

MARYLAND DEPARTMENT OF THE ENVIRONMENT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGE PERMIT

PART I. IDENTIFICATION

A. **Permit Number:** 99-DP-3315 MD0068292

B. **Permit Area**

This permit covers all stormwater discharges to and from the municipal separate storm sewer system owned and operated by Baltimore City, Maryland.

C. **Effective Date:** January 3, 2005

D. **Expiration Date:** January 3, 2010

PART II. DEFINITIONS

Terms used in this permit are defined in relevant chapters of the Code of Federal Regulations (CFR) or the Code of Maryland Regulations (COMAR). Terms not defined in CFR or COMAR shall have the meanings attributed by common use unless the context in which they are used clearly requires a different meaning.

PART III. STANDARD PERMIT CONDITIONS

A. **Permit Administration**

Baltimore City shall designate an individual to act as a liaison with the Maryland Department of the Environment (MDE) and provide the coordinator's name, title, address, phone number, and email address. Additionally, the City shall submit to MDE an organizational chart detailing personnel and groups responsible for major National Pollutant Discharge Elimination System (NPDES) program tasks. MDE shall be notified promptly and in subsequent annual reports of any changes in personnel or organization relative to NPDES program tasks.

B. **Legal Authority**

Adequate legal authority shall be maintained in accordance with NPDES regulations 40 CFR 122.26(d)(2)(i) throughout the term of this permit. In the event that any provision of its legal authority is found to be invalid, the City shall make the necessary changes to maintain adequate legal authority.

C. Source Identification

Sources of pollutants in stormwater runoff shall be identified and linked to specific water quality impacts on a watershed basis. This process shall be used to develop watershed restoration plans that effectively improve water quality. The following information shall be submitted in geographic information system (GIS) format with associated tables as required in PART IV of this permit:

1. Storm drain system: major outfalls, inlets, and associated drainage areas;
2. Urban best management practices (BMP): stormwater management facility data including locations and delineated drainage areas;
3. Impervious surfaces: delineated impervious areas;
4. Monitoring locations: locations established for chemical, biological, and physical monitoring of watershed restoration efforts and the *2000 Maryland Stormwater Design Manual* or other innovative stormwater management technologies approved by MDE; and
5. Watershed restoration: restoration project descriptions and locations.

D. Discharge Characterization

Baltimore City and 10 other municipalities in Maryland have been conducting discharge characterization monitoring since the early 1990's. From this expansive monitoring, a statewide database has been developed that includes hundreds of storms across numerous land uses. Summaries of this dataset and other research performed nationally effectively characterize stormwater runoff in Maryland for NPDES municipal stormwater purposes. These data shall be used by Baltimore City for guidance to improve stormwater management programs and develop watershed restoration projects. Monitoring required under this permit is now designed to assess the effectiveness of stormwater management programs and watershed restoration projects developed by the City. Details about this monitoring can be found in PART III. H.

E. Management Programs

The following management programs shall be implemented in all areas served by Baltimore City's municipal separate storm sewer system. These jurisdiction-wide programs are designed to control stormwater discharges to the maximum extent practicable and shall be maintained for the term of this permit. Additionally, these programs are to be integrated with other permit requirements to promote a comprehensive approach toward solving water quality problems. The City shall address any needed program improvements identified as a result of periodic evaluation by MDE and annual self-assessment.

1. Stormwater Management

An acceptable stormwater management program shall be maintained in accordance with the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland. At a minimum, the City shall:

- a. Implement the stormwater management design policies, principles, methods, and practices found in the *2000 Maryland Stormwater Design Manual* or other innovative stormwater management technologies approved by MDE;
- b. Track the progress toward implementing the *2000 Maryland Stormwater Design Manual* or other innovative stormwater management technologies approved by MDE and report annually the modifications needed to address any programmatic problems; and
- c. Maintain programmatic and implementation information according to the requirements established as part of MDE's triennial stormwater program review.

2. Stormwater Management BMP Inspections

- a. Within 6 months of this permit being issued, Baltimore City shall designate sufficient staff and resources to ensure that all new BMPs are properly constructed by performing inspections as specified in Article 7 of the Baltimore City Code and COMAR 26.17.02. At a minimum the City shall:
 - i. identify the specific individual(s) responsible for BMP construction inspections;
 - ii. develop and implement specific written procedures for pre-construction meetings, regular inspections during construction, inspection report preparation, as-built certification, enforcing requirements, and tracking of all new BMPs to ensure a seamless transition for future maintenance inspections; and
 - iii. submit copies of as-built certification inspection reports to MDE within 30 days of the completion of each BMP constructed in the City.
- b. Within 6 months of this permit being issued, Baltimore City shall designate sufficient staff and resources to ensure that maintenance inspections are performed for all stormwater management BMPs in the City. At a minimum, the City shall:
 - i. identify the specific individual(s) responsible for BMP maintenance inspections;
 - ii. develop and implement specific written procedures for conducting

- iii. perform routine maintenance inspections on all stormwater management BMPs in Baltimore City by May 31, 2006; and
 - iv. submit annually copies of all BMP maintenance inspection reports and a current database of all stormwater management BMPs in Baltimore City with each facility's maintenance status clearly described.
- c. In its first annual report, Baltimore City shall report the progress toward completing the BMP construction and maintenance inspections specified in Part III E.2.a. and Part III E.2.b. above. Based on Baltimore City's progress toward inspecting all BMPs, MDE will approve a maintenance inspection frequency for the remainder of this permit.

3. Erosion and Sediment Control

An acceptable erosion and sediment control program shall be maintained in accordance with the Environment Article, Title 4, Subtitle 1, Annotated Code of Maryland. At a minimum, the City shall:

- a. Address any needed program improvements identified during MDE's evaluation of the City's application for the delegation of erosion and sediment control enforcement authority;
- b. At least two times per year, conduct "responsible personnel" certification classes to educate construction site operators regarding erosion and sediment control compliance. Program activity shall be recorded on MDE's "green card" database and submitted as required in PART IV of this permit; and
- c. Report quarterly, information regarding earth disturbances exceeding one acre or more. Quarters shall be based on calendar year and submittals shall be made within 30 days following each quarter. The information shall be specific to the permitting activity for the preceding three months.

4. Illicit Discharge Detection and Elimination

Baltimore City shall maintain its illicit connection detection and elimination program to ensure that all discharges to and from the municipal separate storm sewer system that are not composed entirely of stormwater are either permitted by MDE or eliminated. At a minimum, activities shall include:

- a. Conducting monthly chemical screening downstream of all major storm sewer outfalls during dry weather. Each outfall suspected of having an illicit discharge shall be sampled using a chemical test kit or laboratory;

- b. Conducting routine surveys of commercial and industrial watersheds for discovering and eliminating pollutant sources;
- c. Maintaining a program to address illegal dumping and spills;
- d. Using appropriate enforcement procedures for investigating and eliminating illicit discharges, illegal dumping, and spills. Significant discharges shall be reported to MDE for enforcement and/or permitting; and
- e. Reporting illicit discharge detection and elimination activities as specified in PART IV of this permit. Annual reports shall include any requests and accompanying justifications for proposed modifications to the illicit discharge detection and elimination program.

5. City Property Management

Baltimore City shall identify all City-owned facilities requiring NPDES stormwater general permit coverage and submit Notices of Intent (NOI) to MDE for each. The status of pollution prevention plan development and implementation shall be submitted annually.

6. Road Construction and Maintenance

Baltimore City shall develop and implement a plan to reduce stormwater pollutants associated with road construction and maintenance. At a minimum, the Baltimore City Department of Public Works (DPW) and the Department of Transportation (DOT) shall work together to:

- a. Sweep streets and clean storm drain inlets;
- b. Reduce the use of pesticides, herbicides, fertilizers, and other pollutants associated with roadside vegetation management through the use of integrated pest management (IPM);
- c. Control the overuse of winter weather deicing materials through continual product improvement and effective decision making;
- d. Ensure that all necessary steps are taken when planning, designing, and constructing road projects in order to avoid or minimize any adverse effects to the environment and adjacent communities;
- e. Engage the public and accept comments during road planning, design, and construction processes so that transportation needs can be met and reasonable provisions for safeguarding or improving the environment are implemented; and

- f. Develop watershed restoration plans and implement stormwater retrofits when road or highway rights-of-way traverse watersheds targeted for restoration.

7. Public Education

A public education and outreach program shall be implemented to reduce stormwater pollutants. As part of this program, Baltimore City shall develop material and make it available for distribution to the public by watershed associations and at community events. These efforts are to be documented and summarized in each annual report. At a minimum, the City shall:

- a. Establish and publicize a compliance hotline for the public reporting of suspected illicit discharges, illegal dumping, and spills.
- b. Provide information regarding the following water quality issues to the general public:
 - i. Water conservation;
 - ii. Stormwater management facility maintenance;
 - iii. Erosion and sediment control;
 - iv. Household hazardous waste;
 - v. Lawn care and landscape management (e.g., the proper use of herbicides, pesticides, and fertilizers, ice control and snow removal, cash for clippers, etc.);
 - vi. Litter control, recycling, and composting;
 - vii. Car care, mass transit, and alternative transportation;
 - viii. Pet waste management.
- c. Provide information regarding the following water quality issues to the regulated community:
 - i. NPDES permitting requirements;
 - ii. Pollution prevention plan development;
 - iii. Proper housekeeping; and
 - iv. Spill prevention and response.

F. Watershed Assessment and Planning

Baltimore City shall continue the systematic assessment of water quality within all of its watersheds. These watershed assessments shall include detailed water quality analyses, the identification of water quality improvement opportunities, and the development of plans to control stormwater discharges to the maximum extent practicable. The overall goal is to ensure that the entire City has been thoroughly evaluated for opportunities to maximize water quality improvements. Additionally, Baltimore City shall encourage the public to participate in the development and implementation of watershed restoration activities.

1. By the end of this permit term, Baltimore City shall complete watershed management plans for the Gwynns Falls, the Jones Falls, the Herring Run, and the Baltimore Harbor drainage. These plans shall be similar in format to the Gwynns Falls watershed management plan currently under development and, at a minimum, the City shall:
 - a. Use the source identification information specified in Part III.C. of this permit for plan development;
 - b. Determine current water quality conditions;
 - c. Identify and rank water quality problems;
 - d. Include the results of a visual watershed inspection;
 - e. Identify all structural and non-structural water quality improvement opportunities; and
 - f. Specify overall watershed restoration goals;
2. By 5/01/2006, the City shall complete the prioritization process of selecting sub-watersheds for restoration started during the previous permit term. These watersheds shall contain at least 20% of the City's impervious cover. Restoration efforts resulting from this prioritization process shall be in addition to typical stormwater management facility maintenance.
3. By 5/01/2006, the City shall provide cost estimates and a detailed implementation schedule for proposed restoration activity. Included shall be an account of total City impervious acres, those impervious acres controlled by stormwater management, and those impervious acres proposed for restoration as specified in PART IV of this permit; and
4. By the end of this permit term, the City shall propose for restoration sub-watersheds containing another 10% of the City's impervious surface area with poor or no stormwater management. These sub-watersheds shall be in addition to the 20% already proposed under requirements Part III.F.2. above.

G. Watershed Restoration

The City shall implement those practices identified in PART III. F. above to control stormwater discharges to the maximum extent practicable. The overall goal is to maximize the water quality in a single watershed, or combination of watersheds, using efforts that are definable and the effects of which are measurable. At a minimum, the City shall:

1. Provide an updated schedule for completing all restoration activity proposed during the previous permit term to restore 20% percent of the City's impervious surface area.

In order to meet this goal, annually, the City shall have at least two restoration projects in study, two in design, and two under construction;

2. Monitor, according to PART III. H, the watershed or combination of watersheds where the restoration efforts are being implemented to determine effectiveness toward improving water quality; and
3. Report annually:
 - a. The status of all watershed restoration activity being implemented. Total Baltimore City impervious acres, impervious acres controlled by stormwater management, impervious acres controlled by restoration activity, and impervious acres proposed for restoration shall be included;
 - b. The estimated cost and the actual expenditures for all watershed restoration activity; and
 - c. The progress toward meeting the overall watershed restoration goals established in PART III. F. above.

H. Assessment of Controls

Assessment of controls is critical for determining the effectiveness of the NPDES stormwater management program and progress toward improving water quality. Therefore, the City shall use chemical, biological, and physical monitoring to document work toward meeting the watershed restoration goals identified in PART III. G. above. Additionally, the City shall continue physical stream monitoring in the Stony Run to assess the implementation of the *2000 Maryland Stormwater Design Manual* or other innovative stormwater management technologies approved by MDE. Specific monitoring requirements are described below.

1. Watershed Restoration Assessment

The City shall continue monitoring the Moores Run, or, select and submit for MDE's approval a new watershed restoration project for monitoring. Ample time shall be provided so that pre-restoration monitoring, or characterization monitoring can take place. Priority will be given to new practices where little monitoring data exist or where the cumulative effects of watershed restoration activities can be assessed. An outfall and associated in-stream station, or other locations based on an approved study design shall be monitored. The minimum criteria for chemical, biological, and physical monitoring are as follows:

- a. Chemical Monitoring:
 - i. Twelve (12) storm events shall be monitored per year at each monitoring location with at least three occurring per quarter. Quarters shall be based on the calendar year. If extended dry

- weather periods occur, base flow samples shall be taken at least once per month at the monitoring stations if flow is observed;
- ii. Discrete samples of stormwater flow shall be collected at the monitoring stations using automated or manual sampling methods. Measurements of pH and water temperature shall be taken;
 - iii. At least three (3) samples determined to be representative of each storm event shall be submitted to a laboratory for analysis according to methods listed under 40 CFR Part 136 and event mean concentrations (EMC) shall be calculated for:

Biochemical Oxygen Demand (BOD ₅)	Total Lead
Total Kjeldahl Nitrogen (TKN)	Total Copper
Nitrate plus Nitrite	Total Zinc
Total Suspended Solids	Total Phosphorus
Total Petroleum Hydrocarbons (TPH)	Oil and Grease*
Fecal Coliform or E. coli	(*Optional).

- iv. Continuous flow measurements shall be recorded at the in-stream monitoring station or other practical locations based on an approved study design. Data collected shall be used to estimate annual and seasonal pollutant loads and for the calibration of watershed assessment models.

b. Biological Monitoring:

- i. Benthic macroinvertebrate samples shall be gathered each Spring between the outfall and in stream stations or other practical locations based on an approved study design; and
- ii. The County shall use the U.S. Environmental Protection Agency's (EPA) Rapid Bioassessment Protocols (RBP), Maryland Biological Stream Survey (MBSS), or other similar method approved by MDE.

c. Physical Monitoring:

- i. A geomorphologic stream assessment shall be conducted between the outfall and in stream monitoring locations or in a reasonable area based on an approved study design. This assessment shall include an annual comparison of permanently monumented stream channel cross-sections and the stream profile;
- ii. A stream habitat assessment shall be conducted using techniques defined by the EPA's RBP, MBSS, or other similar method approved by MDE; and
- iii. A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HSPF, SWMM, etc.) to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

- d. Annual Data Submittal: The City shall describe in detail its monitoring activities for the previous year and include the following:
 - i. EMCs submitted on MDE's long-term monitoring database as specified in PART IV below;
 - ii. Chemical, biological, and physical monitoring results and a combined analysis for the Moores Run or other approved monitoring locations; and
 - iii. Any requests and accompanying justifications for proposed modifications to the monitoring program.

2. Stormwater Management Assessment

The City shall continue monitoring the Stony Run for determining the effectiveness of a stream restoration project for stream channel protection. Physical stream monitoring protocols shall include:

- a. An annual stream profile and survey of permanently monumented cross-sections in the Stony Run to evaluate channel stability in conjunction with the implementation of a stream restoration project;
- b. A comparison of the annual stream profile and survey of the permanently monumented cross-sections with baseline conditions for assessing areas of aggradation and degradation; and
- c. A hydrologic and/or hydraulic model shall be used (e.g., TR-20, HEC-2, HEC-RAS, HSPF, SWMM, etc.) to analyze the effects of rainfall; discharge rates; stage; and, if necessary, continuous flow on channel geometry.

I. Program Funding

- 1. Annually, a fiscal analysis of the capital, operation, and maintenance expenditures necessary to comply with all conditions of this permit shall be submitted as required in PART IV below.
- 2. Adequate program funding to comply with all conditions of this permit shall be maintained.

J. Total Maximum Daily Loads

Stormwater BMPs and programs implemented as a result of this permit must be consistent with available waste load allocations (WLA's) [see 40 CFR 122.44(d)(1)(vii)(B)] developed under a Total Maximum Daily Load (TMDL). MDE has determined that owners of storm drain systems that implement the requirements of this permit will be controlling stormwater pollution to the maximum extent practicable.

Therefore, satisfying the conditions of this permit will meet WLA's specified in TMDL's developed for impaired water bodies. If assessment of the stormwater management program indicates TMDL WLAs are not being met, additional or alternative stormwater controls must be implemented to achieve WLAs.

PART IV. PROGRAM REVIEW AND ANNUAL PROGRESS REPORTING

A. Annual Reporting

1. Annual progress reports, required under 40 CFR 122.42(c), will facilitate the long-term assessment of Baltimore City's NPDES stormwater program. The City shall submit annual reports on or before May 1st of each year that include:
 - a. The status of implementing the components of the stormwater management program that are established as permit conditions;
 - b. A narrative summary describing the results and analyses of data, including monitoring data that is accumulated throughout the reporting year;
 - c. Expenditures for the reporting period and the proposed budget for the upcoming year;
 - d. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
 - e. The identification of water quality improvements or degradation.
2. To further judge the effectiveness and progress of implementing this permit, the following information shall be submitted on databases (in a format) consistent with Attachment A. Annually, except where noted, the following shall be submitted:
 - a. Storm drain system mapping (PART III. C.1.);
 - b. Urban BMP locations (PART III. C.2.);
 - c. Impervious surfaces (PART III. C.3.);
 - d. Watershed restoration project locations (PART III. C.5.);
 - e. Chemical monitoring (PART III. C.4. and PART III. H.1.);
 - f. Illicit Discharge Detection and Elimination activities (PART III. E.3.);
 - g. Responsible personnel certification information (PART III. E.2.);

- h. Grading permit information – quarterly (PART III. E.2.); and
- i. Fiscal analyses -- cost for NPDES related implementation (PART III. I.).

B. Program Review

In order to assess the effectiveness of the City's NPDES program for eliminating non-stormwater discharges and reducing the discharge of pollutants to the maximum extent practicable, MDE will review program implementation, annual reports, and periodic data submittal on an annual basis. Procedures for the review of local erosion and sediment control and stormwater management programs exist in Maryland's Sediment Control and Stormwater Management Laws. Additional periodic evaluations will be conducted to determine compliance with permit conditions.

C. Reapplication for NPDES Stormwater Discharge Permit

Continuation or reissuance of this permit beyond January 3, 2010 will require the City to reapply for NPDES stormwater discharge permit coverage in its fourth year annual report. As part of this application process, Baltimore City shall submit to MDE an executive summary of its NPDES stormwater management program that specifically describes how water quality goals set by the City are being achieved. This application shall be used to gauge the effectiveness of the City's NPDES stormwater program and will provide guidance for developing future permit conditions. At a minimum, the application summary shall include:

- 1. Baltimore City's NPDES stormwater program goals;
- 2. Program summaries for the permit term regarding:
 - a. Illicit connection detection and elimination results;
 - b. Watershed restoration status: including City totals for impervious acres, impervious acres controlled by stormwater management, and the current status of watershed restoration projects and acres managed;
 - c. Pollutant load reductions as a result of this permit; and
 - d. Other relevant data and information for describing City programs;
- 3. Program operation and capital improvement costs for the permit term; and
- 4. Descriptions of any proposed permit condition changes based on analyses of the successes and failures of the City's efforts to comply with the conditions of this permit.

PART V. SPECIAL PROGRAMMATIC CONDITIONS

Since the signing of the Chesapeake Bay Agreement in 1983, Maryland has been working toward reducing the discharge of nutrients and sediments to Chesapeake Bay. Baltimore City lies within the Patapsco/Back River tributary, one of the Bay's ten major tributaries. This NPDES permit encourages Baltimore City to assist with the implementation of the strategies designed to meet the nutrient and sediment reduction goals for the Patapsco/Back River tributary.

PART VI. ENFORCEMENT AND PENALTIES

A. Discharge Prohibitions and Receiving Water Limitations

The City shall effectively prohibit non-stormwater discharges through its municipal separate storm sewer system. NPDES permitted non-stormwater discharges are exempt from this prohibition. Discharges from the following will not be considered a source of pollutants when properly managed: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation waters; springs; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and fire fighting activities. The discharge of stormwater containing pollutants, which have not been reduced to the maximum extent practicable, is prohibited. The City shall not cause the contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of the State, that will render the waters harmful to:

1. Public health, safety, or welfare;
2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use;
3. Livestock, wild animals, or birds; or
4. Fish or other aquatic life.

B. Duty to Mitigate

The City shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

C. Duty to Comply

The City must comply with all conditions of this permit. Any permit noncompliance

constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; permit termination, revocation, or modification; or denial of a permit renewal application. The City shall comply at all times with the provisions of the Environment Article, Title 4, Subtitles 1, 2, and 4; Title 7, Subtitle 2; and Title 9, Subtitle 3 of the Annotated Code of Maryland.

The City shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the City to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the City only when the operation is necessary to achieve compliance with the conditions of the permit.

D. Sanctions

1. Penalties Under the CWA - Civil and Criminal

The CWA provides that any person who violates any permit condition is subject to a civil penalty not to exceed \$27,500 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,750 to \$27,500 per day of violation, or imprisonment of not more than 1 year, or both. Any person who knowingly violates any permit condition is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both.

2. Penalties Under the State's Environment Article - Civil and Criminal

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the City from civil or criminal responsibilities and/or penalties for noncompliance with Title 4, Title 7, and Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulation. The Environment Article, §9-342, Annotated Code of Maryland, provides that any person who violates a permit condition is subject to a civil penalty up to \$1,000 for each violation, but not exceeding \$50,000 total. The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who willfully or negligently violates a permit condition is subject to a criminal penalty not exceeding \$25,000 or imprisonment not exceeding 1 year, or both.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who falsifies, tampers with, or knowingly 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 six months per violation, or both.

The Environment Article, §9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false statement, representation, or certification in any records or other document 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 per violation, or by imprisonment for not

more than six months per violation, or both.

E. Permit Revocation and Modification

1. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the City for a permit modification or a notification of planned changes or anticipated noncompliance does not stay any permit condition. A permit may be modified by MDE upon written request by the City and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in COMAR 26.08.04.10.

After notice and opportunity for a hearing and in accordance with COMAR 26.08.04.10., MDE may modify, suspend, or revoke and reissue this permit in whole or in part during its term for causes including, but not limited to the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary reduction or elimination of the authorized discharge; or
- d. A determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

2. Duty to Provide Information

The City shall furnish MDE, within a reasonable time, any information that MDE may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit. The City shall also furnish to MDE, upon request, copies of records required to be kept by this permit.

F. Property Rights

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 law or regulations.

G. Severability

The provisions of this permit are severable. If any provision 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 circumstance is held invalid, its application to other circumstances shall not be affected.

H. Signature of Authorized Administrator and Jurisdiction

All applications, reports, or information submitted to MDE shall be signed as required by COMAR 26.08.04.01-1. As in the case of municipal or other public facilities, signatories shall be a principal executive officer, ranking elected official, or other duly authorized employee.

Robert M. Summers
Robert M. Summers, Director
Water Management Administration

1/9/05
Date