

3.23 GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY

- ❑ *Question: Am I planning a construction project in Maryland? AND Will my overall project disturb one acre or more of earth?*

Why do I need this approval?

The purpose of the federal National Pollutant Discharge Elimination system (NPDES) stormwater program is to control pollution generated from runoff associated with industrial activity, including construction, and municipal separate storm sewer systems.

This permit is required for all construction activity in Maryland with a planned total disturbance of one acre or more. Projects that initially disturb less than one acre, but that are part of a plan of development that will ultimately disturb one acre or more, must also obtain a General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance on the first part of the project.

Conditions of the permit include compliance with approved erosion/sediment control and stormwater management plans, compliance with water quality standards and TMDLs, self-monitoring and record keeping.

What laws or regulations give MDE the legal authority to issue this approval?

FEDERAL: Clean Water Act Section 402 and the Code of Federal Regulations (40 CFR 122.26 and 40 CFR 450).

STATE: Environment Article, Title 9, Subtitle 3: COMAR 26.08.04.

What is the process to get this approval?

Use the online ePermits system to submit a Notice of Intent. Access the system at:

<https://egov.maryland.gov/mde/npdes/Account/Login>.

Create an account, complete the Notice of Intent form, and submit to MDE in the ePermits system. See the website below for further information.

MDE will accept paper forms for Notices of Intent, but those considering using paper forms should be aware they will not be able to log into the ePermits system to check status, get copies of documents, or transfer or terminate permit coverage electronically. All permit transactions will be on paper for the life of the permit. For more information on paper forms for the 2014 General Permit, call the Department at (410)537-3019 or contact us by email at mde.constructionswnoi@maryland.gov.

General permit NOIs should be submitted at the time the erosion and sediment control plan is submitted to the appropriate approval authority (such as the local soil conservation district). Applicants are encouraged to submit one NOI regardless of how many stages or phases of construction will occur over time.

Projects near to each other with the same responsible party but separate erosion and sediment

control plans may submit separate NOIs. All projects should apply for general permit coverage unless otherwise advised by MDE. In some circumstances, MDE may direct an applicant to submit an individual permit application instead of a general permit NOI.

The Department reviews the NOI to ensure completion. The Department may request clarification or correction of the NOI by returning the NOI in the ePermits system to the applicant. The applicant can then correct the information and resubmit. Once the Department accepts the NOI, a public notification period of fourteen (14) days begins. The website below has a link to the online database for public notification.

For some projects, the Department may receive a request from a citizen to require an individual permit for the site. The Department will decide on these requests on a case-by-case basis. If the Department decides that an individual permit should be required, the Department will require the applicant to reapply for an individual permit.

At the conclusion of the general or individual permit process, the Department will request that the applicant provide documentation that the project's erosion and sediment control plan has been approved by the appropriate approval authority. The applicant uploads documentation into the ePermits system. When the Department has this documentation, it proceeds with permit issuance if all other required information has been received.

The ePermits system then sends the applicant an email containing a letter verifying coverage and issuing the project a unique permit number, as well as a cover sheet for the permit identifying the name, location, and discharge waters. The permittee should download a copy of the 2014 General Permit from the website below, as well as the required self-inspection form.

Is this approval directly related to or contingent on other approvals?

Prior to obtaining a permit for construction activity, you must obtain erosion/sediment control plan approval from the appropriate approval authority (see Permit Guide 3.21 for more information about plan approval for State and Federal projects).

Are there any other requirements?

To obtain coverage, applicants must meet all the conditions outlined in the permit.

How long should I expect it to take to get this approval once I submit a complete application?

MDE’s stated turnaround time for general permit coverage is 45 days. In practice, MDE expects to turn around most permits faster than this, but all NOIs must complete the required 14-day public notification period (see above). MDE’s stated turnaround time for individual permits is 6 months, but these take a minimum of 75 days to issue; some individual permits may take significantly longer depending on whether informational meetings or public hearings are held or the nature of comments on the permit.

Who do I contact with additional questions?

Technical Services and Permitting Section
Compliance Program
Water Management Administration
mde.constructionswnoi@maryland.gov
(410) 537-3019

Related webpage link:
<http://go.usa.gov/gFMW>

Are there any circumstances in which earth disturbance can begin before permit coverage?

The permit allows for emergency coverage where earth disturbance is required to respond to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services. Emergency authorization from the Department is still required, and is to be followed by an NOI. Please refer to the text of the General Permit for further information. Under any other circumstance, beginning earth disturbance before obtaining permit coverage is a violation of State and federal law.

Once I get this approval, how long will it last?

Coverage under a general permit expires when the general permit itself expires, when a Notice of Termination has been completed, or when MDE administratively terminates coverage, whichever comes first. Individual permits have an expiration date five years from the date of issue, unless the permittee submits a Notice of Termination prior to that date.

How much will this approval cost?

For private and federal projects, the application fee is based on the amount of land disturbance:

Size of Disturbance:	Fee
1 to less than 10 acres	\$100
10 to less than 15 acres	\$500
15 to less than 20 acres	\$1,500
20 acres or more	\$2,500

State and local government projects are exempt from the application fee. Further information on fees for projects continuing coverage from earlier General Permits is available on the webpage below.

Note that *individual permit applicants only* must reimburse MDE for the cost of publication of notices in newspapers and transcripts of any required hearings.