



Maryland
Department of
the Environment

NPDES General Permit for Stormwater Discharge Associated with Construction Activity (20-CP) and the E&S Plan Approval Process

Q&A

May 24, 2023



Housekeeping

- Today's meeting is being recorded.
- We welcome interactive communication among participants.
- Please place your questions in the chat.
- We will address questions at the end of the presentation in the order they are raised.



Meeting Agenda

- What is the 20-CP?
- Discuss responsibilities of E&S plan approval authorities
- Discuss additional items in 20-CP that may affect the E&S plan
- Open for Q&A Session



NPDES Permit Renewal - 20-CP

- The construction stormwater permit has been required under the Clean Water Act since 1992, for any land disturbance over an acre, or less for common plan of development.
- The latest renewal of the permit, the “**20-CP**”, **became effective April 1, 2023**.
- More than 6,700 projects registered under the 14-GP must continue coverage under the 20-CP by September 30, 2023, otherwise...
ePermits will automatically terminate coverage.

More info at <https://mdewwp.page.link/CGP>



Significant Items Addressed

Includes clarifications for :

- Operator Definition for Who Needs Permit Coverage
- A complete set of documents are required for the NOI prior to Public Notice
- Threatened and Endangered Species
- Stream Protection Zones (Buffers)
- Tier II Watershed Antidegradation Reviews
- Dewatering Requirements and Turbidity Benchmarks
- Use of Polymers
- Stormwater Pollution Prevention Plan (SWPPP) Triggers and Requirements
- Examples are Contaminated Soils, shared responsibilities for co-permittees



Who Issues Authorizations?

Operators apply for permit coverage, modifications or terminations through an on-line tool “e-Permits”.

Once a complete Notice of Intent (NOI) is submitted, it goes through a Public Notice Period.

MDE’s Industrial Stormwater Permits Division reviews the NOIs and actively work with Operators when issues arise.

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THE DEPARTMENT OF THE ENVIRONMENT

MDE e-Permits

Welcome to the online Maryland Department of the Environment (MDE) e-Permits interface, established for projects that disturb one or more acres of earth that must apply for coverage under a Permit for Stormwater Associated with Construction Activity, and obtain coverage under that permit before beginning earth disturbance on any part of the project. Projects that initially disturb less than one acre, but that are part of a plan of development that will ultimately disturb one acre or more, must also obtain coverage before beginning earth disturbance on the first part of the project.

Once you have a user account, this online interface allows you to perform the following actions:

- Submit Notice of Intent (NOI)
- Upload supporting documents such as plans
- Pay permit fees
- Transfer of ownership
- Increase the disturbed acreage
- Withdraw a request
- Terminate coverage

Process for Obtaining Approval under the Notice of Intent (NOI)

1. Prior to submitting an NOI, the person(s) responsible for the project must submit a final erosion and sediment control plan to the appropriate approval authority (such as the Soil Conservation District).
2. Submit complete NOI to MDE, including vicinity map, workers compensation insurance information (required for certain types of organizations), and fee. Local and State government projects do not pay the fee. Please see the MDE webpage for more information about whether a fee is due from certain projects continuing permit coverage from previous General Permits. The interface calculates the appropriate fee for the total disturbed acreage. If, for some reason, a refund must occur, MDE staff must complete that outside the interface. Please contact MDE for assistance.
3. MDE reviews the NOI for completeness. If MDE determines that information in the NOI requires review and/or correction by the submitter, MDE returns the NOI through the interface. The submitter receives an email noting the return. Once the NOI is complete, MDE staff accept it, and the NOI enters the public notification period.

Public Notices / Permits

View Public Notices

View Active Authorizations

Log In

You will need to create a user account to use this service. If you have an account, enter your username and password here.

Username

Password

Log In or Create Account

Forgot Password?

You may also try out a demo of this system:

View Demo

Support

<https://egov.maryland.gov/mde/npdes/Account/Login>



What is Required?

- 1) Understanding of 20-CP permit requirements.
- 2) Complete submission includes:
 - a) Proof of E&SC approval
 - b) Map
 - c) Information about the project
 - d) In many cases a Stormwater Pollution Prevention Plan (SWPPP) is also required.
 - e) In Tier II watersheds, verification of antidegradation review.
 - f) Payment
- 3) Must be signed by a “Signatory”



Triggers for SWPPPs

The triggers are found in Part III.F.1 of the permit.

SWPPPs are required when there are pollutants or situations beyond those addressed by the E&SC Plan.

1. Chemical Additive or Polymer use
2. Contaminated soil or demolition, **dewatering** activities requiring turbidity monitoring, or the Department notifies you.



Triggers for SWPPPs continued.

3. Pollution prevention activities referenced in Part III.A.3 such as fueling and concrete washout
4. Sites with **multiple operators** under a common plan of development or sharing permit-related functions with others
5. Where coverage under this permit is required but E&SC plan is not required under Title 4.



SWPPPs...

Not meant to replace the approved
E&SC plan

If required to have a SWPPP, you
may refer to the E&SC plan for
portions of the document



E&S Plan Approval Authority Role

What is the E&S plan approval authority's role in the 20-CP?



E&S Plan Approval Authority

Applicant	E&S Plan Approval Authority
private developer projects	local SCD
county or municipal projects	local SCD
WSSC utility construction in Montgomery and Prince George's County	WSSC
MDOT SHA projects	MDOT SHA (designated authority)
MTA Purple Line projects	MTA (designated authority)
All other State and federal projects	MDE



State Regulations - E&S Plan Approval

COMAR 26.17.01.08:

- (1) The approval authority shall review and approve an erosion and sediment control plan in accordance with the criteria contained in the “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

- The 20-CP requires criteria beyond the State regulations that pertain to E&S plan approvals.
- In addition to obtaining an approved E&S plan in accordance with state standards, projects with an earth disturbance exceeding 1.0 acre must address the items listed in the following slide.
- **It is not the responsibility of E&S plan approval authorities to review or approve for these criteria.**
- **However, the measures needed to fulfill these criteria may be displayed on the approved E&S plans.**



Additional Requirements in 20-CP

- Stormwater Pollution Prevention Plan
- Non-stormwater discharges
- Controls to minimize erosion
- Downstream flooding during construction
- Pollution Prevention
- Contaminated Soils
- Demolition Debris
- Impaired Waters
- Sensitive Waters
- Threatened or Endangered Species
- Chemical Additive Use
- Fueling
- Batch Plants
- Multiple Operators
- PCBs
- Monitoring
- Thermal Considerations
- Climate Change

Verification and/or Approval is Not the Responsibility of Plan Approval Authority



Things to be aware of

- Additions to plans (delineations and controls)
 - Delineation of Stream Protection Zone for Tier I and Tier II watersheds and possible additional E&S controls required when impacts cannot be avoided
 - Rare, threatened, or endangered species delineated with approval from DNR
 - Use III or Use IV cold water resources protections
 - Compliance with water quality standards that may require additional controls
- Requirements without standards
 - E&S practices are to reduce downstream impacts related to potential flooding for projects under construction for longer than 6 months.



Questions? (and hopefully Answers)





Thank You for your time today!

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