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GENERAL PERMIT FOR DISCHARGES FROM MARINAS INCLUDING BOAT YARDS AND YACHT BASINS

DISCHARGE PERMIT NO. 10-MA **NPDES PERMIT NO. MDG99**

Effective Date: March 1, 2011 **Expiration Date:** February 28, 2016

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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 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 and storm water runoff associated with industrial activity 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. *Facilities Covered*

1. Federal storm water permit application regulations at 40 CFR Section 122.26(b)(14)(viii) require that certain services incidental to Water Transportation (SIC Industry Group 449) obtain a storm water discharge permit to comply with the CWA. Within this group, SIC Code 4493 applies to establishments, commonly known as marinas, engaged in operating docking and/or storage facilities for boat owners. Facilities with this classification include:

a. Marinas
b. Boating clubs with marinas
c. Sailing clubs with marinas
d. Yacht clubs with marinas
e. Boatyards that provide storage and incidental repair

If facilities in the above category provide or allow boat maintenance and/or equipment cleaning operations such as fueling, engine or boat maintenance/repair, boat washing, sanding, blasting, welding, or metal fabrication, or pressure washing, then a discharge permit is required and coverage is provided under this permit. (The retail sale of fuel alone at marinas, without any other boat maintenance or equipment cleaning operations, is not grounds for coverage under the Federal/State storm water permit regulations.)

2. Facilities that have their maintenance and/or equipment cleaning operations contained entirely indoors or otherwise not exposed to storm water may not need coverage for their storm water if they certify that they have no exposure (40 CFR 122.26(g)). However, any such facilities with non-storm water discharges of wastewater to waters of the State, including but not limited to wastewater from washing of boats, from maintenance operations or cooling water, require authorization under a permit consistent with the CWA.

B. *Eligible Discharges*

This permit covers the following discharges:

1. Storm water runoff to surface or groundwater from establishments involved in boat maintenance (including ship rehabilitation, mechanical repairs, painting, maintenance and lubrication);

2. Wastewater from washing of boats and engines;

3. Non-contact cooling water and condensate discharges from ice machines, refrigeration units, and other machinery; and

4. Bilge water collected and treated for discharge to surface or groundwater.

C. ***Ineligible Discharges***

The following discharges are not eligible for coverage under this general permit:

1. Storm water discharges that have been shown or may reasonably be expected to be contributing to a violation of a water quality standard;

2. Storm water discharges whose National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at the request of the permittee) or denied, or those for which the Department requires an individual permit or an alternative general permit;

3. Sanitary wastewater discharges including any sanitary waste comingled with an otherwise authorized discharge; and

4. Wastewater discharges from chemical stripping operations.

D. ***No Permit Required***

No permit is required for establishments where there is no discharge of wastewater to waters of the State and where the operator has certified, in accordance with criteria established by the Department on form MDE/WMA/PER.067 (*http://www.mde.state.md.us/*), that there is no potential for exposure of pollutants to storm water being discharged to waters of the State. This exemption is non-transferable, does not require a fee, and is valid for five years or until conditions change.

E. ***Individual Permit or Another General Permit Required***

1. If a permittee is determined to cause an in-stream exceedance of water quality standards, additional actions including an application for an individual permit may be required.

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 to obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for an individual State or State/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as required by the Department under this condition, the applicability of this permit to the owner or operator is automatically terminated at the end of the day specified by the Department for the application or NOI submittal.

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.

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.

F. ***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 all boat maintenance and washing, and any other activities with the potential to pollute storm water discharges 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.

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 operations at the facility have permanently ceased and there will be no further discharge of wastewater or storm water associated with industrial activity from the facility; or

b. A new owner or operator has taken over responsibility for the facility in accordance with PART I – Section H below.

G. *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. An owner, 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 a check which does not clear for any reason, the person will be given 30 calendar days to make proper payment including any interest and other charges that are due. If payment is not made within this time, coverage under this permit shall be considered void from the outset. The permittee should save the cancelled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department upon request.

H. *Transfer of Authorization*

1. The authorization under this permit is not transferable to 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 Industrial Discharge Permits Division 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;

d. The new permittee confirms in writing that either they will follow the existing storm water pollution prevention plan or that they have developed and will implement a new plan within 30 days; and

e. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items a through d 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. A new owner of a facility is responsible for any permit fees unpaid by the former owner.

I. ***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.

J. ***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 and SWPPP.

K. ***Responsibility of Permittee with Regard to Facility Users***

1. It is the responsibility of the permittee to ensure all employees and any user of the permitted facility (e.g., contractors, employees, slip owner/renters, day users, etc) has knowledge of the permit prohibitions and other relevant requirements of this permit. This shall be accomplished by either:

a. posting in a conspicuous location signage identifying prohibited discharges, the Department's Emergency Pollution Hotline (1-866-633-4686 (866-MDE GO TO)), and location of the three (3) of the nearest sanitary pump-out stations or contractors providing pump-out services (appropriate language for these signs can be found at the Department's website);

b. providing educational materials; and/or,

c. including conditions within contracts for slip renters, contractors, etc.

2. If a user's activity results in a violation of the terms of the permit and the permittee has performed its obligations with regard to the conditions in Section K.1, above, then the Department may directly address the violation with the responsible user.

PART II. DEFINITIONS

A. ***"Antifouling paint"*** shall be defined per COMAR 15.21.01 – "means a compound, coating, paint, or treatment applied or used for the purpose of controlling freshwater or marine fouling organisms on vessels".

B. *"**Ballast water**"* means water and suspended matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel without regard to the manner in which it is carried. Ballast water is not regulated under this permit.

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

D. ***"Boat"*** includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States. This includes barges and tugs. For the purpose of this permit, vessel and boat may be used synonymously.

E. ***"Boat Bottom"*** as identified in this permit means the area of the vessel submerged when the vessel is afloat.

F. ***"Bypass"*** means the intentional diversion of wastes from any portion of a treatment facility.

G. ***"CFR"*** means Code of Federal Regulations.

H. ***"COMAR"*** means Code of Maryland Regulations.

I. ***"Daily maximum"*** means the highest measurement recorded for that given parameter.

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

K. ***"Discharge"*** means:
1. The addition, introduction, leaking, spilling, or emitting of any pollutant to waters of this State; or
2. The placing of a pollutant in a location where the pollutant is likely to pollute.

L. ***"Estimated flow"*** means a calculated volume or discharge rate that is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

M. ***"Federal Clean Water Act"*** means the Federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulation adopted there under.

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

O. ***"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.

P. ***"Groundwater"*** means underground water in a zone of saturation.

Q. ***"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*).

R. ***"Impervious area"*** means any surface that does not allow storm water to infiltrate into the ground. Consistent with the Maryland Critical Area Commission, also means human-made surfaces that are not vegetated will be considered impervious. Impervious surfaces include roofs, buildings, paved streets and parking areas and any concrete, asphalt, compacted dirt or compacted gravel surface.

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

T. ***"Marina"*** means a facility for the mooring, docking, or storing of vessels on both tidal and non-tidal waters, including a commercial, noncommercial or community facility.

U. ***"Moored"*** means a vessel fastened to a fixed object such as a pier, quay or the seabed, or to a floating object such as an anchor buoy. For reference of this permit only, "moored" shall pertain to boats within the limits of the marina and/or fixed or floating objects owned by the marina.

V. ***"NPDES permit"*** means a National Pollutant Discharge Elimination System permit issued under the Federal Clean Water Act.

W. ***"NOI"*** means Notice of Intent to be covered by this permit (see PART III of this permit).

X. ***"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).

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

Z. ***"Owner"*** means a person who has a legal interest in a marina, in the property on which a marina is located, or the owner's agent.

AA. ***"Permittee"*** means the person holding a permit issued by the Department and authorized to discharge under the provisions of this general permit.

BB. ***"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**.**

CC. ***"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.

DD. ***"Sewage"*** means water-carried human, domestic and other wastes and includes all human and animal excreta from residences, buildings, industrial establishments, or other places.

EE. ***"Significant modification"*** means an expansion (property or slip capacity) of 20% or more, or other change that may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State.

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

GG. ***"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.

HH. ***"Surface waters"*** means all waters of this State that are not groundwater.

II. ***"Territorial boundaries"*** means both land and waters of the State.

JJ. ***"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.

KK. ***"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.

LL. ***"Wash water"*** as identified in this permit means wastewater from washing boats. This includes pressure washing using high pressure water jet(s) to remove marine growth, dirt and paint, or manually scrubbing and rinsing with low pressure water.

MM. ***"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.

NN. ***"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.

OO. ***"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 INITIAL SUBMISSION

A. *Initial Submission Requirements*

1. Notice of Intent

a. Applicants shall complete all required information on this permit's corresponding NOI Form MDE-WMA-PER008 *(http://www.mde.state.md.us)*, including: permittee name, address, and telephone number; facility location including address and latitude and longitude; any preexisting NPDES permit number; receiving water body(s) for each outfall/discharge, and discharge type and flow (expressed as gallons per day) for each outfall. Detailed instructions on how to complete the NOI are located on the back of the form.

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

2. Discharge Permit Fee

a. Persons who intend to obtain coverage under this general permit shall submit to the Department a one time fee (for the life of this permit) according the number of slips at their

property, per COMAR 26.08.04.09-1. Facilities owned and operated by local and state governments are not required to pay a fee.

Number of Slips	Permit Fee
200 or more	$500
100 or more but fewer than 200	$400
50 or more but fewer than 100	$300
10 or more but fewer than 50	$200
Fewer than 10	$100

b. All fees shall be made out to the Maryland Department of the Environment and sent along with the completed NOI to:

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

3. Storm Water Pollution Prevention Plan (SWPPP)

a. The Storm Water Pollution Prevention Plan is a tool used to evaluate a facility and identify ways to minimize the exposure of storm water entering and leaving the property to any potential sources of pollutants and is described in more detail in PART V of the permit. It includes a written assessment of potential sources of pollutants in storm water runoff and control measures that will be implemented at a facility to minimize the discharge of these pollutants in runoff from the site. These control measures include best management practices (BMP), maintenance plans, inspections, employee training and reporting.

b. The SWPPP must be submitted with the NOI for permit coverage. If the SWPPP was prepared under a previous NPDES permit, it must be reviewed and updated to implement all provisions of this permit prior to submittal with NOI.

c. A digital (electronic) copy must be submitted to the Department and a hard copy must be available onsite.

d. The permittee shall provide the Department an electronic copy of the SWPPP by either:

i.) Mailing a Portable Document Format (.PDF) file on electronic media (CD, DVD, USB drive, or other approved media) to:

Maryland Department of the Environment
Wastewater Permits Program
1800 Washington Blvd, Ste 455
Baltimore, MD 21230

ii.) Emailing the .PDF file to SWPPP.Permit@maryland.gov (not to exceed 8 MB file size), include "10-MA", your facility name and physical address in the subject line;

iii.) Providing a link on a publicly available company website; or

iv.) Other electronic means as approved by the Department.

e. The SWPPP submitted shall not contain confidential information, and shall be suitable for review by the public.

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, SWPPP and fee in accordance with the requirements of this permit.

2. Existing Facilities
Any existing facilities subject to this permit shall submit a NOI, SWPPP and fee within 90 days of issuance of this permit to be considered for authorization under this permit.

3. Renewals of General Permit 02-MA
Within 90 days after the effective date of this permit, any permittee currently registered under General Permit 02-MA shall submit to the Department a new NOI, storm water pollution prevention plan, 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 02MA 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 02MA until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

4. 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 applications shall be signed as follows:

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

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

ii.) The manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated property 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 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 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 marina manager, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and

iii.) The written authorization is maintained with the monitoring reports and made available to the Department upon request.

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 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 within ninety days of permit issuance, and who discharge to waters of the State without an individual State or State/NPDES discharge permit, are in violation of the Federal Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. ***Additional Notification***

Any facility registered under this permit that discharges into a municipal storm sewerage system shall make its plan available to the operator of that system if it is regulated by an NPDES permit. Local storm sewerage systems under NPDES permits are listed at *http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/storm_gen_permit.asp*. Contacts for large systems are available at *http://www.mde.state.md.us/assets/document/sedimentstormwater/NPDES_Phase_1_Contacts.pdf*

F. ***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 process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge except that if the change only affects a listed pollutant and will not violate the effluent limitations specified in this permit, by providing written notice to the Department. Following such notice, the permit may be modified by the Department to include new effluent limitations on those pollutants.

1. The permittee shall submit Form WMA/NOICHANGE *(http://www.mde.state.md.us)* and revised SWPPP for any significant modification of the facility. Based on its evaluation of the form and revised SWPPP, the Department may:

a. Continue to authorize the discharge under this general permit; or

b. Require the permittee to apply for an individual State or State/NPDES discharge permit.

2. If any anticipated facility expansions, wastewater treatment modifications or any other change will not result in a violation of the effluent limitations specified in this permit, the permittee shall report the change to the Department in writing.

G. ***Permit Expiration and Renewal***

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.

PART IV. NON-STORM WATER DISCHARGES

A. ***Prohibited Discharges***

The following discharges are prohibited under this permit:

1. Washing of boat bottoms painted with soft ablative paints, or paints which create a visible plume shall not be performed in water. Removal of any paints while vessel is in water is prohibited.

2. Discharges that contain visible oil sheen, persistent foam or floating solids.

B. ***Effluent Limitations and Monitoring Requirements***

1. Boat Bottom Wash Water

a. Conditions.

i.) Washing of boat bottoms painted with antifoulants must be performed in a dedicated area.

ii.) Beginning no later than September 1, 2012, all wastewater generated from boat bottom washing activities shall be captured and directed to one or more locations for treatment. The quality of wastewater shall be monitored in accordance with the table below. Compliance dates for wastewater quality limits shall be met in accordance with Section B.1.b *Limits*, below. The permittee shall indicate on the first monitoring report submitted

to the Department the locations of the monitoring points and where the effluent discharges to waters of the State.

PARAMETER	QUALITY OR CONCENTRATION		FREQUENCY	SAMPLE TYPE
	MAXIMUM	UNITS		
Total Suspended Solids (TSS)	50	mg/L	4/year	Grab
Oil & Grease	15	mg/L	4/year	Grab
Copper	0.06	mg/L	2/season	Grab
Zinc	0.81	mg/L	2/season	Grab
Lead	0.08	mg/L	2/season	Grab
Flow	Report	gpd	Monthly	Estimated

iii.) Sampling Frequency. Metals shall be sampled twice during the main washing season (September - December). Suspended solids and oil & grease shall be sampled twice during the main washing season and twice during the spring/summer season for a total of four times a year.

iv.) Flow shall be estimated and reported on a monthly basis.

v.) All solids (i.e., paint chips, filter fabrics, barnacles, etc.) removed from the wastewater shall be disposed of properly.

b. Limits.

i.) Monitoring is required beginning September 1, 2012. The numeric **limits** for total suspended solids (TSS) and oil & grease (O&G) take effect beginning March 1, 2013. Numeric **limits** for metals take effect March 1, 2015. Prior to the effective date of the limits, all wastewater shall continue to be treated using reasonable measures, such as straw dam filters, geotextiles, settling basins, or sand filters to remove visible solids.

ii.) If wash water samples meet standards for at least three consecutive monitoring periods, the monitoring frequency may be reduced to annual for metals (during peak washing periods September – December). Permittees shall submit to the Department in writing a request for this decrease. Reduction in sampling will be permitted only upon written Department approval.

c. Compliance Plan

i.) Facilities that plan to redirect wash water in order to eliminate a surface water discharge should submit to the Department by February 28, 2013 a compliance plan to cease discharging by February 28, 2015. The plan must address the collection of all boat bottom wash water in a closed system, to one of the following:

1. A closed loop recycling system with proper disposal of solid wastes;
2. Off site disposal by a licensed operator; or
3. Connection to the sanitary sewer with permission from local utility's pre-treatment or industrial discharge program.

ii.) Upon receipt of the compliance plan, the Department will notify the permittee that metals monitoring is waived until February 28, 2015. The permittee shall update the Department of the project status in writing every six months to maintain the monitoring waiver. Note that all permit requirements for suspended solids continue to remain in effect at all times.

iii.) Upon completion of the system, the permittee shall maintain at the facility photos of the system which illustrate how it works and what it is connected to (if applicable); an as-built schematic or design drawing; and a copy of the agreement with the licensed hauler or local utility (for offsite disposal or discharge to sanitary sewer). These materials shall be updated as necessary and available onsite for the life of the permit.

2. Bilge Water

a. This permit does not require the collection of bilge water. However, if bilge water is collected from a vessel in order to prevent the discharge from entering into waters of the State, it must be treated prior to discharge into ground or surface waters of the State. Such discharge shall be sampled at the discharge point in accordance with the following chart and shall be reported as per PART VI of this permit. (Discharges of oil from bilge water directly from a vessel is regulated separately under 33 CFR Subchapter O and 40 CFR 110).

PARAMETER	QUALITY OR CONCENTRATION			FREQUENCY OF ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS		
Oil & Grease	10	15	mg/L	1/Month	Grab
Flow		Report	gpd	1/Month	Estimated

b. Bilge water discharges shall not cause any visible sheen in waters of the State.

c. Bilge waters shall not be discharged to waters of the State if solvents, detergents, emulsifying agents or dispersants have been added to the bilge (this includes soaps).

d. Wastewater from cleaning of engines or oily parts may be discharged in accordance with this PART.

3. Cooling Water

The discharge of non-contact cooling water is authorized if it does not contain any additives. Any discharge which contains additives may only be authorized by a separate individual NPDES permit.

4. Condensate

The discharge of condensate is authorized but has no limitations or monitoring requirements unless it comes in contact with contaminates associated with site activities.

C. *Management Requirements*

1. Invasives

Discharges may not contain any exotic and harmful species (e.g., zebra muscles). Any collected exotic or harmful species must be reported and handled per Maryland's Department of Natural Resources Invasive Species Resource Center (*http://www.dnr.state.md.us/invasives/*).

2. Erosion

All necessary measures shall be in place to prevent erosion damage during the discharge of wastewater. Any gullying greater than six inches in depth is considered excessive erosion. If the discharge is onto normally dry land or a dry drainage channel, these preventive measures may include, but are not limited to, discharge via a diffuser, discharge into riprap, discharge into a splash barrier, and flow rate controls. If the discharge is directly into flowing or standing

water, preventive measures may include flow rate control and locating the point of discharge in the receiving water at a sufficient depth to avoid bottom scour.

3. Divers

Require slip holders to use only contractors which abide by the best management practices of the Maryland Department of the Natural Resources' *Clean Marina Initiative*. Require divers to certify in writing they perform maintenance of boats under these best management practices (Resources for Professional Divers - http://www.dnr.state.md.us/boating/cleanmarina/).

4. Dredge / Fill / Construction

All dredging, filling or construction activities require a tidal wetlands license and permittee must contact the Department's Tidal Wetlands program (phone: 410-537-3835) prior to performing any of these activities.

PART V. STORM WATER MANAGEMENT

Storm water discharges can cause significant impact on the receiving water quality. Some of the common pollutants potentially found in marina storm water run-off include oils, grease, fuel, solvents, paint chips, copper and other heavy metals. Prior to the submission of an NOI, a permittee who seeks to obtain coverage under this general permit shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the facility. The primary objective of the plan shall be to identify ongoing or potential sources of pollution to storm water and to optimize Best Management Practices (BMP) in order to minimize pollutants in storm water runoff. Coverage under this permit is conditioned upon implementation of the SWPPP and respective BMP.

A. Storm Water Pollution Prevention Plan - General

The permittee shall implement and maintain a storm water pollution prevention plan (SWPPP) for the facility covered by this permit. The SWPPP shall be prepared in accordance with sound engineering practices and identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with eligible activities on the facility property. It shall prescribe practices to reduce and/or eliminate pollutants in storm water discharges associated with activities at the facility. The Department provides guidance and hyperlinks to sources that will aid in the creation/revision of an SWPPP (see http://mde.maryland.gov/). The SWPPP must include a year-round contact.

1. Administrative Requirements

a. The plan shall be signed in accordance with PART III - Section C.2 of this permit, and must be retained on site in accordance with PART VI – Section G of this permit. For new facilities, the plan shall be completed and implemented no later than the date operations begin. For existing facilities or those renewing permit coverage, the permittee shall develop and implement a plan upon the effective date of coverage under this general permit.

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

c. The permittee shall keep the SWPPP current, and include the most recent date of the SWPPP on the front page of the plan. The permittee shall amend the plan whenever there is a significant modification to the facility and its potential for discharge of pollutants to the waters of the State. The permittee shall also amend the SWPPP if it proves to be ineffective

in achieving the general objectives of controlling pollutants in storm water discharges associated with their industrial activity. If there is a significant modification to the facility as identified in PART III - Section F, the permittee shall confirm the continued applicability of the existing plan or make needed changes, and submit the confirmation or amendment to the Department.

d. Plan retention for inactive sites. If during the term of this permit, a site becomes inactive, the permittee must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP. The SWPPP must be made available during normal working hours. **Note inactivity does not refer to seasonal closures.**

e. Permittees may be subject to additional requirements and regulations dictated by the Department's Oil Control Division and Emergency Planning and Community Right-to-Know Act (EPCRA) (40 CFR 116). Any requirements listed in this permit which control grease, oil or fuel are to address potential pollutants not governed directly by Oil Pollution Prevention (40 CFR 112), as the handling and storage of fuel and other petroleum products has a potential to cause negative impacts to ground and surface waters of the State.

2. Assessment Procedures

a. *Routine Facility Inspection*
At least once per quarter qualified site personnel shall conduct a site assessment which will review the effectiveness of the SWPPP. This inspection must be documented with a checklist or other summary signed in accordance with PART III – Section C.2 of this permit, dated and held in a logbook. The documentation shall include a certification that the site is in compliance with the SWPPP and this permit, or the deficiencies and necessary follow up actions shall be recorded. Any corrective actions which arise from the inspection must be completed by no later than the next inspection.

b. *Quarterly Visual Inspections*
The Department requires visual monitoring for use as an indicator to determine the effectiveness of the control measures utilized in the facility's storm water pollution prevention plan. Once each quarter, the permittee shall collect a storm water sample from each outfall (except as noted in *Adverse Weather Conditions* below) and assess the sample visually. Samples may be taken during any precipitation event where the amount is greater than 1/2-inch and must be sampled within the first 15 minutes of the storm event. 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 storm water discharge. If there are no direct means of conveyance (i.e., pipe) for a collection sample, a sample representative of the site conditions must be collected at the discharge point closest to the waters of the State (i.e., boat ramp, edge of land to dock, etc.). All inspections must be performed during daylight hours.

The Quarterly Visual Monitoring Form found in Appendix A of this permit shall be completed for each sample, and shall be kept onsite and available for inspection and review by the Department at anytime and in accordance to PART VIII - Section I below.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records.

B. Storm Water Pollution Prevention Plan - Contents

1. Site Plans and Description
All permittees must maintain a site map which identifies discharge points, any water body where discharge is conveyed, hazardous material and main equipment/building locations. These include hazardous material storage, direction of flow for storm and permitted wastewater discharges, collection of sewage and fueling locations.

2. Pollution Prevention Team
All permittees must maintain an active pollution prevention team. This team is responsible for the development and implementation of the SWPPP and employee training. The SWPPP must identify the responsibilities of each team member.

3. Employee Training
Employee training programs shall inform personnel, responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management, of the components and goals of the SWPPP. The SWPPP shall identify how often training will take place, but in all cases training must be held at least twice per calendar year. As part of the employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent and paint management, disposal of spent abrasives (i.e., sand and soda blasting materials, etc.), disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, used battery management, and sacrificial anode disposal.

4. Description of Potential Sources
The plan shall provide a description of potential sources that may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather to waters of the State. Each plan shall identify activities and significant materials that may potentially be significant pollutant sources.

5. Inventory of Exposed Materials
The plan must contain an inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to storm water at the facility from three years prior to the date of coverage under this permit to the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff at the facility from three years prior to the date of coverage under this permit to the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

6. Spills and Leaks
A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility since three years prior to the date of coverage under this permit. Such list shall be updated as appropriate during the term of the permit.

7. Best Management Practices, Measures and Controls

Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The following are practices, measures and controls which must be addressed in the plan:

a. *Good Housekeeping*. Permittees must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals. The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, shrink-wrap, etc., must be routinely removed from the general yard area.

b. *Maintenance*. Permittees 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 storm water discharged to receiving waters. Permittees must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained), and all needed replacement and repair completed as expeditiously as practicable. When not in use prevent any storm water from entering the treatment system for boat bottom washing. Identify in the plan measures employed to meet the requirements identified in PART IV - Section C, *Maintenance Activities.*

c. *Maintenance Activities.* Maintenance activities must be performed in a manner which controls the exposure and possible contamination of storm water. If storm water becomes contaminated due to comingling with maintenance activities and has the potential for discharging pollutants to waters of the State, it is the responsibility of the permittee to identify the appropriate measures to treat the contaminated water. Do not blow off or rinse off area as this can lead to contamination. Activity work areas must be secured each evening as to protect any exposure of pollutants to storm water. The facility must contain maintenance activities to prevent abrasives, paint chips and any overspray from reaching the receiving water or the storm sewer system.

i.) Surface Preparation

1. Chemical Stripping or burning shall be conducted over a suitable ground cover (i.e., rubber mat) or sealed impervious surface (i.e., epoxy lined concrete or asphalt).
2. Scraping of vessels in preparation for painting or other repair work shall be conducted over a suitable ground cover (i.e., filter cloth, tarp).
3. Soda / Sand Blasting, Sanding and / or Grinding
   a.) Permanent structures or temporary protective measures such as drop cloths and shrouding shall be secured around the activity to capture airborne particles. A suitable ground cover (i.e., tarp, rubber mat) must be placed under activity area in order to collect any debris.
   b.) If sanding is performed using a “dustless” vacuum sanding system, sanding is not subject to the enclosure requirements **unless** weather events render the vacuum ineffective. Any debris must be collected.

ii.) Tributyl Tin (TBT)

1. Antifouling paint containing TBT shall be removed only in protected areas.
2. Old anti-fouling coatings suspected to contain TBT are not to be burnt off.

iii.) Painting

1. All paint mixing, solvent transfer, and equipment clean up operations must be contained, and shall not enter floor or storm drains or the environment. Painting of bottoms, including “touch-up”, must be performed in an area where drips are controlled, prevented from spreading and will have no exposure to storm water.

2. Sprayed paint shall only be performed in an enclosed building or spray booth. A spray booth is a permanent shed or temporary enclosure that is erected around the boat during the activity and has a solid floor (i.e., tarp, concrete, etc).
3. Spills must be cleaned immediately with absorbent material, paper and/or rags.
4. Paint brushes, rollers, used paint and other equipment must be disposed of in accordance with Section B.7.c.*iv) Waste disposal*, below, as applicable. Any cleaning of used brushes or rollers shall not discharge to surface waters.

iv.) Waste disposal

Any solid waste generated from boat maintenance activities, including but not limited to batteries, paints and oils, shall be collected for disposal at an appropriate facility, in accordance with RCRA, MDE's Land Management Administration's regulations or any local environmental ordinances and/or waste disposal authorities. Containment of any solid waste shall be adequate to prevent any potential discharge from entering adjacent surface waters.

v.) Oil transfer

Any co-mingling of wash or storm water with petroleum products is considered an industrial process wastewater and is subject to effluent conditions identified in PART IV-Section A and B.2 and is subject to effluent limits identified in PART IV-Section B.2.b.

vi.) Sacrificial Anodes and Mechanical Repair

All anodes shall be properly disposed or recycled. All metal (i.e., running gear, mechanical parts, anodes, etc.) removed while vessel is in water shall be taken ashore.

d. *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains to eliminate the contamination of precipitation or surface runoff from the storage areas. Identify which materials are stored indoors, and ensure containment or enclosure for those stored outdoors. If abrasive blasting is performed, determine the appropriate storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite. Solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, **including used batteries and lead and copper waste, shall be stored under cover on an impervious surface**. Cracked batteries must be stored in a covered non-leaking secondary containment (a building that is watertight and does not drain to waters of the State provides secondary containment).

e. *Material Handling Areas.* The plan must describe measures that prevent or minimize contamination of storm water runoff from material handling areas (i.e., fueling, paint and solvent mixing, etc.).

f. *Engine Maintenance and Repair Areas.* Ensure there is no contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Drain all parts of fluid prior to proper disposal. Dispose filters in accordance with local requirements. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area. If a vessel is moved prior to pumping out the bilge, absorbent pads shall be used to prevent the accidental discharge of oils to water of the State.

g. *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from

accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

h. *Marine railway.* All solids and debris must be removed prior to being submerged as to prevent materials from being washed into waters.

i. *Erosion and Sediment Controls*. Permittees must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants.

j. *Spill Prevention and Response Procedures.* Permittees must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills. In addition to any requirements of RCRA (42 U.S.C. §6901) , the Departments Division of Land Management Oil Control Program (*http://www.mde.maryland.gov*), NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112), permittees shall identify in their SWPPP containers that are susceptible to spillage or leakage (i.e., use oil). Verify on a quarterly basis that all containment structures have no leaks/cracks and discharge is properly sealed. Check that plugs are properly affixed and any valve is in working condition and not leaking. The Department shall be notified of any oil spill, regardless of size, source or the cause of the discharge or spill, via the Maryland Department of the Environment's Emergency Spill Response number at (866) 633-4686. This number is monitored 24-hours a day.

C. Additional Requirements for Facilities Subject To SARA Title III, Section 313 Requirements

Facilities which are subject to SARA Title III, Section 313 (42 U.S.C.11023) reporting requirements shall, in addition to the requirements of this Part, provide additional narrative on the preventive measures used to eliminate the exposure of these chemicals to storm water run-on or run-off. To identify if a facility is subject to this requirement, visit the Maryland Department of the Environment's Community Right-to-Know website (*http://www.mde.maryland.gov*) for more information. 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) as such.

PART VI. MONITORING AND REPORTING

A. *Representative Sampling*

1. The topography of the marina, dedicated wash area, and procedures will determine the best sampling location. Modification of the dedicated wash area may be necessary to collect reflective samples. 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 (PART IV) mingles with other wastewaters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

2. The permittee shall estimate flows and submit the following information with their discharge monitoring report 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, locations, and persons performing the measurements/observations 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.

B. ***Sampling and Analytical Methods***

1. 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.

2. Permittees shall utilize their site map, as required in PART V - Section A, and determine where the runoff from the eligible discharge activity drainage areas discharges from the permitted facility.

3. 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.

4. The Department provides general information on effluent testing on their website (http://mde.maryland.gov/).

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 year shall be summarized on a Discharge Monitoring Report form EPA No. 3320-1 (*http://websrvr.mde.md.gov/assets/document/permit/newdmr.pdf*). Facilities operating more than fifteen weeks each year shall submit results twice yearly, postmarked no later than the 28th day of the month following the end of each monitoring mid-calendar year (January 28th and July 28th). All others shall submit results annually, postmarked on or before October 15th. Results shall be submitted to the Department at the address below:

Maryland Department of the Environment
Water Management Administration
Compliance Program, Suite 425
1800 Washington Blvd.
Baltimore, MD 21230

2. 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 three (3) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

H. ***Noncompliance with Discharge Limits***

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

Maryland Department of the Environment
Water Management Administration
Compliance Program, Suite 420
1800 Washington Blvd.
Baltimore, MD 21230
Phone: (410) 537-3510 Fax: (410) 537-4883

2. For any other instance of noncompliance with this permit, the permittee shall, within five days, provide the Department with the following information in writing:

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 permittees 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 Federal Clean Water Act, 33 U.S.C. § 1251 et seq.

B. ***Civil and Criminal Liability***
Except as provided in the permit conditions on "bypassing" and "upset", 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.

C. ***Action on Violations***
The issue or reissue 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.

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 Federal Clean Water Act (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.

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 Federal Clean Water Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the 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***

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

a. 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;

b. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

c. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;

d. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;

e. To sample, at reasonable times, any discharge of pollutants; and

f. To take photographs.

2. The permittee shall permit access for Department approved staff for research purposes. This includes allowing water samples within the marina, sediment and associated 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 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. 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.

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 identified in the Non-Compliance 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. ***Removed Substances***

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

G. ***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 by you 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.

H. ***Other Information***

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall submit, within 30 days, the facts or information.

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 Federal Act, or under Section 9-314 and Sections 9-322 to 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.

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 Clean Water Act (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-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, 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 C.F.R. §§ 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 Federal Clean Water Act [33 USCS §§ 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. ***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.

P. ***Severability***

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

PART 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.

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Jay Sakai, Director
Water Management Administration

Appendix A:
Quarterly Visual Monitoring

Quarterly Visual Monitoring Form

Fill out a separate form for each sample collected (one form per outfall)

Facility				**Permit ID: 10-MA**	
Outfall No.		**Examiner's Name & Title**			
Quarter / Year:		**Date / Time Collected:**		**Date / Time Examined:**	
Rainfall Amount:		**Qualifying Storm?**	Yes No	**Runoff Source:**	Rainfall Snowmelt

Parameter	Parameter Description	Parameter Characteristics
1. Color	Does the storm water appear to have any color? **Yes** **No (Clear)**	If Yes, describe: *Yellow* *Brown* *Red* *Gray* *Other*:
2. Clarity	Is the storm water clear? **Yes** **No**	If not clear, which of the following best describes the clarity of the storm water? *Suspended Solids* *Milky/Cloudy* *Opaque* *Other:*
3. Oil Sheen	Can you see a rainbow effect or sheen on the water surface? **Yes** **No**	Which best describes the sheen? *Rainbow sheet* *Floating oil globules* *Other:*
4. Odor	Does the sample have an odor? **Yes** **No**	If Yes, describe: *Chemical* *Musty* *Rotten Eggs* *Sewage* *Sour Milk* *Oil/Petroleum* *Other:*
5. Floating Solids	Is there anything on the surface of the sample? **Yes** **No**	If Yes, describe: *Suds* *Oily Film* *Garbage* *Sewage* *Water Fowl Excrement* *Other:*
6. Suspended Solids	Is there anything suspended in the sample? **Yes** **No**	Describe:
******wait 30 minutes******		
7. Settled Solids	Is there something settled on the bottom of the sample? **Yes** **No**	Describe: (*wait 30 minutes after collection, note type, size and material)*
8. Foam	Is there foam or material forming on the top of the sample surface? **Yes** **No**	Describe: (*shake bottle gently, is there foam?)*

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:

Storm Water 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

The Department requires visual monitoring of storm water as an indicator of the effectiveness of the control measures utilized in the facility's storm water pollution prevention plan. Once each quarter for the entire permit term, permittees must collect a storm water sample from each outfall and conduct a visual assessment of each of these samples. These samples should be collected in such a manner that they are representative of the storm water discharge. If there are no direct means of conveyance (i.e., pipe) for a collection sample, a sample representative of the site conditions must be collected at the discharge point closest to the waters of the State. Each assessment must be kept onsite and available for inspection and review by the Department at anytime. All inspections must be performed during daylight hours, and collected within 30 minutes of a storm event.

Fill out all information on the top of the visual monitoring form. To provide the best estimate of rainfall, use a rain gage or a website which provides this information (i.e., http://www.cocorahs.org/state.aspx?state=md). Take a grab sample in a clear container. Evaluate the sample in a well-lit area for the following parameters:

A. Color: Record the best description of the sample color in the appropriate space on the form. Color may indicate inappropriate discharge.

B. Clarity: This parameter refers to the degree of cloudiness present in the sample. 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, identify what might have caused this to happen.

1. **Clear**-Sample doesn't filter out any light; can be seen through regardless of color.
2. **Cloudy-**Sample filters out some light; not clear but objects can still be identified when looking through the sample.
3. **Very Cloudy**-Sample filters out most light; objects are indiscernible when looking through the sample.
4. **Opaque**-Sample doesn't allow any light to pass through; objects cannot be seen when looking through the sample.

C. Oil Sheen: Record whether or not 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 usually indicates oil is present.

D. 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: 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.

E. Floating Solids: A contaminated flow may contain floatable solids or liquids. 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.

1. **High**- More than 20% of the surface of the sample is covered with floating solids.
2. **Moderate**- Less than 20% of the surface of the sample is covered with floating solids.
3. **Slight**-Only a few floating particles observed on the surface of the sample.
4. **None**- No floating solids present on the surface of the sample.

F. Suspended solids: Record whether or not settled solids were present in the sample. Suspended solids will be suspended within the column of water 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 ----------

G. 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 for each sample.

H. 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.

1. **None**-Most bubbles break down within ten (10) seconds of shaking; only a few large bubbles persist longer than ten (10) seconds.
2. **Moderate**-Many small bubbles are present but these bubbles persist for less than two (minutes) after shaking.
3. **High**-Many small bubbles are present and they persist longer than two (2) minutes after shaking.

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.