



**Maryland**  
 Department of  
 the Environment

Larry Hogan  
 Governor  
 Boyd Rutherford  
 Lieutenant Governor  
 Ben Grumbles  
 Secretary

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

**GENERAL DISCHARGE PERMIT NO. 15MM**

**NPDES PERMIT NO. MDG49**

**FINAL**

**Effective Date: May 1, 2017**

**Expiration Date: April 30, 2022**

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**PART I. PERMIT APPLICABILITY**

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

**A. Geographic Coverage**

This permit applies to facilities operating within the state of Maryland.

**B. Facilities Covered**

To be eligible to discharge under this permit you must either (1) have been covered under previous permit 10-MM or (2) have a stormwater discharge associated with industrial activity, as defined in Appendix E, and/or a process water discharge, from a primary industrial activity included in Appendix A or (3) be notified by the Department that you are eligible for coverage under Sector AD: Non-Classified Facilities, as defined in Appendix A.

**C. Limitations on Coverage**

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

1. Stormwater discharges associated with construction activity, as defined in Appendix E, disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities as specified in Sector J, or unless for a portable batch plant located at the construction site as defined in Sectors D or E;
2. Stormwater discharges subject to effluent limitations guidelines, other than those listed in Part I.E.3;

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3. Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part I.E.4 or Part I.E.5;
4. Stormwater discharges containing the following toxic pollutants, which are limited by effluent standards in 40 CFR Subchapter D Part 129: Aldrin/Dieldrin, DDT, Endrin, Toxaphene, Benzidine, or Polychlorinated Biphenyls (PCBs);
5. Stormwater discharges for which a National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at your request) or denied, or those for which the Department requires an individual permit to address stormwater discharges or an alternative general permit (Part I.G.3);
6. New discharger discharging to water quality "impaired waters," as defined in Appendix E, are not eligible for coverage under this permit unless you:
  - a. prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or
  - b. document that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
  - c. in advance of submitting your NOI, provide to the Department data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must provide data and other technical information to the Department sufficient to demonstrate:
    - i.) For discharges to waters without a EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
    - ii.) For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

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

#### **D. Prohibited Stormwater Discharges**

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

#### **E. Eligible Discharges**

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

1. Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities if that activity is listed in Appendix A, or discharges previously covered under permit 10-MM;
  2. Industrial stormwater discharges per the Department's discretion under Sector AD in Appendix A, or on a site specific basis as determined by the Department;
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3. Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1;

Table 1-1. Stormwater-specific Effluent Limitations Guidelines

<b>Regulated Discharge</b>	<b>40 CFR Section</b>	<b>15-MM Sector</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J

4. Non-stormwater discharges from:
- a. water used to fight active fires (not from fire system cleaning or testing),
  - b. pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
  - c. landscape watering, only if all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
  - d. routine external building wash down that does not use detergents and any dislodged paint chips are filtered;
  - e. uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
  - f. irrigation drainage;
  - g. uncontaminated ground water or spring water;
  - h. foundation or footing drains where flows are not contaminated with process materials;
  - i. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);
  - j. discharges for earth-disturbing activities conducted prior to active mining activities for Sector J (appendix D limits apply) when conducted prior to active mining activities, as defined in Appendix D Part J.3.2.
  - k. process generated wastewater from mining operations under Sector J (appendix D limits apply);
  - l. process generated wastewater from hydrodemolition operations to ground waters (appendix D limits apply);
  - m. waste wash water at concrete plant operations from hosing down vehicles, including washing concrete mixer trucks, mixing equipment, and moulds or forms, to surface or ground waters (appendix D limits apply); and
  - n. miscellaneous wastewater from spillage at ready-mix plants and concrete manufacturing plants to surface or ground waters.
5. Use of any chemical additives (defined in Appendix E) requires prior notice, indicating your intent to use them on your NOI and listing the additives in your SWPPP. In addition, the use of any cationic chemical additives that will mix with stormwater or that might otherwise become part of the effluent discharged, is prohibited without prior approval. To obtain approval you must provide the Department’s Wastewater Permits Program (Part II.E.2) conclusive data showing that, as used, and at the concentration discharged, the cationic chemical additive is not toxic to aquatic life. The conclusive

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data must include a list of cationic chemicals composing the additive and aquatic toxicity data. This information is usually found on the manufacturer's material safety data sheet (SDS). You'll also need to include a description of how the product will be used and the expected concentration that will exist in the effluent. This information can be submitted along with your Notice of Intent (NOI) using the cationic chemical additive request form (Part II.A.1), or in a separate letter regarding the use of these additives. The Department shall review this information and return a determination, in writing, if use of the chemical is acceptable based on aquatic toxicity and applicable water quality standards. Any substances not approved by the Department are prohibited.

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

#### **F. No Exposure Certification**

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

- To qualify for this certification, you must first verify that there is no potential for the stormwater discharged from your facility to waters of the State to be exposed to pollutants in accordance with the criteria established by the Department on form MDE/WMA/PER.067 (found on MDE's website at <http://www.mde.state.md.us/> or at the link [http://bit.ly/MDE\\_NEC](http://bit.ly/MDE_NEC)).
- You shall also obtain written certification by either a Professional Engineer, a Certified Professional in Storm Water Quality (CPSWQ), a Certified Hazardous Materials Manager (CHMM), a Certified Professional Environmental Auditor (CEPA), a Registered Architect, a Landscape Architect, or other professional as approved by the Department, that you meet the requirements of no exposure.
- If you qualify, you will submit the completed and appropriately signed form to the Department, along with the required written certification according to the deadlines of this permit (Part II.B).
- The exemption is non-transferable and is only valid while this permit is in effect at which point a new exemption is required. However you must submit a No Exposure Certification to the Department at least once every five years.
- You must notify the Municipal Separate Storm Sewer System (MS4) if your facility is exempted from obtaining an NPDES permit for stormwater associated with industrial activity.

#### **G. Alternative Permit Coverage**

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

1. If the Department determines that a discharge may cause water quality standards to be exceeded in the receiving water, then the Department may require you to take additional actions. You may be required to obtain an individual NPDES discharge permit or coverage under another general permit. The Department may process an NOI as an application for an individual permit if site specific conditions do not allow the facility to
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be covered under the general permit without compromising water quality. This could occur if, for example, a permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.

2. For discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, only those stormwater discharges identified in Table 1-1 are eligible for coverage under this permit. If any stormwater discharges at your facility are subject to any other effluent limitations guidelines or new source performance standards under 40 CFR Subchapter N, then you must apply for an individual NPDES permit or coverage under an industry-specific general permit for those stormwater discharges. This permit may cover parts of your facilities not covered by effluent limitation guidelines or new source performance standards. For a complete list of current effluent guidelines by industry, see the indicated 40 CFR part on the Environmental Protection Agency's (EPA) website for Industrial Regulations (<http://www.epa.gov/waterscience/guide/industry.html>). If your industry is included in this list then you should review the applicable 40 CFR part to determine if you are subject to effluent limitation guidelines for stormwater.
3. If the Department has issued an industry-specific general permit addressing stormwater and wastewater discharges from your primary industrial activity, you should apply for coverage (including stormwater) under that permit. Currently, those specific permits are:
  - i.) General Discharge Permit For Discharges from Stormwater Associated with Industrial Activity: (General Permit No. 12-SW or replacement),
  - ii.) General Permit for Discharges from Surface Coal Mines and Related Facilities: (General Discharge Permit No. 06-CM or replacement).
4. You may request to be excluded from coverage under this permit by applying for an individual state NPDES discharge permit or submitting an NOI for coverage under another general permit. The Department may grant your request if the Department determines your reasons are adequate. If you are issued an individual NPDES permit or apply for coverage under an industry-specific general permit, the Department may terminate your coverage under this permit.

#### **H. Continuation of an Expired General Permit**

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

## **PART II. AUTHORIZATION UNDER THIS PERMIT**

### **A. How to Obtain Authorization**

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

- Select, design, install, and implement control measures prior to discharge in accordance with Part III to meet numeric and non-numeric effluent limits;
  - Submit a complete and accurate Notice of Intent (NOI) or Permit Transfer Request with Permit Fee as indicated below; and
  - Develop and submit to the Department, a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements in Part III.C of this permit.
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Based on a review of your NOI or Transfer Request, the Department may delay your authorization for further review or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the delay, or of the request for submission of an individual NPDES permit application or alternative general permit NOI.

**1. Notice of Intent (NOI) and Transfer Requests**

**a. Notice of Intent (NOI)**

You must complete all information required on this permit's corresponding NOI form (MDE-WMA-PER004), or an equivalent electronic form provided by the Department. Detailed instructions are included on the NOI form. If you operate multiple facilities you must submit an NOI for each noncontiguous site. When submitting electronically, verification that you meet the signature requirements is required. When submitting paper forms, send your signed copy of the NOI to the following address:

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

You are required to provide the following information on the appropriate NOI form.

- Facility Operator Information including your name, mailing address, email address, telephone number, IRS Employer Identification Number (EIN) and Worker's Comp Insurance company and policy.
- Facility Information including the facility location, including physical address and coordinates in degrees decimal; the primary and any subsequent co-located Standard Industrial Classification (SIC) codes relevant to this permit, verification if this is a new discharger or if there is any preexisting NPDES permit number for stormwater coverage, the total acres of property at that address and whether the facility is presently inactive and unstaffed.
- Information on the receiving waters of the industrial stormwater. Identify the receiving water body(s) and 8 digit identifier for your discharges, including whether they qualify as high quality Tier 2, and identification of any impairments. Specify the MS4 jurisdiction you operate in.
- Identify who has prepared the Stormwater Pollution Prevention Plan (SWPPP), including email and phone number, along with how you have provided the SWPPP to the Department.
- Document discharge type and flow (expressed as gallons per day) for each outfall and describe each outfall and monitoring point.
- Identify which industry sector benchmarks, process waste water numeric limits and effluent limitation guidelines apply to the operation.
- Clarify which limits apply for each specific outfall at your operation.
- Provide information regarding any chemical additive (defined in Appendix E) which you intend to use (Part I.E.5) in your SWPPP (Part III.B.1.b.v) and indicate your intent to use them on the NOI. The use of cationic chemical additives, require approval by the Department, which you apply for by filing the Cationic Chemical Additive form along with your NOI, or in a separate letter.
- Selection of either annual payments, or an upfront payment for 5 years and annual payments thereafter, or if you are exempt.
- Provide the signatory name, title, contact information and their signature. Provide the NOI preparer information, including phone number and email address.

**b. Transfer of Authorization.**

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For transfer of ownership, you can complete the Permit Transfer Request Form for General NPDES Permits referred to as MDE/WMA/PER.079 found on the Department's website or at [http://bit.ly/MDE\\_Transfer\\_Request](http://bit.ly/MDE_Transfer_Request). Detailed instructions are included with the form. If you operate multiple facilities you must submit a Transfer Request for each noncontiguous site. The authorization under this permit is not transferable to any person except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

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

## **2. Permit Fee**

- a.** You must submit the initial permit fee to the Department with the NOI form for the fee in effect at the time that the payment is due as specified in COMAR 26.08.04.09-1(F)(2)(b). Certain exemptions from the fee do exist, including mineral mines, quarries, and borrow pits which discharge mining wastewater, process generated wastewater, and stormwater to ground water only are exempt from the permit fee.
- b.** If the fee is being paid by check it must be made payable to the Maryland Department of the Environment and sent with the completed NOI to:

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

- c.** If you pay the NOI fee by a check that does not clear for any reason, you will have 30 calendar days to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day, your coverage under this permit must be considered void from the outset. You should save the cancelled check, a copy of the completed NOI, and the letter confirming your authorization from the Department. These documents must be provided to the Department upon request.
- d.** A new owner of a facility as a result of a transfer of ownership is responsible for any fees unpaid by the former owner.
- e.** Any permittee making facility modifications to reduce water discharged may be entitled to a fee reduction equivalent to the reductions achieved each year after the first year of the permit. The permittee shall submit before and after photographs and site plans documenting changes made to the Department at least 90 days before the anniversary date of the permit.
- f.** Any changes in operations that may increase fees are required to give notice as described in Part II.F.

## **3. SWPPP**

Proper formats for submitting your SWPPP are provided below.

- a.** You should not include any confidential information in your submitted SWPPP, which
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will be a public document available for review by the public.

- b. You must submit an electronic copy of the SWPPP to the Department and maintain a copy available onsite. If the updated SWPPP is maintained only in hardcopy, a scanned version of this is acceptable. Your electronic copy (PDF, JPEG or Word) of the SWPPP must be provided to the Department by one of these methods.
  - i.) Including a file on electronic media (CD, DVD, USB drive, or other approved media) along with your mailed copy of the NOI.
  - ii.) Emailing the file to [swppp.permit@maryland.gov](mailto:swppp.permit@maryland.gov) when you send your NOI to the Department. The email cannot exceed 25 MB and so you may need to use more than one email to deliver the entire file. The email subject line should include "15MM", your previous registration number (if you did have previous coverage under 10MM) and your facility name.
  - iii.) Posting a copy of the SWPPP using your NetDMR account when you send your NOI to the Department.
  - iv.) Providing the Department a link (URL) to your document on your NOI, which provides access to your SWPPP on a publicly available company website.
  - v.) Other electronic means that you make accessible to the Department such as a link to DropBox, Google Drive, SkyDrive, etc.

**B. Deadlines for Coverage**

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

Category	Coverage Submittal Deadline
Existing Dischargers – in operation as of the effective date of this permit and previously authorized for coverage under 10-MM.	Within 6 months after the effective date of this permit. Authorization to discharge under 10-MM continues in the interim.
New Dischargers or New Sources	A minimum of 60 days prior to commencing discharge.
New Owner/Operator of Existing Discharger - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
Other Eligible Dischargers – in operation prior to permit effective date, but not covered under the 10-MM or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

**C. Required Signatures**

1. Any person signing documents in accordance with part II.C.2 and II.C.3 below must include the following certification: *"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and*

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*complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

2. All applications, including NOIs, transfer requests, and No Exposure Certifications must be signed by a Signatory as follows:
  - a. *For a corporation:* By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - i.) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
    - ii.) the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or
  - c. *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - i.) the chief executive officer of the agency; or
    - ii.) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).
3. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part IV, and all reports submitted to the Department, must be signed by a person described in Part II.C.2 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. the authorization is made in writing by a Signatory;
  - b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - c. the signed and dated written authorization is included in the SWPPP and made available to the Department upon request.
4. If an authorization for a representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART II.C.2 must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

#### **D. Failure to Notify**

If you (1) engage in an activity covered under this permit, (2) fail to notify the Department of your intent (Part II.A) to be covered under this permit within the deadlines established in this

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permit (Part II.B), and (3) discharge to waters of the state without an appropriate NPDES discharge permit, then you are in violation of the Federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

#### **E. Additional Notification**

**1. Municipal Separate Storm Sewer System (MS4)**

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

**2. Wastewater Permits Program**

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

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

**3. Compliance Program**

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

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

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

#### **F. Changes in Permit Coverage**

Certain planned changes in stormwater discharge or termination of permit coverage, both described below in this section, require notification to the Department's Wastewater Permits Program (Part II.E.2):

**1. Planned Changes**

You must give written notice to Department's Wastewater Permits Program (Part II.E.2) as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when one of the following conditions exist.

- a.** The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b).
  - b.** The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are
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- subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
- c. The alteration either adds or removes outfalls subject to this permit.
  - d. The alteration either adds or removes process water which requires changes in monitoring or reporting.
2. Termination of Permit Coverage
    - a. Submitting a Notice of Termination

To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT) <http://www.mde.maryland.gov/assets/document/permit/MDE-WMA-PER005.pdf> to the Department's Wastewater Permits Program (Part II.E.2). Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department. If you submit a Notice of Termination without meeting one or more of the conditions identified in the Part b below, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.
    - b. When to Submit a Notice of Termination

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

      - i.) all operations at your facility have permanently ceased and there will be no further exposure of stormwater to any industrial activity, process, material or transport at the facility, and you have already implemented necessary sediment and erosion controls as required by Part III.B.1.b.v; or
      - ii.) you move your operation to a new location (After submitting an NOT you must then apply for coverage at the new location per Part II.); or
      - iii.) a new owner or operator has taken over responsibility for the facility; or
      - iv.) you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless the Department has required that you obtain such coverage under Part I.E.4, in which case coverage under this permit will terminate automatically.
    - c. The Department may terminate your coverage under this general permit if the Department finds good cause to do so.
  3. Notification of the Discharge of a Pollutant Not Limited in This Permit

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in the 40 CFR § 122.42.

## **PART III. STORMWATER MANAGEMENT REQUIREMENTS**

### **A. [Reserved]**

### **B. Control Measures and Effluent Limits**

In the technology-based limits included in Part III.B.1 and in Appendix D, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

#### **1. Control Measures**

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices)

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to meet the non-numeric effluent limits as described below, meet limits contained in applicable process water numeric limits and effluent limitations guidelines in Appendix D, and water quality based effluent limitations in Part III.B.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

**a. Control Measure Selection and Design Considerations**

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

- i.)* preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- ii.)* using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- iii.)* assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- iv.)* minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- v.)* attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- vi.)* conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- vii.)* using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

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

- i.) Minimize Exposure.* You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:
    - use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
    - locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
    - clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
    - use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
    - use spill/overflow protection equipment;
    - drain fluids from equipment and vehicles prior to onsite storage or disposal;
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- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater not covered by this permit (Part I.E.4) drains to a proper collection system (i.e., not the stormwater drainage system).

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

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

- ii.) Good Housekeeping.* You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. A good practice for ensuring housekeeping activities are performed at regular intervals would be keeping a schedule for routine grounds maintenance and cleanup.
- iii.) Maintenance.* You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must clean catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keep the debris surface at least six inches below the lowest outlet pipe. You must also maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Particular care should be taken to inspect compaction dumpsters to prevent debris around or under the dumpster as well as prevent hydraulic fluid leakage. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.
- iv.) Spill Prevention and Response Procedures.* You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. These procedures are complementary to and do not replace any requirements of RCRA (42 U.S.C. §6901), the Department's Land Management Administration Oil Control Program, NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112). At a minimum, you must implement:
- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - Monthly inspection procedures for above ground storage tanks containing oil and quarterly inspection procedures for all other containers that are susceptible to spillage or leakage (e.g., used oil) to ensure the containment structures have no leaks/cracks, and that the outlets are properly sealed. Check that plugs are properly affixed, that valves are in working condition, and that neither are leaking;
  - Procedure for the discharge of any stormwater from a containment structure, requiring a visual observation to ensure that no visible or odorous pollutants are discharged. If a visual observation identifies a visible sheen, floating
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solids or a noxious smell, then you must discharge the remaining wastewater to a sanitary sewer system or haul it to a recycler or TSDF (Treatment Storage & Disposal Facilities) or disposal facility;

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

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

If you are using chemical additives (defined in Appendix E) at your site, you must comply with the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after the application of chemical additives. Use conventional erosion and sediment controls prior to (up gradient of) chemical addition to ensure effective treatment. Additives may only be applied where treated stormwater is directed to a sediment control (e.g., sediment basin, perimeter control) prior
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to discharge.

- Additives must be selected that are certified under ANSI/NSF Standard 60 for drinking water and only discharged in concentrations that are nontoxic to aquatic life. The additives must be appropriately suited to the types of soils likely to be exposed during construction and discharged, to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area.
  - You must minimize discharge from stored chemicals.
  - You must comply with relevant local requirements affecting the use of chemical additives. If requested by the E&SC plan approval authority, provide an SDS with your E&SC plan.
  - You must use chemical additives and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document specific departures from these practices or specifications and how they reflect good engineering practice.
  - Ensure that all persons who handle and use chemical additives at the site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements and safe handling practices.
    - If you plan to use cationic chemical additives (as defined in Appendix E), you are ineligible for coverage under this permit unless you notify the Department's Industrial and General Permits Division at least 30 days in advance and the Department authorizes coverage under this permit. To receive authorization under this permit, you must provide appropriate controls and implementation procedures (including where the chemical is applied, description of active treatment systems required, dosing, filtering, pH monitoring, etc.) designed to ensure that your use of cationic additives chemicals will not lead to a violation of water quality standards. You are required to comply with all such requirements if you have been authorized to use cationic chemicals at your site by the Department.
    - Authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP.
- vi.)** *Management of Runoff.* You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Design Manual, EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series ([http://bit.ly/MDE\\_industrial\\_stormwater](http://bit.ly/MDE_industrial_stormwater)).
- vii.)** *Salt Storage Piles or Piles Containing Salt.* You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles
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are authorized under another NPDES or State discharge permit.

- viii.)** *Sector Specific Non-Numeric Effluent Limits.* Appendix A of this permit identifies your specific Industry Sector. You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Appendix D: Sector-Specific Requirements for Industrial Activity.
- ix.)** *Employee Training.* You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team described in Part III.C.1, below. Training must cover the specific control measures used to achieve the effluent limits in this part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. As part of the employee training program you must address, at a minimum, the following activities (as applicable): used oil management, spent solvent and paint management, disposal of spent abrasives (e.g., blasting materials, etc.), spill prevention and control, fueling procedures, general good housekeeping practices (e.g., dumpster/debris removal), used battery management, waste recycling (e.g., metals, plastics), used container controls (e.g., re-banding barrels, plugging drums), etc. The Department recommends training be conducted at least annually (or more often if employee turnover is high).
- x.)** *Non-Stormwater Discharges.* You must eliminate non-stormwater discharges not authorized by a NPDES or State discharge permit. See Part I.E for a list of non-stormwater discharges authorized by this permit.
- xi.)** *Waste, Garbage and Floatable Debris.* You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged. The Department recommends practices including placing garbage or recycling containers at traffic areas, and identifying a schedule for personnel to walk site for trash and litter daily/weekly/monthly, etc.
- xii.)** *Dust Generation and Vehicle Tracking of Industrial Materials.* You must minimize generation of dust and offsite tracking of raw, final, or waste materials.

## **2. Water Quality-Based Effluent Limitations**

### **a. *Water Quality Standards***

Your discharge must be controlled as necessary to meet applicable water quality standards. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. There shall be no discharge that causes visible oil sheen, and no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge. If at any time you become aware, or the Department determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, then you must (1) take corrective action, (2) document the corrective actions, and (3) report the corrective actions to the Department's Compliance Program (Part II.E.3) as required by Part IV. Additionally, if information in your NOI or required reports or if information from other sources indicates that your discharge is not controlled as necessary to meet applicable water quality standards, the Department may impose additional water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit.

### **b. *Discharges to Water Quality Impaired Waters***

If you discharge to an impaired water, the Department will inform you if any additional monitoring, limits or controls are necessary for your discharge to be consistent with

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the assumptions of any available wasteload allocation in an EPA Approved TMDL, or if coverage under an individual permit is necessary in accordance with Part I.G. For any additional control requested by the Department you must include a plan to implement BMPs to address the pollutant of concern in your SWPPP.

**c. Tier 2 Antidegradation Requirements for New or Increased Dischargers**

If you are a new discharger or are required to notify the Department of a modified discharge (Part II.F.1), and you discharge directly to waters designated by the State as Tier 2 for antidegradation purposes under 40 CFR 131.12(a), the Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part I.G.

**d. Criteria Selection**

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

### **C. Stormwater Pollution Prevention Plan (SWPPP) Requirements**

The SWPPP is intended to document the selection, design, and installation of control measures. The SWPPP does not contain effluent limitations; the limitations are contained in Part III.B of the permit, and, for some Industry Sectors, Appendix D of the permit.

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

**1. Stormwater Pollution Prevention Team**

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

**2. Site Description**

Your SWPPP must include the following:

- a. *Activities at the Facility.*** Provide a description of the nature of the industrial activities at your facility.
- b. *General location map.*** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility. Ideally this map will extend one-quarter of a mile beyond the property boundaries of the facility and identify any water body where discharge is conveyed. At least one public roadway must be identified on the map.
- c. *Site map(s).*** Provide a map (or alternatively several overlay maps) showing:
  - i.)** the size of the property in acres;
  - ii.)** the location and extent of significant structures and impervious surfaces;
  - iii.)** directions of stormwater flow (use arrows);
  - iv.)** locations of all existing structural control measures or BMPs;
  - v.)** locations of all receiving waters in the immediate vicinity of your facility;
  - vi.)** locations of all stormwater conveyances including ditches, pipes, and swales;
  - vii.)** locations of potential pollutant sources identified under Part III.C.3;
  - viii.)** locations where significant spills or leaks identified under Part III.C.3 have

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

### 3. Summary of Potential Pollutant Sources

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

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

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

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CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- d. *Non-Stormwater Discharges.* You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:
  - i.) The date of any evaluation;
  - ii.) A description of the evaluation criteria used;
  - iii.) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
  - iv.) The different types of non-stormwater discharge(s) and source locations; and
  - v.) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary sewer, wash water is collected and hauled away, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- e. *Salt Storage.* You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

#### 4. Description of Control Measures to Meet Effluent Limits

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

#### 5. Schedules and Procedures

- a. *Pertaining to Control Measures Used to Comply with the Effluent Limits in Part III.B.*  
The following must be documented in your SWPPP:
    - i.) *Good Housekeeping (See Part III.B.1.b.ii or Appendix D)* – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
    - ii.) *Maintenance (See Part III.B.1.b.iii or Appendix D)* – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
    - iii.) *Spill Prevention and Response Procedures (See Part III.B.1.b.iv or Appendix D)* – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by a NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part III.C.8; and
    - iv.) *Employee Training (See Part III.B.1.b.ix or Appendix D)* – The SWPPP must identify how often training will take place. All training must be held at least once per calendar year (or more often if employee turnover is high).
  - b. *Pertaining to Inspection and Monitoring*
    - i.) You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:
      - Routine facility inspections (see Part V.A.1);
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- Quarterly visual assessment of stormwater discharges (see Part V.A.3); and
  - Comprehensive site inspections (see Part V.A.2).
- ii.)** For each type of inspection performed, your SWPPP must identify:
- Person(s) or positions of person(s) responsible for inspection; and
  - Specific items to be covered by the inspection, including schedules for specific outfalls.
- iii.)** If numeric or benchmark monitoring is required for your industry or industries, per Appendix D your SWPPP must document:
- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
  - Parameters for sampling and the frequency of sampling for each parameter;
  - Schedules for monitoring at your facility;
  - Schedules and procedures for periodic calibration and maintenance of any monitoring and analytical instrumentation to insure accuracy of measurements;
  - Any numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
  - Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part V.C.
- iv.)** You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part V.A.3 or your benchmark monitoring requirements in Part V.B:
- Location of each of the substantially identical outfalls;
  - Description of the general industrial activities conducted in the drainage area of each outfall;
  - Description of the control measures implemented in the drainage area of each outfall;
  - Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
  - An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
  - Why the outfalls are expected to discharge substantially identical effluents.
- v.)** If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts V.A.4. If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part V.B.5.

## **6. Signature Requirements**

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

## **7. Required SWPPP Modifications**

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

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with the corrective action deadlines in Parts IV.C and IV.D, and must be signed and dated in accordance with Part II.C.

**8. Documentation Requirements**

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

- a. A copy of the NOI submitted to the Department along with any correspondence exchanged between you and the Department specific to coverage under this permit;
  - b. A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
  - c. A copy of the relevant portion of any other facility document referred to in your SWPPP, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan;
  - d. Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S., through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part III.B.1.b.iv);
  - e. Records of employee training, including date training received (see Part III.B.1.b.ix);
  - f. Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part III.B.1.b.iii);
  - g. All inspection and discharge monitoring reports (an electronic copy easily available is also acceptable), including the Routine Facility Inspection documentation (see Part V.A.1), the Quarterly Visual Monitoring Form in Appendix B, and the Comprehensive Site Inspection reports (see Part V.A.2);
  - h. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts V.C.5);
  - i. Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
  - j. Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part V.B.3;
  - k. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources.
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If during the term of this permit, your site becomes inactive, you must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP and additional documentation. These must be made available during normal working hours. Note inactivity does not refer to seasonal closures.

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

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

## **PART IV. CORRECTIVE ACTIONS**

### **A. Conditions Requiring Review and Revision to Eliminate Problem**

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

1. an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
2. a discharge violates a numeric effluent limit;
3. you become aware, or the Department provides a written determination, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
4. a written notice or a written inspection or evaluation report of your facility by a Department official, is provided to you that indicates modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
5. you find in your routine facility inspection (Part V.A.1), quarterly visual assessment (Part V.A.3), or comprehensive site inspection (Part V.A.2) that your control measures are not being properly operated and maintained.

### **B. Conditions Requiring Review to Determine if Modifications Are Necessary**

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

1. construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged; or
  2. the average of 4 quarterly sampling results exceeds an applicable benchmark. If less
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than 4 benchmark samples have been taken, but the results are such that an exceedence of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedence, triggering this review.

### **C. Corrective Action Deadlines**

You must document your discovery of any of the conditions listed in parts IV.A and IV.B within 24 hours of making such discovery, and in cases of a numeric limit violation, notify the Department as specified in Part IV.D. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in part IV.D. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. In the event that a deficiency cannot be addressed fully within 30 days, you must call the Department's Compliance Program (Part II.E.3) and make the Department aware of the situation. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

### **D. Corrective Action Report**

1. Within 24 hours of discovery of any condition listed in parts IV.A and IV.B, you must document the following information:
    - a. identification of the condition triggering the need for corrective action review;
    - b. description of the problem identified; and
    - c. date the problem was identified.
  
  2. In cases where this condition is a failure to comply with any of the numeric effluent limitations in this permit which may endanger human health or the environment, you must call the Department's Compliance Program (Part II.E.3) within 24 hours and provide a written report within five (5) calendar days thereafter. You must provide the following information with those results as an attachment:
    - a. A description of the noncompliant discharge, including 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 or implemented by the permittee to prevent the recurrence of the noncompliance;
    - f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
  
  3. Within 14 days (or up to 30 days if 14 days is infeasible) of discovery of any condition listed in parts IV.A and IV.B, above, you must document the following information:
    - a. summary of corrective action taken or to be taken (or, for triggering events identified in Part IV.B where you determine that corrective action is not necessary, the basis for this determination);
    - b. notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
    - c. date corrective action initiated; and
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d. date corrective action completed or expected to be completed.

4. You must include this documentation with the annual report required in Part V.A.2.b.

#### **E. Effect of Corrective Action**

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

#### **F. Substantially Identical Outfalls**

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

## **PART V. INSPECTIONS, MONITORING, AND REPORTING**

### **A. Site Inspections and Evaluations**

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

#### **1. Routine Facility Inspection**

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

#### **2. Comprehensive Site Compliance Evaluation**

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

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

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

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- ii.)* Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;
  - iii.)* Offsite tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
  - iv.)* Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
  - v.)* Evidence of, or the potential for, pollutants entering the drainage system;
  - vi.)* Evidence of pollutants discharging to surface waters at all facility outfalls;
  - vii.)* The condition of and around any outfall, including flow dissipation measures to prevent scouring;
  - viii.)* Training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and
  - ix.)* Visual and analytical monitoring results from the past year.
- b.** A report must be written summarizing the scope of the evaluation, name(s) of personnel performing the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP. The report, which must be signed in accordance with Part II.C.3 of this permit, must include a certification that the site is in compliance with the SWPPP. Based on the results of the evaluation, the SWPPP must be modified as necessary. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.

### **3. Quarterly Visual Monitoring**

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

- a.** The Quarterly Visual Monitoring Form found in Appendix B of this permit must be completed for each sample. If no sample is possible, the form may be filled out to reflect no discharge. Documentation of the rationale for no visual assessment for the quarter must be included in SWPPP records (or in an Environmental Management System (EMS) that is accessible by site personnel).
  - b.** Adverse Weather Conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples during the quarter, a substitute sample must be taken during the next qualifying storm event.
  - c.** *Areas Subject to Snow:* In areas subject to snow, at least one quarterly visual assessment shall attempt, if possible, to capture snowmelt discharge. The assessment should identify the date when the sample was taken.
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d. *Substantially identical outfalls:* If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

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

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

**B. Required Numeric Monitoring**

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

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

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

1. Applicability of Monitoring

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

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consistent with the procedures in Appendix C, which is representative of your receiving water.

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

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

## 2. Monitoring Schedule

Your required monitoring frequency varies based on your activity. The tables in Appendix D specify how often that activity must take place. Your monitoring will start the first full quarter (found in Part V.C.7) that occurs three (3) months after registering under this permit. For example, if you obtain permit coverage in June, three months later is September, then your monitoring starts on October 1.

## 3. Required Responses to Benchmark Monitoring Results

### a. *Data not exceeding benchmarks:*

After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part V.B.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit. If you have met the requirements and plan to stop benchmark monitoring for a parameter, you must provide written notification to the Department's Compliance Program (Part II.E.3) of this determination with your benchmark monitoring report and modify your SWPPP.

### b. *Data exceeding benchmarks:*

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

*i.)* Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or

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

In accordance with Part V.B, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control

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measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

**c. *Natural Background Pollutant Levels:***

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

- i.)** The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- ii.)** You must document and maintain with the SWPPP (or in an Environmental Management System (EMS) that is accessible by site personnel) your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and
- iii.)** You notify the Department's Compliance Program (Part II.E.3) on your final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

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

**4. Submitting Discharge Monitoring Reports (DMRs)**

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

- a.** NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. You must apply for access to NetDMR at [www.epa.gov/netdmr](http://www.epa.gov/netdmr) and register for a NetDMR Webinar. Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within one (1) month of authorization under this permit.
  - b.** The permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as underserved for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would
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pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for one (1) year from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed waiver request and such request is approved by the Department. The application form for a waiver from electronic reporting requirements can be found at <http://bit.ly/NetDMR-Waiver>. All subsequent hardcopy DMRs shall be sent to the following address:

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

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

**5. Exception for Inactive and Unstaffed Sites**

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

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part II.C; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part V.B as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must provide written notification to the Department's Compliance Program (Part II.E.3) of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified the Department, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

**6. Substantially identical outfalls**

If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may perform benchmark monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform benchmark monitoring on a rotating basis of each substantially identical outfall throughout the period you are required to under this permit. If stormwater contamination is identified through

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benchmark monitoring performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

**7. Exception for Discharges to Groundwater**

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

**8. Flow Monitoring**

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

- a. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
- b. Documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, location, and persons performing the measurements/observation should also be provided; and
- c. A description of the factors (e.g. batch discharges, intermittent operation, etc) which cause flow at the outfall to fluctuate significantly from the estimate provided.

**C. Monitoring Procedures**

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

**1. Monitored Outfalls**

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

**2. Commingled Discharges**

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

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

### 3. Measurable Storm Events

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

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

### 4. Sample Type

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

### 5. Adverse Weather Conditions

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

### 6. Representative Sampling

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

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

**7. Monitoring Periods**

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

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

**8. Data Recording Requirements**

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

- a.** The exact place, date, and time of sampling or measurement;
- b.** The person(s) who performed the sampling or measurement;
- c.** The dates and times the analyses were performed;
- d.** The person(s) who performed the analyses;
- e.** The analytical techniques or methods used; and
- f.** The results of all required analyses.

**D. Records Retention**

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

## **PART VI. STANDARD PERMIT CONDITIONS**

**A. Facility Operation and Maintenance**

You must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or a similar system that you have installed only when the operation is necessary to achieve compliance with the conditions of the permit.

**B. Submitting Additional or Corrected Information**

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

**C. Adverse Impact**

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

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#### **D. Bypass**

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

1. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. there are no feasible alternatives;
3. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
4. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

#### **E. Conditions Necessary for Demonstration of an Upset**

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
3. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of Corrective Actions above;
4. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. the permittee complied with any remedial measures required to minimize adverse impact.

#### **F. Removed Substances**

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

#### **G. Right of Entry**

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

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

#### **H. Availability of Reports**

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data must be

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

**I. Permit Modification**

The Department may revoke this permit or modify this permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5.

**J. Total Maximum Daily Load (TMDL)**

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

**K. Toxic Pollutants**

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

**L. Oil and Hazardous Substances Prohibited**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

**M. Civil and Criminal Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve you from any civil or criminal responsibilities, liabilities, and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other state law or regulation.

**N. Property Rights/Compliance with Other Requirements**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**O. Severability**

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

**P. Water Construction and Obstruction**

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any waters of the State.

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

You must comply at all times with the terms and conditions of this permit, the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act.

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As detailed in Part IV (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part IV.C.

#### **R. Action on Violations**

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

#### **S. Civil Penalties for Violations of Permit Conditions**

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

#### **T. Criminal Penalties for Violations of Permit Conditions**

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

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation, must, upon conviction, be subject to a penalty of not more than \$1,000,000.
4. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

#### **U. Duty to Provide Information**

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

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

**V. Reopener Clause for Permits**

This permit must be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation issued or approved:

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

**Part VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS**

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

  
D. Lee Currey, Acting Director  
Water Management Administration

Appendix A:  
Industry Specific Sectors

These Industry Sector descriptions are categorized by Standard Industrial Classification (SIC), and in a few cases by "Activity Code". More detailed descriptions of the SIC codes can be found at Department of Labor's - Occupation, Safety and Health Administration (OSHA) website (<http://www.osha.gov/pls/imis/sicsearch.html>). References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings. Since there is overlap between this permit and the Industrial Stormwater Permit, this table is in two sections. The first section indicates which primary activities are covered with this permit. If your primary industrial activity is in this first table, you would request coverage under this permit.

SIC Code or Activity Code	Primary or Co-Located Industrial Activity Represented
<b>SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS</b>	
2951, 2952	(Subsector D1) Asphalt Paving and Roofing Materials
2992, 2999	Miscellaneous Products of Petroleum and Coal
<b>SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS</b>	
3211	Flat Glass
3221, 3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275	Concrete, Gypsum & Plaster Products (This includes portable concrete plants.)
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
<b>SECTOR G: [Reserved]</b>	
<b>SECTOR J: MINERAL MINING AND DRESSING</b>	
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1442	Construction Sand and Gravel
1446	Industrial Sand
1455, 1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels
<b>SECTOR L: LANDFILLS AND LAND APPLICATION SITES</b>	
4953	(Subsector L4) Recycling Facility "Concrete or Asphalt Recycling" are facilities that primarily receive and stockpile a mix of dirt, concrete or asphalt and crush concrete or asphalt for re-use.
<b>SECTOR AD.c: HYDRODEMOLITION</b>	
HD	Operations involved in using water to remove old concrete, rock or cement referred to as Hydrodemolition, which discharge to groundwater.
<b>SECTOR AD: NON-CLASSIFIED FACILITIES</b>	
AD	Other stormwater discharges to waters of the state designated by the Department as needing a permit (see 40 CFR 122.26.(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Department may assign a facility to Sector AD.

These additional co-located industrial activities may also be covered by this permit, in cases where your primary industrial activity is listed in the previous section of this Appendix A.

SIC Code or Activity Code	Co-located Industrial Activities Represented
<b>SECTOR A: TIMBER PRODUCTS</b>	
2411	(Subsector A3) Log Storage Areas
2499	(Subsector A4) Wood Products, Not Elsewhere Classified (Natural Wood Waste)
<b>SECTOR C: CHEMICALS AND ALLIED PRODUCTS</b>	
2874 - 2875	Agricultural Chemicals (Fertilizer, Composting)
<b>SECTOR F: PRIMARY METALS</b>	
3398, 3399	Miscellaneous Primary Metal Products
<b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>	
4212-4231 (except 4221-4226)	Motor Freight Transportation and Warehousing *
	* Only those facilities which have vehicle maintenance shops (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations are included for the facilities specified above in this Sector.
4221-4226	Storage facilities must include stormwater discharges from all areas (except access roads and rail lines) where material handling, equipment, or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to stormwater. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate produce, finished product, by-product, or waste product.

**Appendix B: Quarterly Visual Monitoring Form**

*Fill out a separate form for each outfall sampled.*

<b>Sample Location</b>					
<b>Quarter / Year:</b>		<b>Date / Time Collected:</b>		<b>Date / Time Examined:</b>	
<b>Qualifying Storm Event?</b>	Yes	No	<b>Runoff Source:</b>	Rainfall	Snowmelt
<b>Collector's Name &amp; Title</b>					
<b>Examiner's Name &amp; Title</b>					
<b>Parameter</b>	<b>Parameter Description</b>		<b>Parameter Characteristics</b>		
<b>1. Color</b>	Does the stormwater appear to have any color? <b>Yes</b> <b>No (Clear)</b>		If Yes, describe: <i>Yellow Brown Red Gray</i> <i>Other:</i>		
<b>2. Clarity</b>	Is the stormwater not clear? <b>Yes</b> <b>No</b>		If not clear, which of the following best describes the clarity of the stormwater? <i>Suspended Solids Milky/Cloudy Opaque</i> <i>Other:</i>		
<b>3. Oil Sheen</b>	Can you see a rainbow effect or sheen on the water surface? <b>Yes</b> <b>No</b>		Which best describes the sheen? <i>Rainbow sheet Floating oil globules</i> <i>Other:</i>		
<b>4. Odor</b>	Does the sample have an odor? <b>Yes</b> <b>No</b>		If Yes, describe: <i>Chemical Musty Rotten Eggs</i> <i>Sewage Sour Milk Oil/Petroleum</i> <i>Other:</i>		
<b>5. Floating Solids</b>	Is there anything on the surface of the sample? <b>Yes</b> <b>No</b>		If Yes, describe: <i>Suds Oily Film Garbage</i> <i>Sewage Water Fowl Excrement</i> <i>Other:</i>		
<b>6. Suspended Solids</b>	Is there anything suspended in the sample? <b>Yes</b> <b>No</b>		Describe:		
<b>***Leave sample undisturbed for 30 minutes.***</b>					
<b>7. Settled Solids</b>	Is there anything settled on the bottom of the sample? <b>Yes</b> <b>No</b>		Describe: <i>(note type, size and material after sample is not disturbed for 30 minutes)</i>		
<b>8. Foam</b>	Does foam or material form on the top of the sample surface if you shake it? <b>Yes</b> <b>No</b>		Describe:		
<b>9. If there are any visible indicators of pollution identify (1) where the pollution may come from and (2) any corrective actions taken.</b>					

Stormwater Collector's Signature and Date:

Stormwater Examiner's Signature and Date:

*Note – Sample should be collected and analyzed in a colorless glass or plastic bottle.*

### Instructions for Completing the Visual Monitoring Form

Per PART V. INSPECTIONS, MONITORING, AND REPORTING, you must collect a stormwater sample from each outfall once each quarter for the entire permit term and conduct a visual assessment of each sample. You must follow the monitoring procedures outlined in Part V.C. These samples should be collected in such a manner that they are representative of the stormwater discharge from that outfall. Each assessment must be kept onsite with your SWPPP and available for inspection and review by the Department at anytime.

First, fill out all information on the top of the visual monitoring form. A qualifying storm event is any storm where there is a measurable discharge. Then, take a grab sample in a clear container. Evaluate the sample in a well-lit area for the following parameters:

1. **Color:** Record the best description of the sample color in the appropriate space on the form.
2. **Clarity:** This parameter refers to how cloudy the sample is. It is *usually* an indication of fewer pollutants in the water if the sample is clear or transparent. If the clarity has changed since the last sample, try to identify what might have caused this to happen.
  - **Clear** – Sample doesn't block any light; can be seen through regardless of color.
  - **Cloudy** – Sample blocks some light; objects not clear but can be identified looking through the sample.
  - **Very Cloudy** – Sample blocks most light; objects cannot be identified looking through the sample.
  - **Opaque** – Sample blocks all light; objects cannot be seen when looking through the sample.
3. **Oil Sheen:** Record whether an oil sheen is present. If a film of iridescent color is noted on the surface of the sample or a rainbow effect appears to be floating on the surface of the water, this indicates oil is present.
4. **Odor:** If sample has no odor other than natural rainwater or snowmelt, write "NO" on the visual monitoring form. Note the presence of any of the following odors if detected, such as gasoline, diesel, oil, solvents (WD-40, other petroleum products, etc.), garbage, fishy, sweet/sugary, any other unusual odors not normally present in clean runoff from the area sampled.
5. **Floating Solids:** A contaminated flow may contain solids or liquids floating on the surface. Identifying floatables can aid in finding the source of the contamination. Examples of floatables are spoiled food products, oils, plant parts, solvents, sawdust, foams and fuel. Give a general description of the type of floating solids present (wood chips, leaf debris, algae, etc) in the general comments section for each sample. Identify amount of floating solids as described below.
  - **High** – More than 20% of the surface of the sample is covered with floating solids.
  - **Moderate** – Less than 20% of the surface of the sample is covered with floating solids.
  - **Slight** – Only a few floating particles observed on the surface of the sample.
  - **None** – No floating solids present on the surface of the sample.
6. **Suspended solids:** Record whether or not suspended solids are present in the sample. Suspended solids are particles floating inside the column of water, not on top, and may contribute to changes in water color or clarity. Cracked or deteriorated concrete or peeling surface paint at an outfall usually indicates the presence of severely contaminated discharges. Contaminants causing this type of damage are usually very acidic or basic.

----- **WAIT 30 MINUTES** -----

Leave the sample undisturbed for 30 minutes to allow the water and anything in it to settle.

7. **Settled Solids:** After 30 minutes has passed, give a general description of the type of settled solids present (sand, decayed plant matter, rust particles, etc.) in the general comments section.
8. **Foam:** After completing #7, shake the bottle gently. Record foam results on the form as they most closely match one of the descriptions listed below.
  - **None** – Most bubbles break down within ten (10) seconds of shaking; only a few large bubbles persist longer than ten (10) seconds.
  - **Moderate** – Many small bubbles are present but these bubbles persist for less than two (minutes) after shaking.
  - **High** – Many small bubbles are present and they persist longer than two (2) minutes after shaking.
9. Detail any concerns, corrective actions taken and any other indicators of pollution present in the sample. This should include the identified source if there are visible indicators present in the sample. The person performing test must sign and date each form.

Appendix D: Sector-Specific Requirements for Industrial Activity

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You must comply with Appendix D sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

## **Sector A – Timber Products.**

### **A.1 Covered Stormwater Discharges.**

The requirements in Sector A apply to stormwater discharges and certain non-stormwater discharges (Part A.7) associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Appendix A of the permit.

### **A.2 Limitation on Coverage**

*A.2.1 Prohibition of Discharges.* (See also Part I.C) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

*A.2.2 Authorized Non-Stormwater Discharges.* (See also Part I.E) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part III.B.1 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

### **A.3 Additional Technology-Based Effluent Limits.**

*A.3.1 Good Housekeeping.* (See also Part III.B.1.b.ii) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

### **A.4 Additional SWPPP Requirements.**

*A.4.1 Drainage Area Site Map.* (See also Part III.C.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

*A.4.2 Inventory of Exposed Materials.* (See also Part III.C.3) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater runoff.

*A.4.3 Description of Stormwater Management Controls.* (See also Part III.C.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

### **A.5 Additional Inspection Requirements.**

See also Part V.A. If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of

practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

**A.6 Sector-Specific Benchmarks**

Table A-1 and A-2 identify benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities. You may be subject to requirements for more than one sector/subsector.

**Table A-1 Sector A3 Benchmarks (Log Storage and Handling Facilities SIC 2411)**

Parameter	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100.0	mg/L	1/quarter	Grab

**Table A-2 Sector A4 Benchmarks (Natural Woodwaste Facilities SIC 2499)**

Parameter	Benchmark	Units	Frequency	Sample Type
Chemical Oxygen Demand (COD)	120.0	mg/L	1/quarter	Grab
Total Suspended Solids (TSS)	100.0	mg/L	1/quarter	Grab

**A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part V.B and Part V.C of the permit.)**

Table A-3 identifies effluent limits that apply to the discharges resulting from spray down or intentional wetting of logs at wet deck storage areas. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

**Table A-3 Numeric Limits for Discharges from Wet Deck Storage Areas**

PARAMETER	Effluent Limit	Units	Frequency	Sample Type
pH	6.0 - 9.0	s.u.	1/month	Grab
Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No Discharge of debris that will not pass through a 2.54 cm (1 inch) diameter round opening	lbs	1/month	Grab

## Sector C – Chemical & Allied Products Manufacturing, and Refining.

### C.1 Covered Stormwater Discharges.

The requirements in Sector C apply to stormwater discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C of Appendix A of the permit.

### C.2 Limitations on Coverage.

*C.2.1 Prohibition of Non-Stormwater Discharges.* (See also Part I.C) The following are not covered by this permit: non-stormwater discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwater from material handling and processing areas; and washwater from drum, tank, or container rinsing and cleaning.

### C.3 Sector-Specific Benchmarks

Table C-1 identifies benchmarks that apply to the specific subsector of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities. You may be subject to requirements for more than one sector/subsector.

**Table C-1 Subsector C1 Benchmarks (Composting Facilities SIC Code 2875)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Nitrate plus Nitrite Nitrogen <sup>1</sup>	0.68	mg/L	1/quarter	Grab
Total Lead <sup>2</sup>	0.082	mg/L	1/quarter	Grab
Total Iron	1.0	mg/L	1/quarter	Grab
Total Zinc <sup>2</sup>	0.014	mg/L	1/quarter	Grab
Phosphorus	2.0	mg/L	1/quarter	Grab

Notes:

(1) The benchmark values for nitrate plus nitrite nitrogen may be reported as either the concentration in the discharge, or as a net concentration calculated by subtracting the concentration of nitrate plus nitrite nitrogen in a contemporaneous sample of rainwater from the concentration in the discharge.

(2) The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Table C-2.

**Table C-2. Hardness Ranges to Be Used to Determine Benchmark Values.**

All Units mg/L	Benchmark Values (mg/L, total)	
	Lead	Zinc
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

**C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part V.B and Part V.C of the permit.)**

Table C-3 identifies effluent limits that apply to the runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

**Table C-3 Numeric Limits for Discharges from Phosphate Fertilizer Manufacturing (SIC 2874)**

PARAMETER	Effluent Limit	Units	Frequency	Sample Type
Total Phosphorus (as P)	105.0, daily maximum 35, 30-day avg.	mg/L	1/month	Grab
Fluoride	75.0, daily maximum 25.0, 30-day avg.	mg/L	1/month	Grab

## Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

### D.1 Covered Stormwater Discharges.

The requirements in Sector D apply to stormwater discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D of Appendix A of the permit.

### D.2 Limitations on Coverage.

The following stormwater discharges associated with industrial activity are not authorized by this permit (See also Part I.C)

D.2.1 Discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining); or

D.2.2 Discharges from oil recycling facilities; or

D.2.3 Discharges associated with fats and oils rendering.

### D.3 Additional SWPPP Requirements.

D.3.1 *Drainage Area Site Map.* (See also Part III.C.2) For portable batch plants at construction sites, the area of influence must be clearly delineated in the SWPPP’s site map.

### D.4 Sector-Specific Benchmarks and Visual Monitoring

Table D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities. Asphalt plants shutdown during winter months should note on the visual monitoring form for that quarter that no samples were taken due to the seasonal shutdown.

**Table D-1 Subsector D1 Benchmarks (Asphalt Paving and Roofing Materials SIC 2951, 2952)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter <sup>1</sup>	Grab

(1) For asphalt plants shutdown during the winter months, use report code “NODI-9” on your Discharge Monitoring Report (DMR) to indicate that quarter discharge benchmark will not be evaluated.

### D.5 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part V.B and V.C)

Table D-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table D-2 Numeric Limits for Discharges from Asphalt Emulsion Facilities**

PARAMETER	Effluent Limit	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	23.0 daily maximum, 15.0 30-day avg.	mg/L	1/month	Grab
pH (monthly average)	6.5 - 8.5	s.u.	1/month	Grab
pH (daily maximum)	6.0 - 9.0	s.u.	1/month	Grab
Oil and Grease	15.0 daily maximum, 10.0 30-day avg.	mg/L	1/month	Grab

## Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

### E.1 Covered Stormwater Discharges.

The requirements in Sector E apply to stormwater and certain wastewater (Part E.6) discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Appendix A of the permit.

### E.2 Additional Technology-Based Effluent Limits.

**E.2.1 Good Housekeeping Measures.** (See also Part III.B.1.b.ii) As part of your good housekeeping program, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in stormwater. Indicate in your SWPPP the frequency of sweeping, vacuuming or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash or settled dust are being handled or processed and may be discharged in stormwater. You must also prevent the exposure of fine granular solids (e.g., cement, fly ash, kiln dust) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, buildings or under other covering.

### E.3 Additional SWPPP Requirements.

**E.3.1 Drainage Area Site Map.** (See also Part III.C.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device. For batch plants at construction sites, the area of influence must be clearly delineated in the site map.

**E.3.2 Certification.** (See also Part III.B.1.b.x) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with numeric limits in Part E.6 of this Appendix or are recycled.

### E.4 Sector-Specific Benchmarks.

Tables E-1 and E-2 identify benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities. You may be subject to requirements for more than one sector/subsector.

**Table E-1 Subsector E1 Benchmarks (Clay Product Manufacturers SIC 3251-3259, 3261-3269)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Total Aluminum	0.75	mg/L	1/quarter	Grab

**Table E-2 Subsector E2 Benchmarks (Concrete and Gypsum Product Manufacturers SIC 3271-3275)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab

**E.5 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part V.B and Part V.C of the permit.)**

Table E-3 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table E-3 Numeric Limits for Material Storage Pile Runoff at Cement Manufacturing Facilities**

PARAMETER	Effluent Limit	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	50 daily maximum <sup>1</sup>	mg/L	1/month	Grab
pH (daily maximum)	6.0 - 9.0 <sup>1</sup>	s.u.	1/month	Grab

Notes:

(1) Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR 411.32(b)).

**E.6 Washwater from concrete plant operations.**

**E.6.1 Vehicle Wash Prohibitions.** You are prohibited from discharging or causing to be discharged any automotive fluids (i.e. waste oil, fuels, grease, antifreeze such as ethylene glycol, organic solvents, or paint) or washwater from engine or under-carriage cleaning. Additionally, the use of soaps to wash vehicles is prohibited if it results in a surface water discharge.

**E.6.2 Additional Technology-Based Effluent Limits.** You must design, select and implement an appropriate wastewater treatment system to meet the limits of this permit. The system must include the following components.

**E.6.2.1 Dedicated Area.**

Your concrete washout and/or vehicle washing must be performed in an area dedicated to the washing activity and must be separate from any area where vehicle maintenance work is performed. This dedicated area must be identified as a dedicated washing area with signage. If this area may be used by anyone not trained on your practices, include any prohibitions on the signage to aid in compliance with this permit.

**E.6.2.2 Inspection and Maintenance.**

You must inspect components of any wastewater treatment system - including grit traps, floor drains, oil/water separators, and drainfield, as part of your routine facility inspections. You must remove waste materials from these components before such material would cause the discharge of pollutants, but not less than once per year.

**E.6.2.3 Required Documentation.**

You must maintain a record of following:

- any observations of a visible oil sheen and description of any resulting actions that may have been taken to resolve; and
- calculations of your water use.

**E.6.3 Groundwater Discharges.** Wastewater containing oil and grease from the use of moulds and vehicle washwater shall be observed for oil and grease prior to being allowed to infiltrate into ground waters. If either a visible oil sheen or evidence of oil and grease exists (Note Part V.D), you shall contain and dispose of this wastewater to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or dispose otherwise in accordance with applicable law.

E.6.4 Surface Water Discharges.

E.6.4.1 Concrete Washout

All surface water discharges from washing concrete mixer trucks, moulds, or equipment and of excess feed water shall be monitored by the permittee at each discharge point associated with the wash water and limited as specified below in Table E-4. This includes routine vehicle wash water, if mixed with the concrete washout.

**Table E-4 Numeric Limits for Concrete Washout from Concrete Mixer Trucks, Moulds, or Equipment.**

PARAMETER	Limits			Monitoring Frequency	Sample Type
	Monthly Average	Daily Maximum	UNITS		
<b>Flow</b>	REPORT	REPORT	gpd	1/month	measured
<b>pH</b>	6.5 – 8.5	6.0 – 9.0	s.u.		grab
<b>Total Suspended Solids (TSS)</b>	30	60	mg/L		
<b>Oil &amp; Grease</b>		15(a)	mg/L		

No visible sheen is permissible on any water discharging from the facility.

Notes:

(a) Pertains to SIC 3272 concrete plants using molds.

E.6.4.2 Vehicle Wash Water

All surface water discharges exclusively containing vehicle wash water shall be monitored by the permittee at each discharge point associated and limited as specified below in Table E-5.

**Table E-5 Numeric Reporting and Limits for Vehicle Wash Water.**

PARAMETER	Limits				Monitoring Frequency	Sample Type
	Daily Minimum	Monthly Average	Daily Maximum	UNITS		
<b>Flow</b>		REPORT	REPORT	gpd	1/month	measured

No visible sheen is permissible on any water discharging from the facility.

## **Sector F – Primary Metals.**

### **F.1 Covered Stormwater Discharges.**

The requirements in Sector F apply to stormwater discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Appendix A of the permit.

### **F.2 Additional Technology-Based Effluent Limits**

**F.2.1 Good Housekeeping Measures.** (See also Part III.B.1.b.ii) As part of your good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, consider using stormwater management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment.

### **F.3 Additional SWPPP Requirements.**

**F.3.1 Drainage Area Site Map.** (See also Part III.C.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to waters of the United States.

**F.3.2 Inventory of Exposed Material.** (See also Part III.C.3) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible.

### **F.4 Additional Inspection Requirements. (See also Part V.A)**

As part of conducting your quarterly routine facility inspections, address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

### **F.5 Intentionally Left Blank**

## **Sector G – [Reserved].**

## Sector J – Non-Metallic Mineral Mining and Dressing.

**Note:** Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

### J.1 Covered Stormwater Discharges.

The requirements in Sector J apply to stormwater and certain process water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Appendix A of the permit.

J.1.1 *Covered Discharges from Inactive Facilities.* All stormwater discharges.

J.1.2 *Covered Discharges from Active and Temporarily Inactive Facilities.* All stormwater discharges, except for most stormwater discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities.

J.1.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All stormwater discharges.

J.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All stormwater discharges.

### J.2 Limitations on Coverage.

Most stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities. This coverage doesn't include industrial sand and gravel that use hydrofluoric acid flotation (HF).

### J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

J.3.1 ***Mining operations*** – For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

J.3.2 ***Earth-disturbing activities conducted prior to active mining activities*** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
- b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-

disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part J.4.2.

**J.3.3 Active mining activities** – Activities related to the extraction, removal or recovery, and beneficiation of non-metallic minerals from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part J.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities

**J.3.4 Active mining area** – A place where work or other activity related to the extraction, removal or recovery of non-metallic minerals is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part J.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part J.4.

**J.3.5 Inactive mineral mining facility** – A site or portion of a site where mineral mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

**J.3.6 Temporarily inactive mineral mining facility** – A site or portion of a site where non-metallic mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

#### **J.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part J.3.2) are covered under this permit. You cannot begin discharging stormwater associated with that portion of the operation until you have been issued a mining permit, and an updated and approved erosion & sediment control plan.

#### **J.5 Technology-Based Effluent Limits for Active Mining Activities.**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active-mining as defined in J.3.2(a) or J.3.2(b).

**J.5.1 Employee Training.** Conduct employee training at least annually at active and temporarily inactive sites. (See also Part III.C.1.b.ix)

**J.5.2 Stormwater Controls.** Apart from the control measures you implement to meet your Part III.B effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part J.5.3 shall determine the priority and appropriateness of the control measures selected.

**Stormwater Diversions:** Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part III.B.1.b.xii.

**Capping:** When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

**Treatment:** If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).

**J.5.3 Discharge Testing.** (See also Part III.C.3.d) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP, per Part J.6.6.

## **J.6 Additional SWPPP Requirements.**

The requirements in Part J.6 are not applicable to inactive mineral mining facilities.

**J.6.1 Nature of Industrial Activities.** (See also Part III.C.2) Document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

**J.6.2 Site Map.** (See also Part III.C.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

**J.6.3 Potential Pollutant Sources.** (See also Part III.C.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in your SWPPP (or in an Environmental Management System (EMS) accessible by site personnel) the types of pollutants (e.g.,  
Sector J – Non-Metallic Mineral Mining and Dressing.

heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

**J.6.4 Documentation of Control Measures.** To the extent that you use any of the control measures in Part J.5.2, document them in your SWPPP pursuant to Part III.C.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must state (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

**J.6.5 Employee Training.** All employee training(s) conducted in accordance with Part J.5.1 must be documented with the SWPPP (or in an Environmental Management System (EMS) accessible by site personnel).

**J.6.6 Certification of Permit Coverage for Commingled Non-Stormwater Discharges.** If you determine that you are able to certify, consistent with Part J.5.3, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**J.7 Additional Inspection Requirements.**

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part J.3.2(a) and J.3.2(b), perform inspections at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as Tier 2 or waters which are impaired for sediment must be inspected monthly. See Part J.8.1 for inspection requirements for inactive and unstaffed sites.

**J.8 Sector-Specific Benchmarks**

Tables J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities. You may be subject to requirements for more than one sector/subsector. Note: There are no Part J.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

**Table J-1 Sector J1 Benchmarks Sand and Gravel Mining (SIC 1442-1446) and Stone and Minerals (SIC 1411, 1422-1429, 1481, 1499)**

Parameter	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab

**J.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring and Impaired Waters Monitoring.** As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark and/or impaired monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the

Sector J – Non-Metallic Mineral Mining and Dressing.

requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Parts V.A.4 and V.B.5, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- The Department retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct routine facility inspections, quarterly visual assessments, and benchmark and impaired waters monitoring. You must still conduct an annual site inspection in accordance with Part V.A.2. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

**J.9 Effluent Limitations Process Water and Dewatering Based on Effluent Limitations Guidelines for Dewatering (See also Part V.B and Part V.C of the permit)**

Tables J-2 through J-5 identify effluent limits that apply to the industrial activities described below during dry weather conditions. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

**Table J-2 Numeric Limits for dewatering and/or process water discharges at crushed or broken limestone mining facilities (SIC 1422)**

Parameter	Effluent Limit	Units	Frequency	Sample Type
Flow	REPORT monthly avg, and daily maximum	gpd	1/month	Measured
pH (daily maximum)	6.0 - 9.0	s.u.	1/month	Grab
pH (monthly average)	6.5 – 8.5	s.u.	1/month	Grab
Total Suspended Solids (TSS) – Dewatering Only	15 monthly avg, 31 daily maximum	mg/L	1/month	Grab (a)
Total Suspended Solids (TSS) – Dewatering and Process Water	17 monthly avg, 37 daily maximum	mg/L	1/month	Grab (a)
Temperature – Summer	REPORT	°F	1/month	i-s (b)
Temperature Difference	0 maximum	°F	1/month	Calculated (b, c)

**Notes:**

- (a) Monthly average limits apply to every facility that discharges three or more times during the month. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.
- (b) For discharges to Use III or Use IV streams during June, July, August and September. Samples to be taken at the beginning of discharge and midway through discharge.
- (c) Temperature Difference is determined by following the steps below until you verify you are either demonstrating compliance or noncompliance.
  - i) If the effluent temperature  $\leq 68^{\circ}\text{F}$  (Use III) or  $\leq 75^{\circ}\text{F}$  (Use IV), then report “Temperature Difference” = 0, demonstrating compliance. Otherwise proceed to the next step.

- ii) Calculate “Temperature Difference” = effluent temperature - receiving water temperature upstream of the discharge. If the result is “<= 0” then report the negative value which is compliant. If it is “> 0” proceed to the next step.
- iii) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - [68°F (Use III) or 75°F (Use IV)]. If the result is “<= 0” then report the negative value which is compliant. If it is “>0” proceed to the next step.
- iv) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - receiving water temperature upstream of the discharge. If the result is “<= 0” then report the negative value which is compliant. If it is “>0” then report the positive value which is a permit violation.

**Table J-3 Numeric Limits for dewatering discharges at crushed stone mining facilities (SIC 1423 – 1429)**

Parameter	Effluent Limit	Units	Frequency	Sample Type
Flow	REPORT monthly avg, and daily maximum	gpd	1/month	Measured
pH (daily maximum)	6.0 - 9.0	s.u.	1/month	Grab
pH (monthly average)	6.5 – 8.5	s.u.	1/month	Grab
Total Suspended Solids (TSS) – Dewatering Only	30 monthly avg, 66 daily maximum	mg/L	1/month	Grab
Total Suspended Solids (TSS) – Dewatering and Process Water	45 monthly avg, 60 daily maximum	mg/L	1/month	Grab (a)
Temperature – Summer	REPORT	°F	1/month	i-s (b)
Temperature Difference	0 maximum	°F	1/month	Calculated (b, c)

**Notes:**

- (a) Monthly average limits apply to every facility that discharges three or more times during the month. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.
- (b) For discharges to Use III or Use IV streams during June, July, August and September. Samples to be taken at the beginning of discharge and midway through discharge.
- (c) Temperature Difference is determined by following the steps below until you verify you are either demonstrating compliance or noncompliance.
  - i) If the effluent temperature <= 68°F (Use III) or <= 75°F (Use IV), then report “Temperature Difference” = 0, demonstrating compliance. Otherwise proceed to the next step.
  - ii) Calculate “Temperature Difference” = effluent temperature - receiving water temperature upstream of the discharge. If the result is “<= 0” then report the negative value which is compliant. If it is “> 0” proceed to the next step.
  - iii) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - [68°F (Use III) or 75°F (Use IV)]. If the result is “<= 0” then report the negative value which is compliant. If it is “>0” proceed to the next step.
  - iv) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - receiving water temperature upstream of the discharge. If the result is “<= 0” then report the negative value which is compliant. If it is “>0” then report the positive value which is a permit violation.

**Table J-4 Numeric Limits for dewatering discharges at construction sand and gravel mining facilities (SIC 1442) and clay mines (SIC 1455-1459)**

Parameter	Effluent Limit	Units	Frequency	Sample Type
Flow	REPORT monthly avg, and daily maximum	gpd	1/month	Measured
pH (daily maximum)	6.0 - 9.0	s.u.	1/month	Grab
pH (monthly average)	6.5 – 8.5	s.u.	1/month	Grab
Total Suspended Solids (TSS) – Dewatering and/or Process Water	30 monthly avg, 60 daily maximum	mg/L	1/month	Grab (a)
Temperature – Summer	REPORT	°F	1/month	i-s (b)
Temperature Difference	0 maximum	°F	1/month	Calculated (b, c)

**Notes:**

- (a) Monthly average limits apply to every facility that discharges three or more times during the month. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.
- (b) For discharges to Use III or Use IV streams during June, July, August and September. Samples to be taken at the beginning of discharge and midway through discharge.
- (c) Temperature Difference is determined by following the steps below until you verify you are either demonstrating compliance or noncompliance.
  - i) If the effluent temperature  $\leq 68^{\circ}\text{F}$  (Use III) or  $\leq 75^{\circ}\text{F}$  (Use IV), then report “Temperature Difference” = 0, demonstrating compliance. Otherwise proceed to the next step.
  - ii) Calculate “Temperature Difference” = effluent temperature - receiving water temperature upstream of the discharge. If the result is “ $\leq 0$ ” then report the negative value which is compliant. If it is “ $> 0$ ” proceed to the next step.
  - iii) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - [ $68^{\circ}\text{F}$  (Use III) or  $75^{\circ}\text{F}$  (Use IV)]. If the result is “ $\leq 0$ ” then report the negative value which is compliant. If it is “ $>0$ ” proceed to the next step.
  - iv) Calculate “Temperature Difference” = edge of mixing zone temperature (50 feet downstream of discharge) - receiving water temperature upstream of the discharge. If the result is “ $\leq 0$ ” then report the negative value which is compliant. If it is “ $>0$ ” then report the positive value which is a permit violation.

**Table J-5 Numeric Limits for dewatering discharges at industrial sand mining facilities (SIC 1446)**

Parameter	Effluent Limit	Units	Frequency	Sample Type
Flow	REPORT monthly avg, and daily maximum	gpd	1/month	Measured
Total Suspended Solids (TSS) – Dewatering and/or Process Water	25 monthly avg. 45 daily maximum	mg/L	1/month	Grab (a)
pH (daily maximum)	6.0 - 9.0	s.u.	1/month	Grab
pH (monthly average)	6.5 – 8.5	s.u.	1/month	Grab

**Notes:**

- (a) Monthly average limits apply to every facility that discharges three or more times during the month. A discharge beginning one day and lasting into a second day is considered two discharges when determining whether or not the monthly average limit applies.

**J.10 Vehicle washwater from mining operations.**

Washwater from mining operations may be comingled with the other process water from the mining activity with the following restrictions.

J.10.1 *Vehicle Wash Prohibitions.* You are prohibited from discharging or causing to be discharged any automotive fluids (i.e. waste oil, fuels, grease, antifreeze such as ethylene glycol, organic solvents, or paint) or washwater from engine or under-carriage cleaning. Additionally, the use of soaps to wash vehicles is prohibited if it results in a surface water discharge.

J.10.2 *Additional Technology-Based Effluent Limits.* You must design, select and implement an appropriate wastewater treatment system to meet the limits of this permit. The system must include the following components.

J.10.2.1 Dedicated Area.

Your vehicle washing must be performed in an area dedicated to the exterior washing of vehicles and must be separate from any area where vehicle maintenance work is performed. This dedicated area must be identified as a dedicated washing area with signage. If this area may be used by anyone not trained on your practices, include any prohibitions on the signage to aid in compliance with this permit.

J.10.2.2 Inspection and Maintenance.

You must inspect components of any wastewater treatment system - including grit traps, floor drains, oil/water separators, and drainfield, as part of your routine facility inspections. You must remove waste materials from these components before such material would cause the discharge of pollutants, but not less than once per year.

J.10.2.3 Required Documentation.

You must maintain a record of the following:

- any observations of a visible oil sheen and description of any resulting actions that may have been taken to resolve; and
- calculations of your water use.

J.10.3 Groundwater Discharges.

Wastewater containing oil and grease from the vehicle washwater shall be observed for oil and grease prior to being allowed to infiltrate into ground waters. If either a visible oil sheen or evidence of oil and grease exists (Note Part V.D), you shall contain and dispose of this wastewater to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or dispose otherwise in accordance with applicable law.

J.10.4 Vehicle Wash Water

All surface water discharges exclusively containing vehicle wash water shall be monitored by the permittee at each discharge point associated and limited as specified below in Table J-6.

**Table J-6 Numeric Reporting and Limits for Vehicle Wash Water**

PARAMETER	Limits			UNITS	Monitoring Frequency	Sample Type
	Daily Minimum	Monthly Average	Daily Maximum			
<b>Flow</b>		REPORT	REPORT	gpd	1/month	measured

No visible sheen is permissible on any water discharging from the facility. The permittee shall observe any vehicle or wheel washwater on each day the facility is in operation to verify compliance with this requirement.

### **J.11 Termination of Permit Coverage**

*J.11.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part J.3.5.

*J.11.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

## Sector L – Landfills and Land Application Sites.

### L.1 Covered Stormwater Discharges.

The requirements in Sector L apply to stormwater discharges associated with industrial activity from Landfills and Land Application Sites as identified by the Activity Code specified under Sector L in Appendix A of the permit.

### L.2 Industrial Activities Covered by Sector L.

This permit may authorize stormwater discharges for Sector L facilities associated with waste disposal at landfills and land application sites that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

### L.3 Limitations on Coverage.

L.3.1 Prohibition of Non-Stormwater Discharges. (See also Part I.C Limitations on Coverage) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

### L.4 Definitions.

L.4.1 *Contaminated stormwater* - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

L.4.2 *Drained free liquids* - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

L.4.3 *Landfill wastewater* - as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory derived wastewater; contaminated stormwater; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

L.4.4 *Non-contaminated stormwater* - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

### L.5 Additional Technology-Based Effluent Limits. [Reserved]

### L.6 Additional SWPPP Requirements.

L.6.1 *Drainage Area Site Map*. (See also Part III.C.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

L.6.2 *Summary of Potential Pollutant Sources.* (See also Part III.C.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

**L.7 Additional Inspection Requirements. (See also Part V.A)**

L.7.1 *Inspections of Active Sites.* Except in arid and semi-arid climates, inspect operating landfills and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

L.7.2 *Inspections of Inactive Sites.* Inspect inactive landfills and land application sites at least quarterly. Qualified personnel must inspect landfill stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

**L.8 Additional Post-Authorization Documentation Requirements.**

L.8.1 *Recordkeeping and Internal Reporting.* Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

**L.9 Sector-Specific Benchmarks**

Table L-1L-2 identify benchmarks that may apply to your specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table L-1 - Subsector L4 Benchmarks – Concrete Crushing With or Without Asphalt Recycling**

Parameter	Benchmark	Units	Frequency	Sample Type
pH	6.0 - 9.0	s.u.	1/quarter	Grab
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab

**Table L-2 - Subsector L4 Benchmarks - Asphalt Recycling Only**

Parameter	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab

**L.10. Effluent Limitations Based on Effluent Limitations Guidelines.**

Discharges from non-hazardous waste landfills are required to meet specific effluent limits (40 CFR Part 445, Subpart B) and are therefore not covered by this permit. You must obtain an individual discharge permit to discharge this type of effluent.

## **Subpart P – Sector P – Land Transportation and Warehousing.**

### **P.1 Covered Stormwater Discharges.**

The requirements in Sector P apply to stormwater discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Appendix A of the permit.

### **P.2 Limitation on Coverage**

P.2.1 Prohibited Discharges (see also Parts I.C) This permit does not authorize the discharge of vehicle/equipment/surface washwater, including tank cleaning operations. Such discharges must be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

### **P.3 Additional Technology-Based Effluent Limits.**

P.3.1 Good Housekeeping Measures. (See also Part III.B.1.b.ii) In addition to the Good Housekeeping requirements in Part III.B.1.b.ii, you must do the following. Recommended control measures are discussed as indicated:

P.3.1.1 Vehicle and Equipment Storage Areas. Minimize the potential for stormwater exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Consider the following (or other equivalent measures): use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

P.3.1.2 Fueling Areas. Minimize contamination of stormwater runoff from fueling areas. Consider the following (or other equivalent measures): Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing stormwater run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

P.3.1.3 Material Storage Areas. Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., “Used Oil,” “Spent Solvents,” etc.). Consider the following (or other equivalent measures): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of stormwater to the areas; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

P.3.1.4 Vehicle and Equipment Cleaning Areas. Minimize contamination of stormwater runoff from all areas used for vehicle/equipment cleaning. Consider the following (or other equivalent measures): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the stormwater drainage system); treating and/or recycling collected washwater, or other equivalent measures.

P.3.1.5 Vehicle and Equipment Maintenance Areas. Minimize contamination of stormwater runoff from all areas used for vehicle/equipment maintenance. Consider the following (or other equivalent measures): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater runoff, minimizing run on/runoff of stormwater to maintenance areas.

P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas. Consider the following (or other equivalent measures): covering sanding areas; minimizing stormwater run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by stormwater.

P.3.2 Employee Training. (See also Part III.C.1.b.ix) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

#### **P.4 Additional SWPPP Requirements.**

P.4.1 Drainage Area Site Map. (See also Part III.C.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

P.4.2 Potential Pollutant Sources. (See also Part III.C.3) Assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

P.4.3 Description of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures you implement consistent with Part P.3.

P.4.4 Vehicle and Equipment Washwater Requirements. If applicable, attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment washwater or, if an NPDES permit has not been issued, a copy of the pending application. These permit documents may alternatively be kept in an Environmental Management System (EMS) that is accessible by site personnel. If an industrial user permit is issued under a local pretreatment program, attach a copy to your SWPPP. In any case, implement all non-stormwater discharge permit conditions or pretreatment conditions in your SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the plan.

#### **P.5 Additional Inspection Requirements. (See also Part V.A)**

Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

## Sector AD.c – Hydrodemolition Operations.

### AD.c.1 Covered Stormwater Discharges.

The requirements are for the Hydrodemolition Operations in Sector AD.c apply to stormwater and process water discharges associated with operation of hydrodemolition equipment as identified under Sector AD.c in Appendix A of the permit. This permit authorizes stormwater discharges for the hydrodemolition operation and the onsite treatment and discharge of wastewater generated from the hydrodemolition of Portland Cement Concrete (PCC) bridge decks to groundwater via land application/infiltration.

### AD.c.2 Limitation on Coverage - Prohibited Discharges (see also Parts I.C).

- This permit does not authorize the discharge of hydrodemolition wastewater to surface waters, or process wastewater resulting from hydrodemolition of concrete surfaces that contain paint or other coatings, or that is mixed with any other wastewater that is not hydrodemolition wastewater or stormwater.
- The following hazardous wastes are prohibited from being discharged onsite to the ground surface or to surface waters: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2 – trichloroethane, chlorobenzene, ortho-dichlorobenzene, carbon tetrachloride, chlorinated fluorocarbons, toluene, methylethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropane.

### AD.c.3 Additional Technology-Based Effluent Limits.

During the bridge restoration, you are responsible for:

- the containment, collection, sampling, treatment and discharge by land application of the hydrodemolition wastewater; or
- if land application is not possible, then you are responsible for contracting for appropriate offsite treatment and disposal of the hydrodemolition wastewater.

*AD.c.3.1 Wastewater Containment, Collection, Sampling, Recordkeeping, Treatment, and Land Application Disposal System Requirements.* You must design and implement measures for the containment, collection, sampling, treatment and discharge via land application/infiltration of treated hydrodemolition wastewater. This design should include at a minimum the following:

*AD.c.3.1.1 Wastewater Containment and Collection System.* This system shall be able to adequately contain, collect and convey all hydrodemolition wastewater to the treatment and land application/infiltration disposal system. These requirements must be met:

- total containment of the hydro-demolition wastewater is required;
- hydrodemolition Wastewater shall not be allowed to enter storm sewers, bridge drainage downspouts or bridge approach downspouts, ditches, surface waters, floodplains or wetlands; and
- bridge deck joints, drains and other potential outlets to shall be sealed in order to prevent the release of hydrodemolition wastewater to the ground surface or surface waters.

*AD.c.3.1.2 Hydrodemolition Wastewater Treatment System.* The hydrodemolition wastewater must be treated before it is land applied and meet the following requirements. As specified below, all discharges from hydrodemolition operations to ground waters shall be monitored by the permittee at each point of discharge.

**Table AD.C-1 Numeric Limits for Wastewater from Hydrodemolition Operations**

Parameter	Limits				Monitoring Frequency	Sample Type	Parameter Specific Requirements
	Daily Minimum	Monthly Average	Daily Maximum	UNITS			
<b>Flow</b>		REPORT	REPORT	gpd	1/month	measured	
<b>pH</b>	2.0		12.5	s.u.		grab	<i>The pH shall be maintained as close to 7.0 as possible.</i>

All residual solids that result through settling, filtering or other water treatment must be removed from the site. The wastewater to be land applied shall display no visual presence of solids. The permittee shall observe any discharge water on each day the facility is in operation to verify compliance with this requirement.

AD.c.3.1.3 *Land Application Disposal System Requirements.* Land application of hydro-demolition wastewater shall be done only on land contained within publically owned right-of-ways and land that is specifically approved and designated in writing for this use by the public right-of-way approving authority or alternatively on private land with the express approval of the land owner. Documentation of approval of use of a publically owned right-of-way or private land for land application must be submitted with the SWPPP. All land application activities shall be performed in accordance with the following:

- all drains or stormwater catch basins shall be identified, flagged or blocked off prior to land applying hydrodemolition wastewater;
- there shall be no discharge of hydrodemolition wastewater to surface waters including intermittent streams and tax and other drainage ditches;
- land application of hydro-demolition wastewater shall not cause ponding or runoff;
- land application of the treated wastewater is prohibited during inclement weather such as during periods of precipitation, high winds, freezing conditions, on snow-covered ground or when soils are saturated; and
- setbacks.
  - i. Surface Waters. Hydrodemolition wastewater shall not be land applied closer than 100 feet to surface water bodies unless a 35 foot vegetated buffer is established from the proposed wetted edge of the land application area. Surface waters include streams, lakes, ponds, drainage and tax ditches and any other conduit, natural or manmade to such waters.
  - ii. Ground Waters. Hydrodemolition wastewater shall not be land applied within 100 feet of drinking water wells or sinkholes, or within 300 feet of springs.

AD.c.3.1.4 *Recordkeeping.* The permittee shall maintain a logbook with daily records of hydro-demolition activities. These records shall be onsite and available for review upon request by Department personnel. These records shall be retained by the permittee for one year following the last day of land application of hydrodemolition wastewater. The logbook shall record each day, at minimum, the following information:

- date;
- amount of hydro-demolition wastewater applied;
- weather;
- land application field conditions;
- pH testing results; and
- amount and type of treatment chemicals added.

AD.c.3.1.5 *Department Notification*. The Department's Compliance Program (Part II.D.3) must be notified within 48 hours of the planned start of the hydrodemolition wastewater discharge via land application.

AD.c.3.1.6 *Offsite Transport*. Hydrodemolition wastewater that does not fall within a pH range of greater than pH 2.0 and less than pH 12.5 must be transported offsite by a licensed hazardous waste hauler to a licensed hazardous waste facility treatment and disposal facility.

#### AD.c.4 Additional SWPPP Requirements.

The plan for the implementation of the containment, collection, treatment, and discharge of the hydrodemolition wastewater must be reviewed and approved by a Professional Engineer registered in the State of Maryland. Describe operation in the narrative and identify location of any treatment devices on site map, including bag filters or other devices used to adjust pH. These plans shall include at a minimum:

AD.c.4.1 Detailed plans of the processes that will generate, collect, and treat the hydrodemolition wastewater. These plans shall include at a minimum:

- clearly identify each major process unit in sufficient detail to allow the Department to have a clear understanding of the types and quantities of pollutants that may be generated;
- identify the average and maximum daily flow rates (in gallons per day) for each major process unit that generates hydrodemolition wastewater;
- detail how the hydro-demolition wastewater will be monitored, treated and adjusted to meet pH and suspended sediment treatment requirements; and
- a map showing the area where the hydrodemolition will occur, including calculations on square feet of area that will be processed.

AD.c.4.2 *Land Application Plan*. A Land Application Plan that details how the treated hydrodemolition wastewater will be land applied. This Plan shall include at a minimum:

- equipment to be used for the land application disposal system;
- the expected amount of wastewater to be land applied;
- a map identifying the public land to be utilized for land application;
- authorization letter to use the identified public land from the appropriate authorities; and
- location of all storm sewers, surface waters, and stormwater basins in the land application area.

AD.c.4.3 *Spill contingency plan*. Include a spill contingency plan for hydro-demolition wastewater.

AD.c.4.4 *Alternatives Plan*. A plan for managing the hydrodemolition wastewater if the hydrodemolition wastewater cannot meet the discharge treatment standards for pH and solids or if site conditions make land application not possible. This plan shall include the names of licensed hazardous waste hauling and treatment/disposal services that can accommodate the potential quantity and quality of generated hydrodemolition wastewater.

AD.c.4.5 *pH Control plan*. The pH Control Plan shall include at a minimum:

- details of the method(s) to be used to monitor, sample, and test (including frequency of testing) the pH of the hydro-demolition wastewater;
- details of the method(s) to be used to treat the hydrodemolition wastewater so that the pH is maintained greater than pH 2.0 and less than pH 12.5 prior to discharge via land application;
- description of the actions to be taken in order to ensure that the discharged hydrodemolition wastewater meets the pH and solids requirements, including but not limited to work stoppage.

## **Sector AD – Stormwater Discharges Designated by the Director as Requiring Permits.**

You must comply with sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

### **AD.1 Covered Stormwater Discharges.**

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a stormwater permit, and any discharges of stormwater associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-P.

AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Director as needing a stormwater permit (which is an atypical circumstance), and your facility may or may not normally be discharging stormwater associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part I.D.

### **AD.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part V of the permit.)**

The Director will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your stormwater discharges.

## Appendix E: Definitions, Abbreviations and Acronyms

**Action Area** – all areas to be affected directly or indirectly by the stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities, and not merely the immediate area involved in these discharges and activities.

**Additive** - waste water treatment chemicals or products added to water prior to discharge, such as polymers or flocculants at a sand and gravel facility. Additives are added to the water so that the discharge water is in compliance with the permit limits.

**Asphalt** - bituminous concrete

**BAT** – Best Available Technology Economically Achievable

**Best Management Practices (BMPs)** – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

**BPT** – Best Practicable Control Technology Currently Available

**Bypass** - the intentional diversion of wastes from any portion of a treatment facility.

**Cationic Chemical Additive – Additives** that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

**CFR** - Code of Federal Regulations

**Chemical Additive** – Refer to Additive definition.

**Co-located Industrial Activities** – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix A.

**COMAR** - Code of Maryland Regulations

**Concrete Plant** - a facility at which concrete is mixed for use on or off site, and includes any area where concrete and other related products are made (corresponding to Industrial Sector E in the MSGP for glass, clay, cement, concrete, and gypsum products).

**Concrete Washout** - After concrete is poured at a construction site, the chutes of ready mixed concrete trucks and hoppers of concrete pump trucks are washed out to remove the remaining concrete before it hardens. Equipment such as wheelbarrows and hand tools also are washed down. Additionally, at the end of each work day, drums of concrete trucks, mixer truck barrels or concrete moulds or forms, are washed out. These activities collectively produce process water commonly referred to as concrete washout.

**Control Measure** – refers to any BMP or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the State.

**CWA** – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

**Corrective Action** – for the purposes of the permit, any action taken, or required to be taken, to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

**Department** - 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.

**Detergent** - a cleaner including surfactants, dispersants, or emulsifiers, designed to act as a wetting agent and made from chemical compounds rather than from fats and lye.

**Dewatering, Mine** - any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated waste water.

**Discharge** – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

**Discharge of a pollutant** – any addition of any "pollutant" or combination of pollutants to "waters of this State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of this State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

**Discharge-related activities** – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

**Dry weather** – Discharges occurring between periods of wet weather, usually associated with ground water or process generated water.

**DMR** – Discharge Monitoring Report, which is a report submitted by a permittee to the Department summarizing the effluent monitoring results obtained by the permittee over periods of time as specified in the permit.

**Effluent limitation** - any restriction or prohibition that:

1. Is established under federal law or a law of this State;
2. Specifies quantities, rates or concentrations of chemical, physical, biological, or other constituents that are discharged into the waters of this State;
3. Includes:
  - a. Parameters for the discharge of toxic and nontoxic substances, and
  - b. Standards of performance for new sources.

**Effluent Limitations Guideline (ELG)** – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

**EPA** – U. S. Environmental Protection Agency

**EPA Approved or Established TMDLs** – "EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are developed by EPA.

**Existing Discharger** – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

**Facility or Activity** – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

**Federal Act** - the federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), its amendments, and all rules and regulations adopted under the Act.

**Freeboard** - the height above the water level and below the overflow level of a pond or other structure.

**Grab sample** - an individual sample collected in less than 15 minutes. Grab samples for pH shall be analyzed within 15 minutes of sample collection.

**Groundwater** - underground water in a zone of saturation.

**Hardness Dependent** - refers to benchmark values for some metals that are determined as a function of hardness (in units of mg/L) in water. For these parameters, permittees whose discharges exceed the lowest benchmark level of the metal must determine the hardness of the receiving water, to identify the benchmark value applicable to their facility.

**Hazardous Materials or Hazardous Substances or Hazardous or Toxic Waste** – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

**Hydrodemolition** – a concrete removal technique which utilizes high-pressure water to remove deteriorated and sound concrete as well as asphalt and grout.

**Immersion-stabilization (i.s.)** - a calibrated device immersed in the effluent stream or other measuring location until the reading is stabilized.

**Impaired Water** (or “**Water Quality Impaired Water**”) – a body of water identified by the Department or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. Impaired waters compilations are included in Maryland’s most current List of Impaired Surface Waters as Category 4a, 4b, 4c or 5 waterbodies.

**Impervious surface** - any surface that does not allow stormwater to infiltrate into the ground, including any area that is paved or used for vehicular storage or traffic, building rooftops, sidewalks, driveways, etc.

**Includes or including** - includes or including by way of illustration and not by way of limitation.

**Industrial Stormwater** – Stormwater Discharges Associated with Industrial Activity.

**Infeasible** – there is a site-specific constraint making it not technologically possible, or not economically practicable and achievable in light of best industry practices, to achieve the required control measures on-site. The burden is on the permittee to demonstrate to the permitting authority that the requirement is infeasible.

**Leachate** – liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

**Measured flow** - any method of liquid volume measurement; the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

**Mine** - an area of land, surface or underground, actively mined for the production of crushed, broken, and dimension stone, sand, clay, shale, and fill dirt from natural deposits. For the purposes of this permit, mine does not include coal mine facilities regulated by 40 CFR 434.

**Minerals** - any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The term does not include coal.

**Minimize** – to reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice

**Municipal Separate Storm Sewer** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): 1) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control

district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; 2) Designed or used for collecting or conveying stormwater; 3) Which is not a combined sewer; and 4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

**Municipal Separate Storm Sewer System (MS4)** – in Maryland we have several MS4 NPDES Permits. The following are a summary of how they are broken down by size. For a full listing and explanation, visit the Department website for “Maryland’s NPDES Municipal Separate Storm Sewer System (MS4) Permits” or at this link [http://bit.ly/MDE\\_MS4](http://bit.ly/MDE_MS4).

- Phase I MS4s are for large jurisdictions, which are municipalities with populations of greater than 250,000, and medium jurisdictions, which are municipalities with populations between 100,000 and 250,000. The large Phase I MS4 jurisdictions are Anne Arundel County, Baltimore County, Baltimore City, Montgomery County, and Prince George’s County. The medium Phase I MS4 jurisdictions are Carroll County, Charles County, Frederick County, Harford County, and Howard County. One statewide MS4 under this category has been issued to the State Highway Administration.
- Phase II MS4s include smaller jurisdictions or approximately 60 cities and towns in Maryland with populations greater than 1,000. They also include State and Federal facilities.

**NetDMR** – a nationally-available electronic reporting tool, initially designed by states and later adapted for national use by EPA, which can be used by NPDES-regulated facilities to submit discharge monitoring reports (DMRs) electronically to EPA through a secure Internet application over the National Environmental Information Exchange Network (NEIEN). EPA can then share this information with authorized states, tribes, and territories.

**New Discharger** – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

**New Source** – any source, the construction of which is commenced after the publication by the EPA of proposed regulations prescribing a standard of performance which will be applicable to the source if the standard is promulgated.

**New Source Performance Standards (NSPS)** – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

**No exposure** – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

**Noncoal Mining** - Refers to minerals extracted by surface mining.

**Non-Stormwater Discharges** – discharges that do not originate from storm events.

**NPDES** – National Pollutant Discharge Elimination System

**Operator** – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

1. The entity has operational control over industrial activities, including the ability to make modifications to those activities; or
2. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

**Outfall** – locations where collected and concentrated stormwater flows are discharged from the facility, including pipes, ditches, swales, and other structures that transport stormwater.

**Owner** - a person who has a legal interest in the facility or in the property on which the facility is located, or the owner's agent.

**Permittee** - the person holding a permit issued by the Department, or authorized for coverage under a general permit by the department.

**Person** – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

**Pervious** - vegetative area that is not used for the storage of vehicles or heavy equipment and is not open to vehicular traffic.

**Point source** – any discernible, confined and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, large animal feeding operation, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged.

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

**Pollutant of concern** – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

**Pollution** – means any contamination or other alteration of the physical, chemical, or biological properties of any waters of this State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of this State that will render the waters harmful, or detrimental, to:

- (a) Public health, safety, or welfare;
- (b) Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses;
- (c) Livestock, wild animals, birds; or
- (d) Fish or other aquatic life.

**Polymers** – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

**POTW** – Publicly Owned Treatment Works

**Primary industrial activity** – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

**Process generated wastewater** - any wastewater used in the slurry transport of mined material, dust control, or processing, including product preparation and washing, exclusive of mining. The term shall also include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater.

**Qualified Personnel** – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

**RCRA** – Resource Conservation and Recovery Act

**Reportable Quantity Release** – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

**Runoff** - that portion of stormwater 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.

**Runoff coefficient** – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

**Run-on** - water from outside the industrial stormwater area that flows into the area. Run-on includes stormwater from rainfall or the melting of snow or ice that falls directly on the unit, as well as the water that drains from adjoining areas.

**SARA** – Superfund Amendments and Reauthorization Act

**SDS** – Material Safety Data Sheet

**Section 313 water priority chemical** - a chemical or chemical categories that: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments 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.

**SIC** – Standard Industrial Classification

**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, commonly known as Superfund; 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 stormwater discharges. See 40 CFR 122.26(b)(12).

**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).

**State discharge permit** - the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.

**Stormwater** – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

**Stormwater Discharges Associated with Construction Activity** – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15) .

**Stormwater Discharges Associated with Industrial Activity** – the discharge from any conveyance that is

used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

**Storm Event** – a precipitation event that results in a measurable amount of precipitation.

**Surface Mining** - means all of the following:

- a. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;
- b. Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; or
- c. The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities.

**Surface waters** - all waters of this State which are not groundwaters.

**Thermal mixing zone** - for streams wider than 50 feet, an area extending 50 feet radially from the point of discharge. The mixing zone may not form a thermal barrier to aquatic life.

**Ten-year frequency 24-hour storm** – For purposes of this permit, the 10-year, 24-hour storm, is defined as a storm resulting in cumulative rain over a 24 hour period, that is equal to the following values based on the location of the facility.

Ten-Year, 24-Hour Storm by County

County	Inches	County	Inches	County	Inches
Allegany	4.5	Dorchester	5.4	Queen Anne's	5.3
Anne Arundel	5.2	Frederick	5.0	St. Mary's	5.4
Baltimore (and City)	5.1	Garrett	4.3	Somerset	5.6
Calvert	5.3	Harford	5.1	Talbot	5.3
Caroline	5.3	Howard	5.1	Washington	4.8
Carroll	5.0	Kent	5.2	Wicomico	5.6
Cecil	5.1	Montgomery	5.1	Worcester	5.6
Charles	5.3	Prince George's	5.3		

**Tier 2 Waters** – For antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), Tier 2 waters are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

**Total Maximum Daily Loads (TMDLs)** – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

**Upset** - the 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.

**Vehicle Wash Water** - The routine washing of vehicle exteriors to remove sediment and to make them presentable in the public.

**Wastewater** - 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.

**Water Quality Impaired** – See 'Impaired Water'.

**Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. The Department as promulgated in COMAR 26.08.02 (<http://www.dsd.state.md.us/comar/>) and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994).

**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 Natural Resources on the basis of the 100-year flood frequency.

**Wet weather** - the period during which precipitation or melting snow causes visible runoff from the facility that results in discharge from an outfall.