

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

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## 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/programs/Permits/WaterManagementPermits/Documents/GDP%20Stormwater/MDE-WMA-PER005.pdf> to the Water Permits Program. 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 Part I.H.2, 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.

## PART III. STORMWATER MANAGEMENT REQUIREMENTS

### A. Chesapeake Bay Restoration Requirements

You must comply with the requirements in this section if you meet ALL of these criteria:

- your facility is within the Chesapeake Bay Watershed;
- your facility is 5 acres or greater in size;
- any portion of your facility is located within a Phase I or Phase II municipal separate storm sewer system (MS4) jurisdiction; and
- your facility is not owned by or leased from an entity that is permitted as an MS4.

All facilities, including those smaller than 5 acres, have the option to perform restoration to create marketable credits in accordance with any final Maryland Water Quality Trading Program regulations (COMAR 26.08.11). (Refer to Appendix G).

#### 1. Control Measures for Nutrient Reduction

- a. You must select, design, install and implement restoration of 20% of the untreated impervious surface area at your facility or equivalent control measures for the reduction of nutrients.
    - i.)* Restoration of impervious surfaces and allowed equivalent control measures are defined in paragraph "c" below.
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area. The equivalent measures may include any of these options.

- New controls required by this permit for erosion and sediment control, or for reduced use of fertilizer. Refer to EPA Chesapeake Bay Program Office Phase 5.3 Community Watershed Model, dated December 2010, for guidance on evaluating reductions. This is referred to by document number "EPA 903S10002 - CBP/TRS-303-10" and can be found at the website "<http://ches.communitymodeling.org/models/CBPhase5/documentation.php>". New erosion and sediment control reduction efficiencies are found in this document under "6.7.3 Erosion and Sediment Control" and reduced use of fertilizer load reductions are found under "6.7.10 Urban Nutrient Management".
  - New controls to achieve the benchmarks for nitrogen required by this permit, if benchmarks are applicable for your facility. The control design and resulting TN reductions must be fully documented and approved by the Department.
  - Reducing an existing TN load allocation under an individual NPDES permit, issued to the permittee.
  - Trading to acquire TN credits, but only as authorized under, and in accordance with, any final Maryland Water Quality Trading Program regulations (COMAR 26.08.11).
- d. You may implement these control measures (Part III.A.1.c) at your facility(s) by working through your local stormwater jurisdiction, or through trading. If you intend to trade to meet these requirements, you must notify the Department and address all applicable regulatory requirements including all reporting and notification requirements under Appendix G of this permit.
- e. The reduction of nutrients associated with compliance with the 20% restoration requirement shall not generate any marketable credits. Reductions beyond the requirements in this permit may be eligible as marketable credits in accordance with any final Maryland Water Quality Trading Program regulations (COMAR 26.08.11).
- f. This requirement must be implemented in a manner that is consistent with any other permits, schedules or requirements by the Department for the control or mitigation of pollutants at the site.

## 2. Nutrient Control Measure Planning and SWPPP Documentation

For those facilities that were entirely developed or entirely redeveloped after 2002, such that all impervious surfaces have been treated with stormwater BMPs in the Design Manual, you must complete only step "a" and step "b" below and document the results in your SWPPP. For all other facilities, you must develop a plan by completing all the following steps and document in your SWPPP (required in Part III.C.4 of this permit) the results of each step.

- a. Identify all impervious surfaces that are subject to this permit, as defined in Part III.A.1.a, and calculate the total impervious surface area for your facility.
  - b. Identify the impervious surface area treated with existing stormwater best management practices (BMPs) that provide the full one inch or WQv treatment (as defined in Appendix E, "Treatment of Impervious Surfaces").
  - c. Identify the impervious surface area partially treated by existing stormwater best management practices (BMPs) that don't provide the full one inch or WQv treatment. Convert the partially treated area total to its equivalent fully treated area total by applying a proportional factor based on the percentage of the WQv captured. This result is the "adjusted partially treated area." For example, if only a half inch of rainfall is treated, then only one half of the impervious surface area in the drainage area shall be considered treated.
  - d. Subtract the treated area result in "b" above and the adjusted partially treated area result in "c" above from the total impervious surface area result in "a" above. The resulting value represents the untreated impervious surface area.
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- e. Multiply the untreated impervious surface area (result in “d” above) by 20% to calculate the impervious surface area subject to the 20% control measure requirement. Convert this area to acres by dividing your square feet of impervious area by 43,560.
- f. Determine all of your available options as follows:
  - i.) restoration control measures using the Design Manual and/or Proprietary Practices as referenced in Part III.A.1.c.i;
  - ii.) control measure alternatives through the Accounting Guidance as referenced in Part III.A.1.c.ii; and
  - iii.) equivalent control measures as referenced in Part III.A.1.c.iii.
- g. Evaluate and then select practices from the options (identified in “f” above) that you will implement to comply with the control measure requirement of this permit (result in “e” above).
- h. If after evaluating your potential options for nutrient reductions, you determine it is infeasible to meet the nutrient reduction requirements at your facility, provide your rationale and describe your alternate plan and schedule consistent with Part III.A.1.d for coordinating with the local jurisdiction to implement equivalent off-site projects.
- i. Document your selection of BMPs and equivalent measures, including calculations that show your approach will achieve the nutrient reduction requirement.
- j. Provide a schedule and basis for all options you selected that cannot be implemented within 30 days of registration under this permit.
- k. Specify appropriate routine maintenance schedules for all new and existing BMPs. Include in your plan a procedure for inspection and documentation of those inspections for all structural, nonstructural and other equivalent control measures.
- l. Modify the resulting plan as needed to keep implementation on pace to meet the permit deadline in Part III.A.1.e.

### 3. Nutrient Control Measure Verification

When the required selection of BMPs and equivalent measures have been implemented, you shall obtain written certification by either a Professional Engineer (PE), a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect. The certification shall be kept with your SWPPP and be accessible to the Department upon request. This certification is to provide verification that:

- the type and capacity of the control(s) specified in the SWPPP meet the current design standards specified in the Design Manual, approved Proprietary Practices specification or Accounting Guidance satisfying the permit restoration requirements;
- all equivalent measures specified in the SWPPP have been implemented to achieve the planned nutrient reduction levels;
- all structural BMPs in the SWPPP are properly maintained in accordance with approved design plans;
- all BMPs are supported by procedures in the SWPPP for required inspections and testing;
- all BMPs are fully implemented; and
- the professional signing the verification has visited and examined the facility.

### 4. Compliance Schedule, Final Deadlines, and Ongoing Requirements:

- a. For facilities that were registered for coverage under the 02-SW, the control measures must be implemented by December 31, 2020. The schedule does not preclude any additional terms and conditions that a new permit may impose on your facility.
  - b. For all other permittees, the control measures must be implemented within four (4) years from the
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date you file an NOI, and this deadline will continue into the next General Permit issued by the State if the General Permit renewal occurs prior to your implementation deadline

- c. For those facilities that have certified their implementation of the Chesapeake Bay Restoration requirements of this permit (see paragraph 2) by December 31, 2018, you must continue to maintain structural practices, and/or continue to perform any non-structural requirements (such as street sweeping or trading), yearly as required by this permit, as long as this permit remains effective (or administratively extended).
- d. For those facilities subject to the restoration requirement of this permit that have not fully completed those requirements by December 31, 2018, you must
  - i.) provide a SWPPP that includes your current restoration plan and, in addition, complete the Nutrient Reduction Progress Report Form, provided in Appendix F, and send both documents by December 31 of each calendar year until the work is complete (but no later than December 31, 2020) or
  - ii.) achieve your reductions annually via trading. Operators seeking to achieve nutrient reduction via trading must provide additional information on a Department approved form consistent with trading requirements when available under COMAR 26.08.11. (Refer to Appendix G).

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

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

### **1. Control Measures**

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the nonnumeric effluent limits, as described below. 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

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