and conditions of this general permit.
2. If the NOI fee is paid by check which does not clear for any reason, the applicant will be given 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, coverage under this permit shall be considered void from the outset. The permittee should save the cancelled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department upon request.
3. Owners operating private pools or spas including baptismal fonts, are not required to submit an NOI or pay a fee, and are authorized to discharge according to the conditions of this general permit.

H. Transfer of Authorization

1. The authorization under this permit is not transferable to cover a change in facility location.
 2. The authorization under this permit is not transferable to any person except in accordance with this section.
 3. Authorization to discharge under this permit may be transferred to another person if:
 - a. The current permittee notifies the Department's Wastewater Permits Program in writing of the proposed transfer along with the submittal of form MDE/WMA/PER.079 (<http://www.mde.state.md.us/>);
 - b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with and liability for the terms and conditions of this permit, is submitted to the Department;
 - c. The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or submits a modified NOI; and
 - d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items a through c above, of intent to terminate coverage under this permit.
 4. The Department may continue coverage for the new permittee under this permit or may require the new permittee to apply for and obtain an individual state or state/NPDES discharge permit.
 5. The new permittee is responsible for any permit fees unpaid by the former permittee.
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I. Continuation of an Expired General Permit

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

J. Change in Location

Registration under this permit is specific to a geographic location. If an operation moves, the permittee must submit a Notice of Termination (NOT) MDE/WMA/PER.005 form (<http://www.mde.state.md.us/>) as stated in Section F, above. They must also apply for coverage at the new location by submitting a new NOI and fee.

PART II. DEFINITIONS

- A. "Bypass"** means the intentional diversion of wastes from any portion of a treatment facility.
- B. "CFR"** means Code of Federal Regulations.
- C. "COMAR"** means Code of Maryland Regulations.
- D. "Daily determination of concentration"** means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/L or other appropriate units as an outcome.
- E. "Daily maximum"** effluent concentration means the highest reading of any daily determination of concentration.
- F. "Department"** means the Maryland Department of the Environment.
- G. "Discharge"** means:
1. The addition, introduction, leaking, spilling, or emitting of any pollutant to waters of this state; or
 2. The placing of a pollutant in a location where the pollutant is likely to pollute.
- H. "Drawdown"** refers to the draining of a pool or spa in its entirety.
- I. "Estimated flow"** means a calculated volume or discharge rate that is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
- J. "Federal Clean Water Act" (CWA)** means the Federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted there under.
- K. "General permit"** means a discharge permit issued for a class of dischargers.
- L. "gpd"** is an abbreviation for gallons per day, and is used as unit of measurement for flow.
- M. "Grab sample"** means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
- N. "Groundwater"** means underground water in a zone of saturation.
- O. "Impaired water"** means water whose quality does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters:
1. For which TMDLs have been established,
 2. For which existing controls such as permits are expected to resolve the impairment, or
 3. For which a TMDL is required.
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Impaired waters compilations are also sometimes referred to as 303(d) lists, and are included in [Maryland's most current List of Impaired Surface Waters \[as Category 4 or 5\]](http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL) (<http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL>).

- P. **"Includes" or "including"** means includes or including by way of illustration and not by way of limitation.
- Q. **"µg/L"** is the abbreviation for micrograms per liter, and is used as unit of measurement for the mass of a contaminant in a liter of a substance.
- R. **"mg/L"** is the abbreviation for milligrams per liter, and is used as unit of measurement for the mass of a contaminant in a liter of a substance.
- S. **"NPDES permit"** means a National Pollutant Discharge Elimination System permit issued under the Federal Clean Water Act.
- T. **"NOI"** means Notice of Intent to be covered by this permit (see PART III of this permit).
- U. **"NTU"** is the abbreviation for Nephelometric Turbidity Unit, and is used as a unit of measurement for turbidity.
- V. **"Operator"** means that person or those persons with responsibility for the management and performance of each facility. This includes persons who clean, repair maintain, or service pools or spas.
- W. **"Owner"** means a person who has a legal interest in a pool or spa or in the property on which the pool or spa is located, or the owner's agent.
- X. **"Outfall"** means the permit authorized wastewater discharge location
- Y. **"Overflow"** means the water which leaves the pool and drains adjacent to the pool perimeter. It does not refer to the hosing down of the pool deck area.
- Z. **"ppb"** is the abbreviation for parts per billion, and is used as unit of measurement for the concentration of a mass of a contaminant in a substance.
- AA. **"ppm"** is the abbreviation for parts per million, and is used as unit of measurement for the concentration of a mass of a contaminant in a substance.
- BB. **"Permittee"** means the person holding a permit issued by the Department and authorized to discharge under the provisions of this general permit.
- CC. **"Persistent Foam"** means foam that does not dissipate within one half-hour of point of discharge and: forms objectionable deposits on the receiving water; forms floating masses producing a nuisance; produces objectionable color or odor; or interferes with a designated use of the water body. It does not mean foaming of the receiving water body caused by natural conditions.
- DD. **"Person"** means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this state, any county, Municipal Corporation or other political subdivision of this state or any of their units.
- EE. **"Pool"** means an artificial enclosure of water (this does not include a pond or lake formed by damming a natural waterway), which is used for the immersion of the human body for recreation, therapy, exercise, or religious purposes.
- FF. **"Pool cleaning wastewater"** means a discharge related to through cleaning of the pool sides and bottom, typically after emptying the pool. It does not refer to the routine cleaning of the pool deck or vacuuming.
- GG. **"Private"** means:
1. not open to the public;
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2. located on a property shared by no more than four private residences; and
 3. used exclusively by the residents and non-paying individuals invited by an owner to use the pool.
- HH. "Public"** Public pool includes, but is not limited to, a facility at a community or private swim or exercise club, college, school, camp, or similar facility; or a mobile home park, condominium, apartment building, or similar facility with more than four units.
- II. "Quarterly Average"** means the average of all measurements gathered during the calendar quarter.
- JJ. "Sewage"** means water-carried human, domestic and other wastes and includes all human and animal excreta from residences, buildings, industrial establishments, or other places.
- KK. "Spa"** means a pool, hot tub or whirlpool which is primarily designed for relaxation or therapeutic use and not swimming.
- LL. "State discharge permit"** means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
- MM. "Storm water"** means that portion of precipitation, including snow melt runoff, that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, and the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.
- NN. "Surface waters"** means all waters of this state that are not groundwaters.
- OO. "Territorial boundaries"** means both land and waters of the state.
- PP. "Total Maximum Daily Load (TMDL)"** means a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.
- QQ. "Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- RR. "Wastewater"** means any:
1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
 2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics that will pollute any waters of the state.
- SS. "Water"** means the liquid substance which is derived from a groundwater source, a surface water source, or any combination of these sources, and which will be discharged, without change in quality, into waters of this state, with the exception of storm water runoff.
- TT. "Waters of the state"** includes:
1. Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
 2. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency.
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UU. **“Water Quality Standard”** means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in [COMAR 26.08.02](#) (<http://www.dsd.state.md.us/comar/>).

PART III. CONDITIONS of REGISTRATION

A. Requests for Registration and Fee Requirements

1. Notice of Intent (NOI)

- a. Applicants shall complete all required information on this permit’s corresponding NOI Form MDE-WMA-PER011 (<http://www.mde.state.md.us>), including: permittee name, address, electronic-mail (email) address, and telephone number; facility location including address and latitude and longitude; any preexisting NPDES permit number; receiving water body(s) for each outfall/discharge, discharge type and flow (expressed as gallons per day) for each outfall (or discharge location), and any additives or disinfection agents used. Detailed instructions on how to complete the NOI are located on the back of the form.

A site map shall be included with the NOI identifying discharge locations. The map should provide significant points of reference (i.e., road, building etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point. All discharge locations shall correspond to those identified on the NOI. **If the sampling is taken other than at the discharge point, this shall also be identified in the site map.**

A latitude and longitude must be provided for each discharge point. All locations are to be provided in North American Datum (NAD83), Geographic Projection of Latitude/Longitude in Decimal Degrees.

2. Permit Fee

- a. Persons who intend to obtain coverage under this general permit shall submit an application fee to the Department with the NOI form per COMAR 26.08.04.09-1 (H).
- b. The fee shall be made payable to the Maryland Department of the Environment and sent along with the completed NOI and site map to:

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

- c. Municipal, county or state pools or spas are not required to submit a fee.

B. Deadlines for Notification

1. New Discharges

At least 60 days prior to the commencement of any new discharge covered under this general permit, a person shall request coverage by submitting a NOI in accordance with the requirements of this PART.

2. Renewals of General Permit 07-SI

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Within 60 days after the effective date of this permit, any permittee currently registered under General Permit 07SI shall submit to the Department a new NOI and fee in order to obtain coverage under this permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 07SI and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit. Permittees who submit timely notification for continued permit coverage shall operate under the administratively extended permit 07SI until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

3. All Discharges

The Department may bring an enforcement action for failure to submit a NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

C. Required Signatures

1. Certification. Any person signing a NOI shall make the following certification as part of the NOI.

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

2. Signatories. All permit documents shall be signed as follows:

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

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

ii.) The manager of one or more manufacturing, production, or operating facilities, 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 municipal, 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).

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3. Report Submission

- a. All reports required by permits, and other information requested by the Department shall be signed by a person described in PART III - Section C.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i.) The authorization is made in writing by a person described in PART III - Section C.2;
 - ii.) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and
 - iii.) The written authorization is submitted to the Department.
- b. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART III - Section C.3(a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

D. **Failure to Notify**

Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit (except where authorized in PART I - Section G.3), and who discharge to waters of the state without an individual state or state/NPDES discharge permit, are in violation of the CWA and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. **Change in Discharge**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall report any anticipated facility expansions, additional or relocated outfalls, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new NOI (<http://www.mde.state.md.us>) at least 90 days prior to the commencement of the changed discharge. Based on its evaluation of the revised NOI the Department may:

- a. Continue to authorize the discharge under the permittees' current registration; or
- b. Require the permittee to apply for an individual state or state/NPDES discharge permit.

PART IV. SPECIAL CONDITIONS of DISCHARGES

A. **Discharge Limits and Monitoring Requirements**

Owners operating private pools or spas shall meet the effluent limitations in this PART, but are not subject to monitoring and reporting requirements. Public pools or spas shall meet the effluent limits and perform the monitoring as specified.

1. Backwash, Draw Down and Overflow

- a. **Surface water discharges** of backwash wastewater, or draw down or overflow water from public pools or spas shall be limited and monitored by the permittee as follows at each point of discharge:
-

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PARAMETER	LIMITS			FREQUENCY OF ANALYSIS	SAMPLE TYPE
	QUARTERLY AVERAGE	DAILY MAXIMUM	UNITS		
Flow	REPORT ⁽ⁱ⁾	REPORT ⁽ⁱ⁾	gpd	1/Month	Estimated
Total Residual Chlorine		19 (fresh) / 13 (salt) ⁽ⁱⁱ⁾	µg/L (ppb)		Grab
Total Residual Bromine		100 ⁽ⁱⁱⁱ⁾			
Total Copper		13 / 4.8 ^(iii, iv)			
Total Silver		3.2 / 1.9 ^(iii, iv)	mg/L (ppm)		
Cyanuric Acid		100.0 ⁽ⁱⁱⁱ⁾			
Turbidity		150 ^(v)	NTU		
PHMB		<0.10 ^(vi)	mg/L		

NOTES:

- i.)* No limits apply
- ii.)* Total Residual Chlorine limits are 19 µg/L for discharges to fresh water and 13 µg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- iii.)* Only additives used in pool must be monitored
- iv.)* Total Copper limits are 13 µg/L for discharges to fresh water and 4.8 µg/L for discharges to salt water. Total Silver limits are 3.2 µg/L for discharges to fresh water and 1.9 µg/L for discharges to salt water.
- v.)* Only required for backwash discharges. All turbidity samples shall be taken during the second half of the discharge.
- vi.)* When using Poly(hexamethylenebiguanide hydrochloride)-related disinfectants, hereinafter referred to as "PHMB," the residual PHMB in discharges to surface waters shall be nondetectable. The nondetectable level is attained when the residual is less than 0.1 mg/L.

b. Groundwater discharges of backwash water, or draw down or overflow water from public pools or spas shall be monitored as follows. Discharges to the land shall not result in ponding conditions or runoff to surface waters.

PARAMETER	Limits			FREQUENCY OF ANALYSIS	SAMPLE TYPE
	QUARTERLY AVERAGE	DAILY MAXIMUM	UNITS		
Flow	REPORT ⁽ⁱ⁾	REPORT ⁽ⁱ⁾	gpd	1/Month	Estimated
Total Copper		1.0 ⁽ⁱⁱ⁾	mg/L (ppm)	1/Month	Grab
Total Silver		0.1 ⁽ⁱⁱ⁾			

NOTES:

- i.)* No limits apply
- ii.)* Only additives used in pool must be monitored

2. Cleaning Wastewater

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

- a. **Surface water discharges** of cleaning wastewater from public pools or spas shall be limited and monitored by the permittee at the discharge point as follows. All solids shall not exceed a particle size that can pass Tyler designation 20-mesh.

PARAMETER	LIMITS				FREQUENCY OF ANALYSIS	SAMPLE TYPE
	QUARTERLY AVERAGE	DAILY MINIMUM	DAILY MAXIMUM	UNITS		
Flow	REPORT ⁽ⁱ⁾		REPORT ⁽ⁱ⁾	gpd	1/Discharge	Estimated
Total Residual Chlorine			19 (fresh) 13 (salt) ⁽ⁱⁱ⁾	µg/L (ppb)		Grab
Total Residual Bromine			100 ⁽ⁱⁱⁱ⁾			
Total Copper			13 / 4.8 ^(iii, iv)			
Total Silver			3.2 / 1.9 ^(iii, iv)			
Cyanuric Acid			100.0	mg/L (ppm)		
pH		6.0	9.0	s.u.		
Turbidity			150 ^(v)	NTU		
PHMB			<0.10 ^(vi)	mg/L		

NOTES:

- i.) No limits apply
- ii.) Total Residual Chlorine limits are 19 µg/L for discharges to fresh water and 13 µg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- iii.) Only additives used in pool must be monitored
- iv.) Total Copper limits are 13 µg/L for discharges to fresh water and 4.8 µg/L for discharges to salt water. Total Silver limits are 3.2 µg/L for discharges to fresh water and 1.9 µg/L for discharges to salt water.
- v.) All turbidity samples shall be taken during the second half of the discharge.
- vi.) When using PHMB, the residual PHMB in discharges to surface waters shall be nondetectable. The nondetectable level is attained when the residual is less than 0.1 mg/L.

- b. **Groundwater discharges** of cleaning wastewater from public pools or spas shall be limited and monitored by the permittee at each point of discharge to the land disposal system. The use of land disposal system shall not result in ponding conditions or identifiable seepage of wastewater into surface waters.

PARAMETER	Limits				FREQUENCY OF ANALYSIS	SAMPLE TYPE
	QUARTERLY AVERAGE	DAILY MINIMUM	DAILY MAXIMUM	UNITS		
Flow	REPORT ⁽ⁱ⁾		REPORT ⁽ⁱ⁾	gpd	1/Discharge	Estimated
Total Copper			1.0 ⁽ⁱⁱ⁾	mg/L (ppm)	1/Month	Grab
Total Silver			0.1 ⁽ⁱⁱ⁾			
pH		6.0 ⁽ⁱⁱⁱ⁾	9.0 ⁽ⁱⁱⁱ⁾	s.u.	1/Discharge	

NOTES:

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- i.)* No limits apply
- ii.)* Only additives used in pool must be monitored
- iii.)* Required only if acid is used in cleaning

B. Erosion

The permittee shall take all necessary measures to prevent erosion damage during the discharge. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing water, preventive measures include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

C. Other Disinfectants

The use of disinfectants other than chlorine, bromine, PHMB compounds, copper, or silver, in swimming pool waters that will be discharged to State waters is prohibited unless approved by the Department.

D. Algaecides

Algaecides with chlorine, copper and silver as the only active ingredients may be used provided the discharge limitations listed in PART IV - Section A are met. If the label contains a warning against discharging water treated with the algaecide into lakes, streams, ponds, or other water bodies, the algaecide may not be used. No algaecide may be used unless a copy of the label is maintained on site. A photo copy of the label shall be submitted with the application. If a change is made during the permit term, the permittee must submit this revised information within 30 days of use.

E. Other Requirements

1. Nothing in this permit authorizes the directing of a swimming pool discharge in such a way that will create nuisance conditions on adjacent or downstream properties.
2. For pool cleaning operations, monitoring shall be performed and compliance confirmed prior to the discharge.
3. Discharges shall not contain visible oil sheen, floating solids or persistent foam.
4. Per COMAR 26.08.03.06, the discharge shall not contain chlorine or chlorine-containing compounds except in nondetectable levels. The nondetectable level shall be less than 0.1 milligram/Liter as determined using either the DPD titrimetric or colorimetric method or an alternative method approved by the Department.
5. Deck drains discharging pool overflow, cleaning washwater, etc. are subject to the same limits identified in this PART.

PART V. MONITORING AND REPORTING

Owners operating private pools or spas are not subject to monitoring and reporting requirements.

A. Representative Sampling

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

2. The permittee shall estimate flows and submit the following information with their discharge monitoring report 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, locations, and persons performing the measurements/observations 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.

B. *Sampling and Analytical Methods*

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

C. *Data Recording Requirements*

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

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

D. *Monitoring Equipment Maintenance*

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

E. *Additional Monitoring by Permittee*

If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Section F, below.

F. *Reporting Monitoring Results*

1. All monitoring results obtained by the permittee during each calendar quarter shall be summarized on a DMR form (EPA No. 3320-1) for each outfall, as provided with registration under this permit. Facilities operating more than fifteen weeks each year shall submit results quarterly, postmarked no later than the 28th day of the month following the end of each calendar quarter (April 28th, July 28th, October 28th, and January 28th). If the facility operates less than fifteen weeks a year, submit results annually postmarked on or before October 15th. Results shall be submitted to the Department at the address below:
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Maryland Department of the Environment
WMA - Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230
Attn: DMRs

2. Permittees may perform their own wastewater analyses or use an independent laboratory. Within 30 days of registration under this permit, permittees shall identify the laboratory performing analyses and if it is an independent laboratory, submit the name and address. If the permittee changes laboratories during the permit term, the Department shall be notified within 30 days in writing. This information shall be sent to the address listed in Section F.1, above.
3. All reports required by permits and other information requested by the Department shall be signed by a person described in PART III - Section C.2 or by a duly authorized representative of that person as described in PART III - Section C.3.

G. *Records Retention*

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

H. *Noncompliance with Discharge Limits*

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

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

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

2. Within five calendar days, provide the Department with the following information in writing at the above address:
 - a. A description of the noncompliant discharge, including the date and time of its occurrence and its impact on the receiving water;
 - b. The cause of the noncompliance;
 - c. The anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;
 - d. Steps taken by the permittee to eliminate the noncompliant discharge;
 - e. Steps planned and implemented by the permittee to prevent the recurrence of the noncompliance; and
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- f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
3. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this state or to human health from noncompliance with any effluent limitations specified in this permit.

PART VI. VIOLATION OF PERMIT CONDITIONS

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

The permittee shall comply at all times with the terms and conditions of this permit, the provisions of the Environmental Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the CWA, 33 U.S.C. § 1251 et seq.

B. Civil and Criminal Liability

Except as provided in the permit conditions on "bypassing" and "upset" (PART VII), nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any civil or criminal responsibilities, liabilities, and/or penalties for noncompliance with Title 9 of the Environmental Article, Annotated Code of Maryland or any federal, local or other state law or regulation.

C. Action on Violations

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

D. 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 CWA 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 CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule published in the federal register 2009.

E. 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 CWA provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, 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 CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, 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.
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3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, 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, shall, upon conviction, be subject to a penalty of not more than \$1,000,000.

F. *Penalties for Falsification and Tampering*

The Environment Article, §9-343, Annotated Code of Maryland provides that 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 this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. The CWA provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the CWA, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

PART VII. GENERAL CONDITIONS

A. *Right of Entry*

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

1. To enter upon the permittees' premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. To sample, at reasonable times, any discharge of pollutants; and
6. To take photographs.

B. *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.

C. *Duty to Provide Information*

The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information that the Department may request to determine whether cause exists for modifying,

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revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. *Bypassing*

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 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 notification of upset within 24 hours in accordance with the reporting requirements of identified in Noncompliance with Discharge Limits conditions PART V - Section H above;
4. the permittee submitted, within five 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, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from being discharged to waters of the state. The permittee shall keep a record of the following, and make it available to the Department upon request:

1. The location of all areas used for the disposal of any removed substances as described above;
 2. The physical, chemical and biological characteristics of the removed substances (as appropriate), quantities of any removed substances handled, and the method of disposal; and
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3. Identification of the contractor or subcontractor, their mailing address and the information specified in Section F.1 and F.2 above if disposal is handled by persons other than the permittee.

G. Facility Operation and Maintenance

Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the permit in good working order.

H. Power Failure

In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or
2. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

I. Other Information

If the permittee becomes aware that incorrect information has been included in the NOI or any other report submitted to the Department, or relevant facts have been omitted from the NOI or any other report to the Department, the permittee shall submit the correct information or facts to the Department with 30 calendar days of becoming aware.

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

K. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the CWA, or under Section 9-314 and Sections 9-322 through 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved 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 the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the CWA (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

M. Water Construction and Obstruction

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

N. Protection of Water Quality

It is a violation of this permit to discharge any substance not otherwise identified in the effluent limits of PART IV - Section B of this permit at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03. If an authorized discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, or if the discharge includes a pollutant that was not disclosed or addressed in the Notice of Intent, the Department is authorized to exercise its powers to modify, suspend or revoke the discharge authorization.

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O. 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 CFR. §§ 122.62, 122.63, 122.64 and 124.5.

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the CWA [33 U.S.C. §§ 1311, 1314, 1317] if the effluent standard or limitation so 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 paragraph, shall also contain any other requirements of the Act then applicable.

P. Impaired Receiving Waters

If it is determined that the discharge is directed to any receiving water is on Maryland's impaired waters list, which can be found at the Department's website for 303(d) list searchable database (<http://www.mde.state.md.us/>), the Department may require individual permit coverage. The permittee must implement all necessary controls to meet the specified waste load allocation (WLA), if one exists, and verify that the discharge complies with the WLA through the discharge monitoring requirements included in this permit. Failure to comply with a relevant WLA is a violation of this permit.

Q. 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.

R. Severability

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

PART VIII. 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 a NPDES general permit.



Jay Sakai, Director
Water Management Administration
