

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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GENERAL DISCHARGE PERMIT FOR STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

DISCHARGE PERMIT NO. 02-SW

NPDES PERMIT NO. MDR

Effective Date: December 1, 2002

Expiration Date: November 30, 2007

Part I. Applicability.

A. Geographic Coverage. This permit covers all areas of the State of Maryland.

B. Eligible Discharges. This permit may cover all storm water discharges associated with industrial activity (except as described in Part I.C.1), as defined in 40 CFR 122.26, that discharge to surface waters of the State. Such discharges may be commingled with wastewater or water discharges not regulated by this permit. This permit also covers storm water discharges not included in 40 CFR 122.26 that the Department determines would, if not regulated by a permit, be likely to contribute to a violation of a water quality standard or be a significant contributor of pollutants to waters of the State, either surface or ground.

C. Ineligible Discharges. The following discharges are not covered under this general permit.

1. Storm water discharges from any construction activity, as defined in 40 CFR 122.26;
2. Storm water discharges that are regulated by effluent limitation guidelines. All or part of the storm water from the following industries are covered by effluent limitation guidelines: cement manufacturing (40 CFR 411), feedlots (40 CFR 412), fertilizer manufacturing (40 CFR 418), petroleum refining (40 CFR 419), phosphate manufacturing (40 CFR 422), steam electric generating (40 CFR 423), coal mining (40 CFR 434), mineral mining and processing (40 CFR 436), ore mining and dressing (40 CFR 440), and asphalt emulsion (40 CFR 443);
3. Storm water discharges associated with industrial activity from inactive mining or inactive oil and gas operations occurring on federal lands; and
4. Storm water discharges whose NPDES permit has been terminated (other than at the request of the permittee) or denied, or those for which the Department requires an individual permit or an alternative general permit.

D. No Permit Needed. Storm water associated with facilities where the operator has certified, in accordance with criteria established by the Department on form MDE/WMA/PER.067, that there is no potential for exposure of pollutants to storm water being discharged to State waters need not be permitted.

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E. Individual Permit or Another General Permit Required.

- 1.** The Department may require any person authorized by this permit to apply for and obtain an individual State or State/NPDES discharge permit or to obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for an individual State or State/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as required by the Department under this condition, the applicability of this permit to the owner or operator is automatically terminated at the end of the day specified by the Department for the application or NOI submittal.
- 2.** 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.
- 3.** 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.
- 4.** If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual State or a State/NPDES discharge permit or coverage under another general permit.
- 5.** If a person otherwise covered under this permit is denied coverage under an individual State or a State/NPDES discharge permit, the denial automatically terminates, on the date of the denial, the person's coverage under this general permit, unless otherwise specified by the Department.
- 6.** 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

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g. Any other good cause exists for terminating coverage under this permit.

F. Authorization. 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, be notified of its acceptance by the Department, pay the required fee, and comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the NOI is acknowledged by the Department, provided the NOI fee has been paid to the Department in accordance with the terms stipulated in Part III below.

If the NOI fee is paid by a check which does not clear for any reason, the person will be given 30 calendar days to make proper payment including any interest and other charges that are due. If payment is not made within this time, 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.

G. Transfer of Authorization.

1. The authorization under this permit is not transferable to any person except in accordance with this section.

2. Authorization to discharge under this permit may be transferred to another person if:

a. The current permittee notifies the Department (Industrial Discharge Permits Division with copy sent to Inspection and Compliance Program) in writing of the proposed transfer;

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 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 updates this information;

d. The new permittee confirms in writing that either they will follow the existing storm water pollution prevention plan or that they have developed a new plan; and

e. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items I.G.2.a through d above, of intent to terminate coverage under this permit.

3. 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 or obtain coverage under another general permit.

4. A new owner of a facility is responsible for any fees unpaid by the former owner.

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H. Continuation of an Expired General Permit. Authorization to discharge under the terms of an expired general permit continues in full force and effect until a new general permit is issued, and for the next 60 days after issuance provided the permittee submits a new NOI and fee within that period, or until the general permit is revoked or withdrawn.

Part II. Definitions.

A. "Best management practices (BMP)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of this State. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

B. "CFR" means Code of Federal Regulations.

C. "COMAR," means Code of Maryland Regulations.

D. "Department" means the Maryland Department of the Environment. Unless stated otherwise, all submissions to the Department shall be directed to the attention of the Wastewater Permits Program.

E. "Federal Clean Water Act" means the federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted thereunder.

F. "General permit" means a discharge permit issued for a class of dischargers.

G. "Ground water" means underground water in a zone of saturation.

H. "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

I. "NPDES permit" means a National Pollutant Discharge Elimination System permit issued under the federal Clean Water Act.

J. "NOI" means Notice of Intent to be covered by this permit (see Part III of this permit).

K. "Operator" means that person or those persons with responsibility for the management and performance of each facility.

L. "Permittee" means the person holding a permit issued by the Department.

M. "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.

N. "Section 313 water priority chemical" means a chemical or chemical categories which: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments

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and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the Clean Water Act at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

O. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials, such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products, such as ashes, slag and sludge that have the potential to be released with storm water discharges.

P. "Significant spills" includes, but is not limited to, releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (40 CFR 302.4).

Q. "State discharge permit" means a discharge permit issued pursuant to the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.

R. "Storm water associated with industrial activity" means storm water as defined in 40 CFR 122.26(b)(14).

S. "Surface waters," means all waters of this State that are not ground waters.

T. "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 this State.

U. "Waters of this 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 the Environment on the basis of the 100-year flood frequency.

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PART III. Notice of Intent Requirements.

A. Deadlines for Notification. At least 30 days prior to the commencement of any new storm water discharge covered under this general permit, a person shall request coverage by submitting an NOI in accordance with the requirements of this Part. Any person who is covered under 97-SW shall submit a new NOI and fee within 60 days of issuance of this permit to continue coverage. The Department may bring an enforcement action for failure to submit an NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

B. Notice of Intent. A person shall obtain the appropriate NOI form from the Department, and shall provide the following information:

1. County, name and address (location) of the facility;
2. Name and telephone number of the facility contact;
3. Written description of industrial activity taking place;
4. One four-digit SIC code that best represents the principal products or activities provided by the facility;
5. The latitude and longitude of the approximate center of the facility to the nearest 15 seconds or three decimal places;
6. The name of the receiving water(s), or if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
7. Permit number of any other NPDES permit issued for the facility;
8. Area of industrial activity at facility in acres;
9. Status of owner/operator (private, Federal, etc);
10. Federal tax ID number;
11. Name and mailing address of applicant (company that owns and/or operates the permitted facility);
12. Name and telephone number of operator contact;
13. A summary of all existing quantitative data, if any, describing the concentration of pollutants in storm water discharges;
14. Workers compensation insurer and policy or binder number; or a Certificate of Compliance from the Workers' Compensation Commission;
15. Signature of applicant.

If a person operates multiple facilities, an NOI is required for each noncontiguous site.

C. Discharge Permit Fee

Persons who intend to obtain coverage under this general permit shall submit to the Department a fee of \$550 with the NOI. Local and state governments are not required to pay a fee.

As an alternative to a single fee, a person may submit five annual \$120 payments beginning with the submission of the NOI application and every July 1 thereafter.

The discharge fee for new facilities that have commenced operating after permit issuance shall be prorated on a monthly basis.

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D. Required Signatures.

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

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

2. Signatories. The NOI 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 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 E.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in Part III, Section E.2;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Department.

b. 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 E.3(a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by the new authorized representative.

E. Where to Submit. A person shall submit a signed copy of the NOI and the required fee, made payable to the Maryland Department of the Environment, to the following address:

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

F. Failure to Notify. Persons who discharge storm water associated with industrial activity, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of this State without an individual State or State/NPDES discharge permit, are in violation of the federal Clean Water Act and the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

G. Additional Notification.

Facilities which discharge storm water associated with industrial activity to the municipal separate storm sewer system of Anne Arundel County, Baltimore (City), Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Montgomery County, Prince George's County, or the State Highways Administration shall, in addition to filing copies of the NOI in accordance with condition III.B., submit, concurrently, signed copies of the NOI to the operator of the municipal separate storm sewer to which they discharge (see NOI form for addresses). Facilities discharging to the separate storm sewer system of certain smaller municipalities and other administrative units will also be required to notify the operator. The Department will provide further information, if applicable, after receipt of the NOI.

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H. Permit Expiration and Renewal. Within 60 days after the reissuance of this general permit with new effective and expiration dates, the permittee is required to submit to the Department either:

1. A notice that the discharge or industrial activity (including the exposure of residual pollutants from concluded industrial activity) has ceased; or
2. A new NOI and any fee in accordance with the requirements of the reissued general permit in order to be covered under the reissued general permit.

I. Additional Reporting Requirements. In the event that the Department identifies certain pollutants causing impairment of the receiving waters, the permittee may be required to amend the NOI by submission of storm water sampling data for the subject pollutants. The Department will provide further information, if applicable, after receipt of the NOI.

Part IV. Special Conditions.

A. Releases In Excess Of Reportable Quantities

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Except as provided in Part IV, Section A.2 (multiple anticipated discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24-hour period:

- a. The discharger is required to notify the Department of any oil spill or discharge of oil by calling its Emergency Response Division at (410) 974-3551 and notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, at (202) 426-2675 in accordance with the requirements of COMAR 26.10.01.03, 40 CFR 117 and 40 CFR 302 respectively as soon as he or she has knowledge of the discharge;
- b. The permittee shall submit to the Department within 10 working days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part IV, Section A.1.c (below) of this permit, and any other information as required by COMAR 26.10.01.03; and
- c. The storm water pollution prevention plan required under Part IV, Section B (storm water pollution prevention plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

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2. Facilities which have **more than one anticipated discharge** per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR 117 or 40 CFR 302, which occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall comply with Part IV, sections A.1.a, b, and c above, but must submit notifications only for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI).

3. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site **spill**.

B. Storm Water Pollution Prevention Plans - General

The permittee shall have and implement a storm water pollution prevention plan for each facility covered by this permit. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility.

In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

1. In developing this plan, the permittee may use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA Document #EPA832-R-92-006) or the "Summary Guidance" (EPA Document #EPA833-R-92-002). These documents can be obtained from the EPA Clearinghouse (phone: 1-800-490-9198) or the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-605-6000).

2. The plan shall be signed in accordance with Part III, Section D.2 of this permit, and be retained on site in accordance with Part VI, Section A.2 of this permit. In the case of new facilities, the plan shall be completed and implemented prior to submitting an NOI to be covered under this permit. The permittee shall make plans available upon request to the Department, and in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system (those systems are listed in Part III. Section G, addresses are on NOI).

3. If the plan is reviewed by the Department, the Department will notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the requested changes have been made and implemented. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.

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4. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which creates a potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department as described above.

C. Storm Water Pollution Prevention Plan - Contents

The plan shall include, at a minimum, the following items:

1. Each plan shall provide a **description of potential sources** which may be reasonably expected to add pollutants to storm water discharges. Each plan shall identify all activities and materials which may potentially be significant pollutant sources. Each plan shall include:

a. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and surface water bodies, including drainage ditches and wetlands.

b. A topographic map (or other map, if a topographic map is unavailable), extending one-quarter of a mile beyond the property boundaries of the facility. The requirements of this condition may be included in the site map required under Part IV, Section C.1.a. above, if appropriate.

c. A narrative description of significant materials that have been treated, stored, or disposed in a manner which allowed exposure to storm water at anytime from three years prior to obtaining coverage under this permit until the time the present method of on-site storage or disposal was initiated; materials management practices employed to minimize contact of these materials with storm water runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

d. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity; and

e. A summary of all existing sampling data describing pollutants in storm water discharges.

2. Each facility covered by this permit shall develop a description of **storm water management controls** appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

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- a. A **preventive maintenance** program that involves timely inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- b. **Good housekeeping** that requires the maintenance of a clean, orderly facility.
- c. **Spill prevention and response** procedures shall be identified in the plan and made known to the appropriate personnel. The necessary equipment to implement a cleanup shall be available to the appropriate personnel.
- d. The plan shall **prevent sediment and erosion** by identifying areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identifying measures to limit erosion.
- e. The plan shall contain a narrative consideration of the appropriateness of traditional **storm water management practices** (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see Part IV, Section C.1. - description of potential pollutant sources) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
- f. Qualified plant personnel shall be identified to **visually inspect** designated equipment and plant areas. A site inspection shall be conducted annually by such personnel to verify that the description of potential pollutant sources required under Part IV, Section C.1. is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. In particular, material-handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure shall be used to ensure that each inspection results in an appropriate response.
- g. Spills or other discharge incidents, and information describing the quality and quantity of storm water discharges shall be in the **facility records**. Maintenance activities shall be documented and recorded with inspection and discharge records. All records shall be maintained at the facility, for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.
3. Storm water management programs may include requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by any NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

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4. Special Requirements for Storm Water Discharges Associated with Industrial Activity to Municipal Separate Storm Sewer Systems: Facilities covered by this permit shall comply with applicable requirements in municipal storm water management programs developed under State/NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the municipal operator has notified the discharger of such conditions. These facilities shall make storm water pollution prevention plans available to the municipal operator of the system upon request.

5. **Storage piles of salt** used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

6. The description of the storm water **Pollution Prevention Committee** shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

7. **Employee training** programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics, such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

D. Storm Water Pollution Prevention Plan - Additional Requirements For Facilities Subject To SARA Title III, Section 313 Requirements

Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 (42 U.S.C.11023) are required to include, in addition to the information listed in Part IV, Section C., a discussion of the facility's conformance with the following (appropriate) guidelines:

1. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

a. Curbing, culverts, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants;
or

b. Roofs, covers, liners, or other forms of appropriate protection to prevent storage piles from leaching or exposure to storm water and wind.

2. The storm water pollution prevention plan shall include a complete discussion of measures taken to conform to the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines.

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a. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. **Liquid storage areas for Section 313 water priority chemicals** shall be operated to prevent discharges of Section 313 chemicals by means such as secondary containment for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

b. **Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals** shall be operated to prevent discharges of Section 313 water priority chemicals by means such as the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

c. **In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled**, piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals, and be composed of materials that are compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided, as appropriate, to control the releases.

d. Discharges from secondary containment areas.

(1) Drainage from secondary containment shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section 313 water priority chemicals into the drainage system. After a visual inspection of the storm water and determination that no product is present, pumps or ejectors may empty containment areas; however, these shall be manually activated.

(2) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall be of manual, open-and-close design.

(3) Records of the frequency and estimated volume (in gallons) of discharges from containment areas shall be kept at the facility for a minimum of three years.

(4) In lieu of facility drainage engineered as described above, the final discharge of all in-facility storm sewers shall be equipped with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(5) Areas of the facility [those not addressed in paragraphs (a), (b), (c) or (d)], from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals and which could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

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3. Facilities shall have the **necessary security** systems to prevent accidental or intentional entry that could cause a discharge or disrupt treatment. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

4. The storm water pollution prevention plan shall **assess the potential of various sources at the plant to contribute pollutants** to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled. Facilities shall include in the plan a description of releases to land or water of SARA Title III water priority chemicals that have occurred at any time after July 1, 1989. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

V. 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 Title 7, Subtitle 2, Title 9, Subtitles 2 and 3 of the Environment Article, Annotated Code of Maryland, and the Federal Act.

B. Civil and Criminal Liability. In issuing or reissuing this permit, the Department does not waive or surrender any right 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. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, 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.

C. 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 Federal 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 \$27,500 per day for each violation.

D. 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 Federal Act provides that:

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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, shall, upon conviction, be subject to a penalty of not more than \$1,000,000.

E. 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 federal Clean Water Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, 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 VI. 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 permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

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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;
6. To install ground water monitoring wells; and
7. 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 does it authorize 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 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. 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.

E. Availability of Reports. Except for data determined to be confidential under the Maryland Public Information Act, and Section 308 of the federal Clean Water Act, all submitted data shall be available for public inspection at the Department.

F. Toxic Pollutants. The permittee shall 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 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.

G. 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 the federal Clean Water Act or under the Annotated Code of Maryland.

H. 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.

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I. 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 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.

Robert M. Summers, Director
Water Management Administration