



**GENERAL PERMIT FOR DISCHARGES FROM
SEAFOOD PROCESSING FACILITIES**

DISCHARGE PERMIT NO. 11-SE

NPDES PERMIT NO. MDG52

Effective Date: May 1, 2012

Expiration Date: April 30, 2017

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PART I. APPLICABILITY AND COVERAGE

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

A. Geographic Coverage

This permit covers discharges to surface or groundwater located within the territorial boundaries of the state of Maryland.

B. Eligible Discharges

This permit covers the following discharges:

1. Wastewater from seafood processing operations including crabs, oysters, and fish;
2. Auxiliary discharges which are limited to noncontact cooling water, ice machine drainage, steam or cooling coil condensate, and inside crab shedding tray overflow; and
3. Storm water runoff associated with these industrial activities.

C. No Permit Required

No discharge permit is required for discharges from outdoor crab shedding operations.

D. Individual Permit or Another General Permit Required

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

E. Termination of Permit

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

F. Authorization

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

G. Transfer of Authorization

1. The authorization under this permit is not transferable to cover a change in facility location.
 2. The authorization under this permit is not transferable to any person except in accordance with this section.
 3. Authorization to discharge under this permit may be transferred to another person if:
 - a. The current permittee notifies the Department's Wastewater Permits Program in writing of the proposed transfer along with the submittal of form MDE/WMA/PER.079 (<http://www.mde.state.md.us/>);
 - b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with and liability for the terms and conditions of this permit, is submitted to the Department;
 - c. The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or submits a modified NOI; and
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Provides discharge authorization only upon Maryland Department of the Environment notification of registration.

- d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items a through c above, of intent to terminate coverage under this permit.
 4. The Department may continue coverage for the new permittee under this permit or may require the new permittee to apply for and obtain an individual state or state/NPDES discharge permit.
 5. The new permittee is responsible for any permit fees unpaid by the former permittee.
- H. Continuation of an Expired General Permit**
The terms and conditions of this permit and authorized permit registrations are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit unless the permit or authorization is revoked or terminated by the Department.
- I. Change in Location**
Registration under this permit is specific to a geographic location. If an operation moves, the permittee must submit a Notice of Termination (NOT) MDE/WMA/PER.005 form (<http://www.mde.state.md.us/>) as stated in Section F, above. They must also apply for coverage at the new location by submitting a new NOI.

PART II. DEFINITIONS

- A. "**Blue Crab, Large Facility**" means any facility existing prior to July 9, 1986, which processes blue crab from more than 3000 pounds of raw material on any day.
 - B. "**Bypass**" means the intentional diversion of wastes from any portion of a treatment facility.
 - C. "**CFR**" means Code of Federal Regulations.
 - D. "**COMAR**" means Code of Maryland Regulations.
 - E. "**Composite sample**" means a combination of individual samples obtained at least at hourly intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
 - F. "**Daily determination of concentration**" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/L or other appropriate units as an outcome.
 - G. "**Daily determination of discharge of constituents by mass loading**" means a value which is calculated by multiplying the daily determination of concentration times flow in millions of gallons per day times 8.34. This results in a mass loading expressed in pounds per day.
 - H. "**Daily maximum**" effluent concentration means the highest reading of any daily determination of concentration.
 - I. "**Department**" means the Maryland Department of the Environment.
 - J. "**Discharge**" means:
 1. The addition, introduction, leaking, spilling, or emitting of any pollutant to waters of this state; or
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2. The placing of a pollutant in a location where the pollutant is likely to pollute.
- K. **"Federal Clean Water Act" (CWA)** means the Federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted there under.
- L. **"General permit"** means a discharge permit issued for a class of dischargers.
- M. **"Grab sample"** means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
- N. **"Groundwater"** means underground water in a zone of saturation.
- O. **"Impaired water"** means water whose quality does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters:
1. For which TMDLs have been established,
 2. For which existing controls such as permits are expected to resolve the impairment, or
 3. For which a TMDL is required.
- Impaired waters compilations are also sometimes referred to as 303(d) lists, and are included in [Maryland's most current List of Impaired Surface Waters \[as Category 4 or 5\]](http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL) (<http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL>).
- P. **"Includes" or "including"** means includes or including by way of illustration and not by way of limitation.
- Q. **"NPDES permit"** means a National Pollutant Discharge Elimination System permit issued under the Federal Clean Water Act.
- R. **"NOI"** means Notice of Intent to be covered by this permit (see PART III of this permit).
- S. **"Oil and grease"** refers to the use of and results yielded from EPA Method 1664 (or any EPA approved revisions of this analytical test method approved for use with Federal Clean Water Act monitoring programs).
- T. **"Operator"** means that person or those persons with responsibility for the management and performance of each facility.
- U. **"Outfall"** means the permit authorized wastewater discharge location
- V. **"Oyster, Large Facility"** means any hand-shucked oyster processing facility, existing prior to December 1, 1975, which processes more than 1000 pounds of product on any day.
- W. **"Permittee"** means the person holding a permit issued by the Department and authorized to discharge under the provisions of this general permit.
- X. **"Persistent Foam"** means foam that does not dissipate within one half-hour of point of discharge and: forms objectionable deposits on the receiving water; forms floating masses producing a nuisance; produces objectionable color or odor; or interferes with a designated use of the water body. It does not mean foaming of the receiving water body caused by natural conditions.
- Y. **"Person"** means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this state, any county, Municipal Corporation or other political subdivision of this state or any of their units.
- Z. **"Process generated wastewater"** means any waste water derived from plant, product, and equipment washing, cooking of product, or drainage of natural fluids or trapped
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moisture from the product. The term shall also include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, pipe, or other facility used for treatment or conveyance of such wastewater.

- AA. "Sewage"** means water-carried human, domestic and other wastes and includes all human and animal excreta from residences, buildings, industrial establishments, or other places.
- BB. "Product"** means the oyster meat after shucking.
- CC. "Seafood"** means raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.
- DD. "Seafood processor"** means an operation engaged in cleaning, preparing, shucking, or packing fish or shellfish.
- EE. "State discharge permit"** means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
- FF. "Storm water"** means that portion of precipitation, including snow melt runoff, that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, and the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state.
- GG. "Surface waters"** means all waters of this state that are not groundwaters.
- HH. "Territorial boundaries"** means both land and waters of the state.
- II. "Total Maximum Daily Load (TMDL)"** means a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.
- JJ. "Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- KK. "Wastewater"** means any:
1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
 2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics that will pollute any waters of the state.
- LL. "Water"** means the liquid substance which is derived from a groundwater source, a surface water source, a pipe supply, or any combination of these sources, and which will be discharged, without change in quality, into waters of this state, with the exception of storm water runoff.
- MM. "Waters of the state"** includes:
1. Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
 2. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency.
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NN. “Water Quality Standard” means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in [COMAR 26.08.02](#) (<http://www.dsd.state.md.us/comar/>).

PART III. CONDITIONS of REGISTRATION

A. Requests for Registration and Fee Requirements

1. Notice of Intent (NOI)

Applicants shall complete all required information on this permit's corresponding NOI FORM MDE-WMA-PER010 (<http://www.mde.state.md.us>), including: permittee name, address, electronic-mail (email) address, and telephone number; facility location, including address and latitude and longitude; any preexisting NPDES permit number; receiving water body(s) for each outfall; average discharge flow (expressed as gallons per day) for each outfall (or discharge location); and type and quantity of seafood production. Detailed instructions on how to complete the NOI are on the back of the form. The current fees in effect are included on the NOI instructions.

2. Site Map

a. A site map shall be included with the NOI identifying discharge locations. The map should provide significant points of reference (i.e., road, building, bulkhead, etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point.

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

b. The sampling point(s) shall also be identified on the map. Include references such as “beneath batch cooker” to provide specific location in building.

3. Permit Fee

a. Persons who intend to obtain coverage under this general permit shall submit an initial permit fee to the Department with the NOI form, and an annual fee each year thereafter as specified in COMAR 26.08.04.09-1 (E).

b. The initial fee requirement as indicated in the NOI instructions shall be made payable to the Maryland Department of the Environment and sent together with the completed NOI and site map to:

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

c. The Department will bill the permittee annually, and the fee shall be paid by the anniversary date of the effective date of the permit each year after the first.

B. Deadlines for Notification

1. New Discharges

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

2. Renewals of General Permit 06-SE

Within 60 days after the effective date of this permit, any permittee currently registered under General Permit 06-SE shall submit to the Department a new NOI and fee in order to obtain coverage under this permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 06SE and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit. Permittees who submit timely notification for continued permit coverage shall operate under the administratively extended permit 06SE until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

3. All Discharges

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

C. Required Signatures

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

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

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

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

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

ii.) (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- c. For a municipal, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - i.) The chief executive officer of the agency; or
 - ii.) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

3. Report Submission

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

D. **Failure to Notify**

Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of the state without an individual state or state/NPDES discharge permit, are in violation of the CWA and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. **Change in Discharge**

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

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

PART IV. CONDITIONS of ELIGIBLE DISCHARGES

A. Prohibited Discharges

No discharges shall contain floating solids or persistent foam in other than trace amounts.

B. Storm Water Discharges Associated with Industrial Activity

1. Storm Water Pollution Prevention Practices - General.

The permittee shall implement the following storm water pollution prevention practices in all areas of the facility with point source discharges of storm water associated with industrial activity.

- a. All materials stored on site shall be covered to minimize contact with storm water runoff.
 - b. The permittee shall practice preventive maintenance by cleaning any oil/water separators or catch basins located on the site. Disposal of any substances shall be in accordance with Section D of this PART.
 - c. The permittee shall practice good housekeeping by maintaining a clean, orderly facility. Property shall be cleared of all debris at least daily.
 - d. The permittee shall establish written procedures for cleaning up spills of any materials kept on site. The necessary equipment to implement a cleanup shall be available to the appropriate personnel.
 - e. The permittee shall notify the Department of any spills or other discharges as detailed under PART V - Section H, *Noncompliance with Discharge Limits*.
 - f. All employees shall be trained in the implementation of the storm water pollution prevention practices. Documentation of the training shall be maintained and kept on-site.
2. The permittee shall inform the Department whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the state.
 3. Upon request, the permittee shall provide the Department with a site map, if possible on a topographic map, indicating each storm water outfall and surface water bodies, including drainage ditches and wetlands.
 4. Facilities discharging to a municipal separate storm sewer system shall comply with applicable state/NPDES permit requirements for that municipal storm sewer system, provided the dischargers has been notified of such conditions.
 5. The permittee is authorized to discharge storm water runoff from areas of the site not associated with industrial activity.
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Provides discharge authorization only upon Maryland Department of the Environment notification of registration.

C. Effluent Limitations and Monitoring Requirements

1. Blue Crab Facilities, Existing Sources

For facilities which were built prior to July 9, 1986 and processing more than 3,000 lbs of raw material per day on any day during a calendar year, all authorized discharges shall be limited and monitored at each point of discharge to surface waters of the state except where noted below. For discharges to groundwater, see Section C.6 of this PART.

PARAMETER	QUANTITY or LOADING		QUALITY or CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	no limit	no limit			gpd	1/month	measured
Total Suspended Solids (TSS) (a)	0.74 (b)	2.2 (b)			lbs/day per 1,000 lbs of raw seafood (b)	1/month	8-hour composite (c)
Fecal Coliform				14	MPN/ 100 mL	1/month	grab
Total Residual Chlorine				0.013 (d)	mg/L	1/month	grab
Oil & Grease (a)	0.20 (b)	0.60 (b)			lbs/day per 1,000 lbs of raw seafood (b)	1/month	grab (e)
pH			6.0	9.0	s.u.	1/month	grab

Notes:

- a. Upon request from a permittee, the Department may reduce monitoring frequency if effluent analyses are satisfactory.
- b. This is the load limit for all outfalls combined. Permittees shall report monthly averages and daily maximum according to the following formula:

$$\frac{\text{lbs. pollutant discharged from all outfalls} \times 1000}{\text{lbs. of raw seafood, before shelling}} = \text{lbs. pollutant per 1000 lbs. seafood}$$
- c. Samples shall be taken from each discharge, up to three per day, during the hours of operation. Samples shall be composited, then analyzed.
- d. Total Residual Chlorine limit is 0.013 mg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- e. Grab sample shall be taken from retort blowdown, if present, or from plant washdown if there is no retort blowdown.

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

2. Blue Crab Facilities, New Sources

For facilities which were built after July 9, 1986 and processing any amount of blue crab, all authorized discharges shall be limited and monitored at each point of discharge to surface waters of the state except where noted below. For discharges to groundwater, see Section C.6 of this PART.

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	no limit	no limit			gpd	1/month	measured
Biochemical Oxygen Demand (BOD5) (a)	0.15 (b)	0.30 (b)			lbs/day per 1,000 lbs of raw seafood (b)	1/month	8-hour composite (c)
Total Suspended Solids (TSS) (a)	0.45 (b)	0.90 (b)			lbs/day per 1,000 lbs of raw seafood (b)	1/month	8-hour composite (c)
Fecal Coliform				14	MPN/ 100 mL	1/month	grab
Total Residual Chlorine				0.013 (d)	mg/L	1/month	grab
Oil & Grease (a)	0.065 (b)	0.13 (b)			lbs/day per 1,000 lbs of raw seafood (b)	1/month	grab (e)
pH			6.0	9.0	s.u.	1/month	grab

Notes:

- a. Upon request from a permittee, the Department may reduce monitoring frequency if effluent analyses are satisfactory.
- b. This is the load limit for all outfalls combined. Permittees shall report monthly averages and daily maximum according to the following formula:

$$\frac{\text{lbs. pollutant discharged from all outfalls} \times 1000}{\text{lbs. of raw seafood, before shelling}} = \text{lbs. pollutant per 1000 lbs. seafood}$$
- c. Samples shall be taken from each discharge, up to three per day, during the hours of operation. Samples shall be composited, then analyzed.
- d. Total Residual Chlorine limit is 0.013 mg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- e. Grab sample shall be taken from retort blowdown, if present, or from plant washdown if there is no retort blowdown.

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

3. Shucked Oyster Processing Facilities, Existing Facilities

For facilities which were built prior to December 1, 1975 and processing more than 1,000 lbs of product per day on any day during a calendar year, all authorized discharges shall be limited and monitored at each point of discharge to surface waters of the state except where noted below. For discharges to groundwater, see Section C.6 of this PART.

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	no limit	no limit			gpd	1/month	measured
Total Suspended Solids (TSS) (a)	16.0 (b)	24.0 (b)			lbs/day per 1,000 lbs of shucked oysters (b)	1/month	8-hour composite (c)
Fecal Coliform				14	MPN/ 100 mL	1/month	grab
Total Residual Chlorine				0.013 (d)	mg/L	1/month	grab
Oil & Grease (a)	0.81 (b)	1.2 (b)			lbs/day per 1,000 lbs of shucked oysters (b)	1/month	grab (e)
pH			6.0	9.0	s.u.	1/month	grab

Notes:

- a. Upon request from a permittee, the Department may reduce monitoring frequency if effluent analyses are satisfactory.
- b. This is the load limit for all outfalls combined. Permittees shall report monthly averages and daily maximum according to the following formula:

$$\frac{\text{lbs. pollutant discharged from all outfalls} \times 1000}{\text{lbs. of shucked oysters}} = \text{lbs. pollutant per 1000 lbs. shucked oysters}$$
- c. Samples shall be taken from each discharge, up to three per day, during the hours of operation. Samples shall be composited, then analyzed.
- d. Total Residual Chlorine limit is 0.013 mg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- e. Grab sample shall be taken from retort blowdown, if present, or from plant washdown if there is no retort blowdown.

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

4. Shucked Oyster Processing Facilities, New Sources

For facilities which were built after to December 1, 1975 and processing any amount of oysters, all authorized discharges shall be limited and monitored at each point of discharge to surface waters of the state except where noted below. For discharges to groundwater, see Section C.6 of this PART.

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	no limit	no limit			gpd	1/month	measured
Total Suspended Solids (TSS) (a)	16.0 (b)	23.0 (b)			lbs/day per 1,000 lbs of shucked oysters (b)	1/month	8-hour composite (c)
Fecal Coliform				14	MPN/ 100 mL	1/month	grab
Total Residual Chlorine				0.013 (d)	mg/L	1/month	grab
Oil & Grease (a)	0.77 (b)	1.1 (b)			lbs/day per 1,000 lbs of shucked oysters (b)	1/month	grab (e)
pH			6.0	9.0	s.u.	1/month	grab

Notes:

- a. Upon request from a permittee, the Department may reduce monitoring frequency if effluent analyses are satisfactory.
- b. This is the load limit for all outfalls combined. Permittees shall report monthly averages and daily maximum according to the following formula:

$$\frac{\text{lbs. pollutant discharged from all outfalls} \times 1000}{\text{lbs. of shucked oysters}} = \text{lbs. pollutant per 1000 lbs. shucked oysters}$$
- c. Samples shall be taken from each discharge, up to three per day, during the hours of operation. Samples shall be composited, then analyzed.
- d. Total Residual Chlorine limit is 0.013 mg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L"
- e. Grab sample shall be taken from retort blowdown, if present, or from plant washdown if there is no retort blowdown.

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

5. Other Seafood Processors

Except those categories identified in Section B.1 through B.4 above, all other seafood processing discharges shall be limited and monitored at each point of discharge to surface waters of the state as identified in this section. For discharges to groundwater, see Section C.6 of this PART.

PARAMETER	QUANTITY or LOADING		QUALITY or CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	no limit	no limit			gpd	1/month	measured
Solids (a)							
Fecal Coliform				14	MPN/100 mL	1/month	grab
Total Residual Chlorine				0.019 (fresh 0.013 (salt) (b)	mg/L	1/month	grab
pH			6.0	9.0	s.u.	1/month	grab

Notes:

- a. Shall not exceed particle size that can pass Tyler designation 20-mesh screen. Grinding, maceration, or any other waste treatment procedure intended to reduce particle size of solids in the influent to pass Tyler designation 20-mesh screen will not be permitted.
- b. Total Residual Chlorine limits are 0.019 mg/L for discharges to fresh water and 0.013 mg/L for discharges to salt water. The minimum quantification level for total residual chlorine is 0.10 mg/L. Report all results below the minimum level as "<0.10 mg/L":

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

6. Discharges to Ground Waters

- a. If the discharges authorized by this permit are solely to ground waters, the discharge limits and monitoring requirements identified in Section B.1 through B.5 are waived except for flow.
- b. The use of any land disposal system shall not result in ponding of wastewater, identifiable seepage or wastewater runoff into surface waters.
- c. If process wastewater is land applied, submittal to the Department of information on the quality and quantity of wastewater may be required. Based on this information, additional land application requirements may be required, including obtaining and complying with a Nutrient Management Plan.

7. Other Non-Storm Water Discharges

This permit authorizes the discharge, without limits or monitoring, of cooling water and condensate water as long as the discharge is non-contact cooling water not containing additives and the condensate water does not come in contact with any contaminants associated with the site activities. Examples of such discharges are ice machine drainage, condensate from cooling coils or steam, and once-through non-contact cooling water.

D. Removed Substances

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner so as to prevent any removed substances or runoff from such substances from being discharged to waters of the state. An exception is made for the return, for seed purposes only, of oyster shells to oyster beds. The permittee shall keep a record of the following, and make it available to the Department upon request:

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

PART V. MONITORING AND REPORTING

A. Representative Sampling

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

B. Sampling and Analytical Methods

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

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

C. Data Recording Requirements

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

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

D. Monitoring Equipment Maintenance

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

E. Additional Monitoring by Permittee

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

F. Reporting Monitoring Results

1. All monitoring results obtained by the permittee during each calendar quarter shall be summarized on a DMR form EPA No. 3320-1), as provided with registration under this permit. Results shall be submitted to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter (March, June, September and December), at the address below:

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

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

G. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of five (5) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

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

H. Noncompliance with Discharge Limits

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

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

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

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

PART VII. VIOLATION OF PERMIT CONDITIONS

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

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

B. Civil and Criminal Liability

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

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

C. *Action on Violations*

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

D. *Civil Penalties for Violations of Permit Conditions*

In addition to civil penalties for violations of state water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule published in the federal register 2009.

E. *Criminal Penalties for Violations of Permit Conditions*

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

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person that is a corporation, shall, upon conviction, be subject to a penalty of not more than \$1,000,000.

F. *Penalties for Falsification and Tampering*

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

PART VIII. GENERAL CONDITIONS**A. Right of Entry**

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

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

B. Property Rights/Compliance with Other Requirements

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

C. Duty to Provide Information

The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. Bypassing

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

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

E. *Conditions Necessary for Demonstration of an Upset*

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

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

F. *Facility Operation and Maintenance*

Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the permit. 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 similar system which is installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

G. *Power Failure*

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

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

H. *Other Information*

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

I. *Availability of Reports*

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

J. *Toxic Pollutants*

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the CWA, or under Section 9-314 and Sections 9-322 through 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

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

K. *Oil and Hazardous Substances Prohibited*

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

L. *Water Construction and Obstruction*

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

M. *Protection of Water Quality*

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

N. *Permit Modification*

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

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

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

O. *Impaired Receiving Waters and Total Maximum Daily Loads.*

The NOI for any discharge from hydrostatic testing not part of a potable water system must identify whether any receiving water is on Maryland's impaired waters list for sediments, which can be found at the Department's website for 303(d) list searchable database (<http://www.mde.state.md.us/>). If the water body has as an approved TMDL for sediments, the Department may require individual permit coverage. The permittee must implement all necessary controls to meet the specified waste load allocation (WLA), if one exists, and verify that the discharge complies with the WLA through the discharge monitoring requirements included in this permit. Failure to comply with a relevant WLA is a violation of this permit.

P. *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.

Q. *Severability*

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

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

PART IX. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the Federal Clean Water Act, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a state of Maryland general discharge permit and a NPDES general permit.



Jay G. Sakai, Director
Water Management Administration