



GENERAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION  
ACTIVITY

General NPDES Permit Number MDRC0000

State Discharge Permit Number 20CP0000

EFFECTIVE DATE: April 1, 2023 EXPIRATION DATE: March 31, 2028

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## **PART I. PERMIT APPLICABILITY**

By this permit the Maryland Department of the Environment (the Department) authorizes the discharge of pollutants to Waters of this State in accordance with the effluent limitations and conditions set forth herein associated with construction activity. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland and its implementing regulations at COMAR 26.08.04; and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, and its implementing regulations at 40 CFR Parts 122, 123, 124, 125 and 127. Authorization under this permit is required from the “commencement of construction activities” (see Appendix A), until one of the conditions for terminating this permit’s coverage has been met (see Part II.F).

“You” and “Your” are used in this permit to refer to the authorized operator or applicant, as the context indicates, and that party’s facility or responsibilities.

### **A. Geographic Coverage**

This permit covers all areas of the State of Maryland.

### **B. Eligibility Conditions**

To be covered under this permit, you must meet the eligibility conditions in this Part and follow the requirements for obtaining permit coverage in Part II.

1. You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:
  - a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., in most cases this is the owner of the site); or
  - b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions including authorization to direct workers at a site to carry out activities required by the permit, correct violations (including repair or installation of erosion and sediment controls (E&SC)), and/or halt construction activity until violations of the permit are corrected; in most cases this is the general contractor (as defined in Appendix A) of the project).

Where there are multiple operators associated with the same project, all operators must obtain permit coverage. If the operator of a “construction support activity” (Part I.B.1.c) is different than the operator of the main site, that operator must also obtain permit coverage. See Stormwater Pollution Prevention Plan (SWPPP) Part III.F for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site. Subcontractors generally are not considered operators for the purposes of this permit.
2. Your site’s construction activities:
  - a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (defined in Appendix A) that will ultimately disturb one or more acres of land; or
  - b. Have been designated by EPA or the Department as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii);
3. For “new source” (defined in Appendix A) only if:
  - a. The Department has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, the Department may notify you that an

individual permit application is necessary (Part I.E and Part II.B.3). However, the Department may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, the Department expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part III.B, will result in discharges that meet applicable water quality standards.

- b. Discharges from your site to a Tier II water will not lower the water quality of the applicable water so that existing in-stream water uses and the level of water quality necessary to protect existing uses are maintained and protected (as provided the Antidegradation Policy Implementation Procedures in COMAR 26.08.02.4-1). In the absence of information demonstrating otherwise, the Department expects that compliance with the requirements of this permit, including the antidegradation review requirements applicable to such discharges in Part III.B.2, will result in discharges that will not lower the water quality of such waters.
4. Discharges from your site are not: already covered by a different NPDES permit for the same discharge; or in the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.

### **C. Eligible Discharges (Types of Discharges Authorized)**

1. The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained according to the terms of this permit (see Parts III.A and III.B):
  - a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR 122.26(b)(14)(x) or 122.26(b)(15)(i);
  - b. Stormwater discharges designated by the Department as needing a permit under 40 CFR 122.26(a)(1)(v) or 122.26(b)(15)(ii);
  - c. Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
    - i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
    - ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
    - iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
    - iv. Stormwater controls are implemented in accordance with Parts III.A and III.B for discharges from the support activity areas.
  - d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.
2. The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts III.A and III.B:
  - a. Discharges from emergency fire-fighting activities;
  - b. Landscape irrigation;

- c. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
  - d. Water used to control dust;
  - e. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
  - f. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any Waters of this State, storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
  - g. Uncontaminated air conditioning or compressor condensate;
  - h. Uncontaminated, non-turbid discharges of ground water or spring water;
  - i. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
  - j. Construction dewatering water discharged in accordance with Part III.A.4.
3. Use of Chemical Additives for Sediment Control: The use of any chemical additives (defined in Appendix A) for sediment control at a construction site is subject to conditions in this permit (Part III.A.2.m). Cationic Chemical Additives (defined in Appendix A) are subject to additional controls and monitoring (Part III.A.2.m.xiii - Part III.A.2.m.xvi). Anionic and cationic additives have different NOI requirements (Part II.A.2), deadlines (Part II.A.9) and processes (Part II.A.11). Any substances not approved by the Department are prohibited.
4. Also authorized under this permit are discharges of stormwater listed above in Part I.C.1 or Part I.C.3 or authorized non-stormwater discharges listed above in Part I.C.2, commingled with a discharge authorized by a different NPDES permit or a discharge that does not require NPDES permit authorization.

#### **D. Prohibited Discharges**

The Department includes the prohibited discharges in this Part as a reminder to the operator that the only non-stormwater discharges authorized by this permit are in Part C above. To prevent the prohibited discharges, operators must comply with the applicable pollution prevention requirements in Part III.A.3. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit. This is not meant to be a comprehensive list of all prohibited discharges.

1. Wastewater from the Concrete Washout. (Part III.A.3.d).
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. (Part III.A.3.d)
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance (Part III.A.3.a and Part III.A.3.c.iii).
4. Soaps or solvents, or detergents used in vehicle and equipment washing or external building washdown (Part III.A.3.b);
5. Toxic or hazardous substances from a spill or other release (also see Part III.A.3.c iv, Part III.A.3.f. and Part IV.J); and
6. Water contaminated by toxic or hazardous substances (e.g. from sites managed under Maryland's Voluntary Cleanup Program (VCP) or Land Restoration Program (LRP) or demolition debris contaminated by PCBs (Part III.B.3)), not addressed by a stormwater pollution prevention plan (Part III.F) and consistent with requirements stipulated by the Department's LMA or WSA.

**E. Requiring an Individual Permit or an Alternative General Permit**

The Department may require you to obtain, or you may also request, an individual permit or coverage under another general permit as described below, even though you may be eligible for coverage under this permit. If the Department requires you to apply for and obtain an alternative permit and you do not apply as required, the Department may terminate your coverage under this permit. This termination is effective at the end of the day that the Department specified for the application or Notice of Intent (NOI) to be submitted, after which you must cease discharges that were covered by this permit.

1. **Portable Batch Plants:** Process water discharges from concrete and asphalt plants, including batch plants, are not authorized under this permit and must have coverage under the General Permit for Discharges from Mineral Mines, Quarries, Borrow Pits and Concrete and Asphalt Plants or an individual permit.
2. **Mining Activity:** Earth disturbance for the purposes of preparation of sites for mineral mining or coal mining must obtain permit coverage under the specific General Permit for that activity, or under an individual permit. Such sites require coverage under those General Permits or individual permits specifically designated for discharges from mineral mining and coal mining activities. Mining sites where construction of structures or other non-mining related development will occur as part of reclamation, or any non-mining earth disturbance following completion of mining reclamation (unless otherwise ineligible for coverage), must obtain coverage under this General Permit if earth disturbance of one acre or more will occur.
3. **Landfills:** Earth disturbance of one acre or more for the purposes of construction of landfill cells or other structures, roads, and appurtenances to landfill operation must be covered under this General Permit unless the Department has authorized coverage under a different permit or general permit. For areas such as the interior of landfill cells where stabilization does not occur, you may terminate coverage once the landfill cell begins operating as a landfill and accepting waste, as long as you obtain coverage under the General Permit for Discharges of Stormwater Associated with Industrial Activity.
4. **New Sources where the E&SC Plan Fails to Meet State Standards:** If the Department determines that a discharge may cause water quality standards to be exceeded in the receiving water, where such a determination is made prior to authorization, based on a failure of your E&SC plan to meet State E&SC or stormwater management (SWM) standards (see Part I.B.3 and Part II.B.3), you may be required to obtain an individual NPDES discharge permit.
5. **Prohibited Discharges:** If the Department determines that a discharge contains a prohibited non-stormwater discharge (Part I.D), based on information in your NOI (Part II.C), Notice of Transfer (Part II.D) or from other sources, where the discharge is not covered by one of the above General Permits (Part I.E.1, I.E.2 or I.E.3), and is not addressed by applicable pollution prevention requirements in Part III.A.3, you may be required to obtain an individual NPDES discharge permit.
6. **Water Quality Standards:** At any time after authorization, the Department may determine that your stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard, or are causing or contributing to an impairment of a waterbody [i.e., waterbodies listed as impaired on the Integrated Report for Section 303(d)]. (See Part III.B.1, Part III.B.2, Part III.B.3 and Part IV.P). If such a determination is made, the Department may require you to: a. Modify the stormwater controls to adequately address, achieve and document the identified water quality concerns; b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or c. Cease discharges of pollutants from construction activity and apply for and obtain an individual discharge permit.
7. **Existing Sources where the E&SC Plan Fails to Meet State Standards:** If your E&SC plan fails to meet State E&SC or SWM standards (see Part II.B.2), the Department may require you to apply for an individual permit if you are unable to include appropriate controls and implementation procedures

designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards.

8. When an Individual Permit or an Alternative General Permit are required under this Part I.E, the Department will notify you in writing. This notice shall include:
  - a. A brief statement of the reasons for this decision;
  - b. A statement setting a deadline for the notified person to file an application for an individual permit or file a NOI in accordance with the terms of the alternative general permit;
  - c. A permit application if applicable; and
  - d. For existing permittees, a statement that on the effective date of the individual permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate.
9. The Department may grant additional time to submit the individual permit application or alternative general permit NOI upon request of the applicant.
10. Any person authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit or filing an NOI for coverage under an alternative general permit. The person seeking an individual permit must submit an individual application in accordance with the United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) regulations at 40 C.F.R. Part 122, with reasons supporting the request to the Department. The person seeking coverage under an alternative general permit must file an NOI in accordance with the terms of the alternative general permit. A request for an individual permit shall be granted if the Department determines that the reasons cited by the applicant are adequate to support the request. If the applicant seeks coverage under an alternative general permit, the terms of that permit will determine whether coverage under the alternative general permit is obtained.
11. When an individual permit is issued to a person otherwise covered by this permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit. Similarly, when a person subject to this permit obtains coverage under an alternative general permit, the applicability of this permit is terminated on the effective date of the alternative general permit. When an individual permit is denied to an applicant otherwise covered by this permit, or the applicant is denied coverage under the terms of an alternative general permit, the applicability of this general permit to the permittee may be terminated by the Department.

#### **F. Continuation of an Expired General Permit and Permit Coverage**

Unless this permit is terminated by the Department, an expired general permit continues in full force and effect, until the date(s) specified under a reissued general permit. If you wish to continue a regulated activity after this permit's expiration date, you must submit a Continuation of Authorization statement at least 60 days before the expiration date of this permit, unless permission for a later date has been granted by the Department. Notices of Intent or Continuation of Authorization statements submitted later than the expiration date of the existing permit will not be accepted by the Department and permit coverage will not be extended.

#### **G. Duty to Reapply.**

If you wish to continue an activity regulated by this permit under a renewed general permit, you must apply for and obtain authorization as required by the new permit once issued.

### **Part II. AUTHORIZATION UNDER THIS PERMIT**

All "operators" (as defined in Appendix A) associated with your construction site, who meet the eligibility requirements (Part I.B), and who seek coverage under this permit, must submit to the Department a complete and accurate NOI, fee payment and associated documentation (Part II.A) according to the deadlines in Table 1. The approval of the authorization is contingent on a response to any comments taken during the public notification period (Part II.B), and the Department's review of the submission. Your Authorization is effective once the Department provides you with a authorization letter (Part II.C).

Emergency Authorization Exception: A person who must conduct earth-disturbing activities prior to obtaining general permit coverage for discharges in response to a public emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, must obtain emergency authorization from the Department within 24 hours after initiating earth-disturbing activities. The person must obtain such emergency authorization in writing or via electronic mail. If the Department denies emergency authorization, the person must immediately stabilize earth disturbance and complete the authorization process under this Part before resuming earth disturbance. Where circumstances allow, it is recommended that a person obtain emergency authorization prior to initiating earth-disturbing activities. A person with emergency authorization is authorized to discharge on the condition that a complete and accurate NOI is submitted within 7 calendar days after commencing earth-disturbing activities, and must ultimately complete all requirements to obtain regular coverage under the general permit. The person must provide a copy of the emergency authorization with the NOI.

## A. Authorization Request

1. **Notice of Intent (NOI).** You must submit to the Department an NOI (Part II.A.2) to be covered under this general permit. The NOI must be submitted prior to the expiration date of this permit, be accompanied by the appropriate fee (Part II.A.3) and include support documentation (Part II.A.4). The applicant must submit the documents in either the electronic or paper format designated by the Department (Part II.A.5 or Part II.A.6), and they must be certified (Part II.A.7 and Part II.A.8).
2. **Contents of Notice of Intent.** The NOI must include the following:
  - a. The site's name, mailing address, and general location;
  - b. The site's latitude and longitude in decimal degrees of at least 4 decimals, using a central point within the property boundary;
  - c. A vicinity map of the site;
  - d. The Operator's name and signatory's signature, address, telephone number, email address;
  - e. The preparer's name, organization, email address and telephone number;
  - f. The resident agent (for corporations/LLC) name and address, if the business is not incorporated or registered to do business in Maryland;
  - g. Federal Tax ID (not required for Individual);
  - h. Workers Compensation Certificate of Compliance document provided by the Workers Compensation Commission or Workers Comp Provider and Policy Number;
  - i. A brief project description, including existing and proposed land uses;
  - j. The type of organization (e.g., Individual, Sole Proprietor, Partnership, Volunteer Organization, Corporation, State, Federal, or Local Government);
  - k. Type of construction (e.g., Single-Family Residential, Multifamily Residential, Industrial and Warehouses, Institutional, Commercial, Other Non-residential Construction, Highway or Road, Bridge, Tunnel & Elevated Highway, Water, Sewer, or other Pipeline, Communications & Power Line Construction, Heavy Construction, Not Elsewhere Classified, Wrecking and Demolition Work, Other Special Trade Contractors);
  - l. The name of the receiving water(s) (if the discharge is to a municipal separate storm sewer system, the name of the municipal system and the receiving water(s) must be supplied);
  - m. A confirmation that the permittee has compared the eventual receiving water(s) with the Maryland 303(d) list, the date on which the comparison took place, and a statement as to whether the eventual receiving water(s) are listed on the 303(d) list as impaired for pollutants such as sediment or PCBs. Indicate the name and location of the impaired water(s) and the pollutant(s) for which the water is impaired;
  - n. A confirmation if the receiving water(s) are Tier II (high quality waters), and if so that the antidegradation review and Checklist have been completed (Part II.A.4.b);
  - o. The total site area, the total proposed disturbed area;
  - p. An indication whether you were exempted or waived from any requirements in the SWM Plan;
  - q. The E&SC Plan Approval Authority and Plan ID;

- r. Estimated construction project start date and end date;
  - s. Indicate identifying information for the main developer if the activity is part of a common plan of development or sale;
  - t. An indication if earth-disturbing activities have commenced on your project/site, and if so indicate if your project is an “emergency-related project”;
  - u. An indication if there is or will be demolition of any structure built or renovated before January 1, 1980;
  - v. An indication if any of the structures being demolished have at least 10,000 square feet of floor space (Part III.B.3);
  - w. An indication if disturbing material or soils with known contamination by toxic or hazardous substances (Part I.D.6) and identify the contaminants, (e.g. from sites managed under Maryland's Voluntary Cleanup Program (VCP), Land Restoration Program (LRP), or base on historic land records).
  - x. An indication if chemical additives are used for flocculation, and when intending to use a product that is cationic to identify the product (Part I.C.3);
  - y. Permit number of any other NPDES Permit you retain for this site, or if part of a common plan the name of the owner, and an indication if this is new or a continuation of coverage (see Table 1); and
  - z. An indication if there were any Federal or State listed rare, threatened, and endangered species or designated critical habitat located in the project area and if so are there specific requirements in your E&SC or SWPPP.
  - aa. An indication if dewatering benchmarks are applicable.
3. **Fees.** An application fee is required at the time of submission of an NOI. The fee schedule is based on the size of the total planned disturbance. If the area of disturbance is projected to increase, an NOI should be resubmitted with a fee that reflects this change in coverage. The applicant must determine the appropriate fee to be paid from the fee schedule set in State regulations COMAR 26.08.04.09-1 C(2). Fee clarification: For builders constructing single family homes within a larger common plan of development or sale where the common plan of development or sale has an authorization under this permit with an approved E&SC plan that specifies single family homes on Standard Plans, and the small residential lots individually themselves each are less than an acre, there is no additional fee.
4. **Additional Documentation Required:** The following documents are required and must be submitted as part of a complete authorization request.
- a. Erosion and Sediment Control (E&SC) and Stormwater Management (SWM) Plans: Persons who obtain coverage under this general permit must, prior to commencing construction, develop and obtain approval from the appropriate approval authority of: E&SC plans (Part II.A.4.a) in accordance with the requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); and in Code of Maryland Regulations (COMAR) 26.17.01 (E&SC); and SWM plans (unless exempted by the following law or regulation or obtaining a proper waiver from the approval authority) in accordance with the requirements established in Title 4, Subtitle 2 of the Environment Article, Annotated Code of Maryland (SWM); and in COMAR 26.17.02 (SWM). *For State or federal phased approvals, site preparation or grading may begin once the E&SC plan and Concept SWM plan have been approved, however further construction activities require final SWM plan approval.*  
*Where coverage under this permit is required but either E&SC, SWM plan requirements, or both are exempt under Title 4, a SWPPP must submitted in place of the exempted plan or plans as part of a complete authorization request.*
  - b. Antidegradation checklist: If your construction activity will result in discharges to Tier II waters, then you must complete the Checklist (Appendix C) as part of your antidegradation review (Part III.B.2).
  - c. Stormwater Pollution Prevention Plan (SWPPP): You must develop and submit a SWPPP consistent with Part III.F, when required by this permit (refer to Part III.F.1).

5. **How to Submit Your NOI and accompanying documentation via eNOI:** You must use the Department's NPDES eNOI Tool to electronically prepare and submit your NOI for coverage under this permit unless you received a Waiver from the Department (Part II.A.6). In addition to the NOI, you will also attach any additional documentation required, such as the proof of E&SC and SWM approval (either in the form of a letter or waiver signed by the approval authority, a copy of the stamped approval from the plan), antidegradation checklist and SWPPP as required by this permit. To access the tool, go to access the system at:  
<https://egov.maryland.gov/mde/npdes/Account/Login>.
6. **Where to Submit NOI and accompanying documentation, when exempted from eNOI:** You may submit your documents via mail only when granted a waiver from the Department. All other applicants must submit NOIs for coverage under this general permit through the electronic system designated by the Department. Waivers from electronic reporting may be granted based on one of the following conditions:
- If the operator's operational headquarters are physically located in a geographic area (i.e., ZIP code or census tract) that is identified as underserved for broadband Internet access in the most recent report from the Federal Communications Commission; or
  - If the operator has limitations regarding available computer access or computer capability.

If the operator wishes to obtain a waiver from submitting a report electronically, operators must submit a request to the Department. In that request, operators must document which exemption they meet, provide evidence supporting any claims, and a copy of their completed NOI form. A waiver may only be considered granted once operators receive written confirmation from the Department.

If the Department grants the operator approval to use a paper NOI, and they elect to use it, the operator must request the form from the Department. Those with the waiver will submit completed paper forms, required documents and payment by mail to the Department at the following address:

The Maryland Department of the Environment  
Water and Science Administration  
P.O. Box 2057  
Baltimore, Maryland 21203-2057

7. **Certification.** Any person signing documents under this section must provide certification in accordance with the laws and regulations identified in Part II.A.8 below.
8. **Signature Requirements.**
- Signatory:* All authorization requests, including NOIs, transfers, modifications or emergency requests must be signed by a signatory as follows:
- For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - 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
    - 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 facility 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.
  - For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

- c. For a municipality, 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).

*Duly Authorized Representative:* Your SWPPP, Turbidity Monitoring Report Form (i.e. Appendix D) or Antidegradation Checklist (i.e. Appendix C), including changes to your SWPPP to document any corrective actions taken as required by Part IV, and all reports submitted to the Department, must be signed by a Signatory as described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. the authorization is made in writing by a Signatory;
- b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- c. the signed and dated written authorization is included in the SWPPP or Antidegradation Checklist and made available to the Department upon request.

*Changes in Signatory or Duly Authorized Representative:* If an authorization for a representative 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 II.C.3 must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

All certification of E&SC or SWM Plans must be signed in accordance with requirements established in COMAR 26.17.01.07 (E&SC) and COMAR 26.17.02.09 (SWM).

- 9. **Deadlines for Coverage.** The deadlines in Table 1 apply to operators applying for coverage under this permit. If you miss the deadline to submit your complete NOI package (Part II.B.1), any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. The Department may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

Table 1 - Deadlines for Permit Coverage

Type of Operator	NOI Package Submittal Deadline	Special Instructions
<p><b>Operator of an Existing Construction Site with an active authorization number under the prior 14GP</b> (i.e., a site where construction activities commenced prior to the effective date of this permit and which did have coverage under the prior 14GP permit).</p>	<p>Within 6 months after the effective date of this permit.</p>	<p>On eNOI select 'Continuation'. No additional fee or public notification period is required. Comply with the terms and conditions of the 14GP in the interim. (This includes sites that filed DOI with an NOI after the 14GP expired).</p>
<p><b>Operator of a New Site</b> (i.e. a site where construction activities commence on or after the effective date of this permit but before expiration of this permit).</p>	<p>A minimum of 14 days prior to commencing construction activities.</p>	
<p><b>New Operator</b> (i.e. an operator that through transfer of ownership, operation or both replaces the operator of an already permitted construction site that is either a "New site" or an "existing site").</p>	<p>A minimum of 14 days prior to date that the transfer will take place to the new owner/operator.</p>	<p>No additional fee or public notification period is required.</p>
<p><b>Amendments to Construction Activity which Adds a SWPPP Requirement</b> (i.e. a request to modify an existing authorization for use of a cationic chemical additive or other triggering activity requiring SWPPP).</p>	<p>Amendments for use of any approved cationic chemical additive must be submitted a week prior to use. All other amendment must be submitted within 7 days of the change.</p>	<p>Amendments are required each time a new approved cationic chemical additive is used, or for the first time an approved anionic chemical additive is used. Amendments are not required for other changes for authorizations that already had a SWPPP.</p>
<p><b>Increase in Construction Activity</b> (i.e. a request to modify an existing authorization for an increase in project acreage).</p>	<p>A minimum of 14 days prior to increasing construction activities.</p>	<p>If the increase is one acre or more, the process is the same as a new NOI. Fees are only assessed if the modification results in the total acreage being increased to the next fee tier.</p>
<p><b>Operator of an "emergency-related project"</b> (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services).</p>	<p>No later than 7 calendar days after commencing construction activities.</p>	<p>You are considered provisionally covered under the terms and conditions of this permit immediately. After reviewing the NOI, the Department may request more information prior to issuing full coverage or deny continued coverage.</p>

10. **Failure to Notify.** If you miss the deadline (Part II.A.9) to submit your NOI (Part II.A), any and all discharges from your construction activities will continue to be unauthorized under the CWA and of the Environment Article, Annotated Code of Maryland, until they are covered by this or a different NPDES permit. The Department may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.
  
11. **Modifying your NOI.** Reasons to modify your NOI include an increase in the number of acres that will be disturbed at the site beyond that stated in the documentation of coverage under the general permit, or the addition of an activity that requires a SWPPP. If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Modify/Amend NOI" form using eNOI. In

cases where the change necessitates a SWPPP, you must include the SWPPP along with the request. For increases in land disturbance of one acre or more, the process to modify the permit coverage is the same as for an initial NOI, thus a "Modify/Amend NOI" form may not be used. The permittee must reissue the NOI and be granted approval from the Department in order to have general permit coverage for the increased acreage before beginning earth disturbance on it.

## **B. NOI Approval Process and Public Notification Period**

1. *Complete NOI Package.* The Department will begin processing a Notice of Intent (NOI) to be covered under this general permit once the NOI is complete (no errors) and the applicant provides verification that the E&SC plan for the project has been approved (i.e. scanned signature page, or a signed letter) by the appropriate approval authority (see Part II.A.4.a), and if required has paid the appropriate application fee, provided the signed Antidegradation Checklist (see Part II.A.4.b) and signed SWPPP (see Part II.A.4.c). The Department will not begin processing the NOI package until the required information is provided.

*Public Notification Period.* The Department will regularly post NOI information on the NOI system website to include all complete NOI packages submitted during the previous week, with the exception in this Part for Single Family Homes in a Common Plan of Development or Sale (see below). This Public Notification Period serves as an announcement that the NOI has been submitted, providing the public with an additional notification in cases where they were not aware of the project. In order to provide opportunity for review of NOI package information, the Department will not complete authorization for construction sites during a minimum 14 day period that begins on the date the NOI information is posted on the NOI system website. E&SC and SWM Plans can be accessed through the appropriate approval authority (which is identified on the NOI).

After 14 days have elapsed from the date the Department posted the NOI information on the NOI system, the Department will make every reasonable effort, within 48 business hours, to issue notification that the site is covered under this permit, with the exception described in paragraph 3 of this section. [Note: If you modify/edit/alter the information while the NOI/eNOI is in the public notification period, you may cause the NOI/eNOI to restart the public notification period.]

*Exception to Public Notification Period:* For larger common plan of development or sale where the common plan of development or sale has an authorization under this permit with an approved E&SC plan that specifies single family home lots on Standard Plans, or groups of single homes on small residential lots, and the homes are being constructed by a single builder within this common plan of development, there is no additional notification period.

2. *Exception to NOI Approval Process.* If the Department identifies there are additional controls necessary to meet the requirements of this permit or water quality standards (e.g. receives a detailed, written explanation as to why the E&SC plan fails to meet State E&SC or SWM standards), prior to issuance of General Permit coverage, the Department will do the following: (i) notify the general permit applicant that this information has been requested, (ii) evaluate the information, and (iii) make a decision and send notification of that decision to the NOI applicant, confirming whether an individual permit or changes to the NOI are required, and any timeframes for required actions (see Part I.E.4).

## **C. Effective Date of Coverage.**

1. Based on the Department's review of your NOI (Part II.B) or Transfer Request (Part II.D) and associated documentation and fee payment, prior to authorization the Department may perform further review, notify you that additional controls are necessary to meet the requirements of this permit or water quality standards, or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application. If your request for coverage under the permit is granted, the Department will notify you and provide a authorization number.

2. Coverage under this general permit is effective on the date described in the authorization letter that you receive from the Department. You must contact the Department's compliance program two (2) weeks prior to starting construction to schedule a preconstruction meeting.

**D. Transfer of Authorization.**

The authorization under this permit is not transferable to any Operator except in accordance with this section, and in accordance with the Eligibility Conditions of this permit (Part I.B). As part of such transfer, the Department may require a separate application for an individual permit as stated in Part I. E.

1. As the transferor: Prior to relinquishing control, you must notify the Department via the eNOI system, of the proposed transfer, indicating the specific date of the proposed transfer of permit coverage, and to whom you propose to transfer permit coverage. You must familiarize the person who is assuming control of the permitted activities ("transferee" or new owner) with the program and provide the transferee/new owner with copies of: this general permit; the documentation from the Department that the site has coverage under the general permit; copies of any E&SC, SWM or SWPPPs prepared as required and the NOI submitted for the site.
2. As the transferee: You must certify (Part II.A.7), via the eNOI system, your intent to abide by this permit, and confirm that the other information given on the original NOI remain correct or update this information. By this certification you are acknowledging responsibility for compliance with all of the terms and conditions of this permit (which includes all conditions of the E&SC plan and SWM plan and if you are required to maintain a SWPPP, you must either follow the existing SWPPP or develop your own SWPPP).
3. The transfer becomes effective upon review and approval by the Department of a completed Transfer Request, signed by both the transferor and transferee.
4. Obligations of the permittee. All conditions and obligations outlined in this general permit apply to the new permittee/owner upon transfer. See Part III.C.8 for recordkeeping requirements applicable to the transferor following transfer.

**E. E&SC Requirements for Coverage**

Once construction has commenced, E&SC and SWM plan approvals must be kept up to date. Approved E&SC plans remain valid for 3 years from the date of approval (COMAR 26.17.01.08), after that time approvals may be extended or renewed by the approval authority. Where the Commencement of Construction Activities (see Appendix A) hasn't begun or construction contract not awarded at this 3 year milestone, a full reevaluation of any changes to E&SC due to modified sizing criteria for a 2-year or 10-year storm must take place and you must incorporate any updated sizing reflected in the ESC Handbook (see Appendix A). When the Commencement of Construction Activities has begun prior to this 3 year milestone, you must incorporate any updated sizing reflected and implement the E&SC to the maximum extent practicable as determined by the Appropriate Approval Authority (see Appendix A). Discharges from construction activity may not continue if the plans have expired, but may resume once plans are renewed without payment of an additional fee as long as coverage under this General Permit is still in effect.

**F. How to Terminate Coverage.**

Until you submit a request for termination of coverage under this permit and it is approved by the Department, you must comply with all conditions and effluent limitations in the permit. To request that your permit coverage be terminated, you must submit to the Department a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part II.F.

1. Minimum Information Required in the NOT – You must provide the following minimum information for the Notice of Termination.
  - a. The Notice of Termination consists of the information requested in the electronic system (Part II.A.5), unless the permittee is otherwise directed by the Department (Part II.A.5). Any alternative form that the Department may direct for use will include, but not be limited to, the following:

- i. The mailing address and location of the construction site for which notification is submitted. Where a mailing address is not available, the location can be described in terms of the latitude and longitude (to the nearest 15 seconds) and Maryland Grid Coordinates of the approximate center of the facility;
- ii. The permittee's name, address, and telephone number;
- iii. The name, address, and telephone number of the general contractor(s);
- iv. The NOI identification number;
- v. The following certification statement, signed as required by section VI.L. herein:

"I certify under penalty of law that disturbed soils at the identified site have been permanently stabilized in accordance with approved E&SC plans; that temporary E&SC have been removed or will be removed within 6 months; and that all stormwater discharges associated with construction activity from this site that are authorized by this general permit have been eliminated. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity by the general permit and that discharging pollutants in stormwater associated with construction activity to waters of this State is unlawful under the laws of the State of Maryland unless authorized by a state discharge permit and to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I understand that I must maintain the records described in Part III.C.8 of the General Permit for three years from the date of this Notice of Termination. I understand that I have the duty to provide information in Part IV.E. during this record retention period. I also understand that the submittal of this Notice of Termination does not release the permittee from liability for any violations of this permit or the Clean Water Act which may have occurred at this site."

- b. The permittee must transmit the completed Notice of Termination form through the electronic system designated by the Department (Part II.A.5). If you have received a waiver (Part II.A.6) from the Department, you may file the NOT via mail to the following address:

The Maryland Department of the Environment  
Water and Science Administration  
1800 Washington Blvd., Suite 455  
Baltimore, Maryland 21230-1708

## 2. Conditions for Terminating Coverage

You may terminate permit coverage only if one or more of the following conditions has occurred:

- a. You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part I.C.1.c), and you have met the following requirements:
  - i. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the permanent stabilization requirements for final vegetative or non-vegetative stabilization in Part III.A.2.f;

The following are valid exceptions from the final stabilization requirement prior to terminating when you have provided a justification to and received concurrence from the Department:

- Disturbed areas on agricultural land that are restored to their preconstruction agricultural use. This Part for final stabilization criteria does not apply, unless the areas disturbed were not previously used for agricultural activities, such as buffer strips immediately adjacent to Waters of this State, and areas which are not being returned to their preconstruction agricultural use.
- Areas that need to remain disturbed. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remains disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials, active landfill cells).

- ii. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
  - iii. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and
  - iv. You have removed all potential pollutants and activities associated with construction that generate pollutants, unless needed for long-term use following your termination of permit coverage; or
- b. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
  - c. You have obtained coverage under an individual or alternative general NPDES permit. To terminate coverage under these conditions, you must submit a Notice of Termination.

### **Part III. CONTROL MEASURES AND EFFLUENT LIMITATIONS**

#### **A. Technology-Based Limits.**

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

#### **1. Control Measure Selection and Design Considerations**

You must design, install, and maintain stormwater controls required in Parts III.A.2 (sediment) and III.A.3 (pollution prevention) to minimize the discharge of pollutants in stormwater from construction activities. These stormwater controls at a minimum must be developed in accordance with the requirements established in Title 4, Subtitle 1 of the Environment Article, Annotated Code of Maryland (Sediment Control); and as specified in the ESC Handbook. The ESC Handbook serves as the official guide for E&SC principles, methods, and practices. The Design Manual serves as the official guide for SWM principles, methods and practices. If the Department adopts applicable requirements after the effective date of this permit, including revised Standards and Specifications in the ESC Handbook, then you must update your plans accordingly (Part II.E). To meet this requirement (to design, install, and maintain stormwater controls), you must:

- a. Account for the following factors in designing your stormwater controls:
  - i. The expected amount, frequency, intensity, and duration of precipitation (refer to the most recent ESC Handbook for E&SC and Design Manual for post-construction stormwater management, to account for any updates based on climate change projections);
  - ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater (including temperature increases in Use III or Use IV watersheds) and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
  - iii. The soil type and range of soil particle sizes expected to be present on the site.
- b. Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.
- c. Complete installation of stormwater controls by the time each phase of construction activity has begun.
  - i. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.
  - ii. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth disturbing activities.

- iii. Ensure that stormwater management is installed for projects that span long periods of time to reduce downstream impacts related to potential flooding (e.g. more than half a year).
- d. Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.
  - i. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.
  - ii. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.
  - iii. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part III.D.

## 2. Erosion and Sediment Controls (E&SCs)

You must implement erosion and sediment controls consistent with approved E&SC and SWM plans (Part II.E and Part II.A.4.a) and in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities. These controls are intended to prevent the discharge of significant amounts of sediment to surface waters, or conveyance systems leading to surface waters, particularly in the Chesapeake Bay watershed or impaired waterways. This permit is not an alternative for and does not take the place of any local permits or ordinances required by Maryland law or regulation or by the county or municipality that has jurisdiction where the construction activity occurs, including a grading permit, E&SC plan approval, or SWM plan approval. It is a condition of this permit that you comply with approved E&SC and SWM plans. Specific E&SC control design specifications are contained in the ESC Handbook.

- a. Provide and maintain a Stream Protection Zone. The Stream Protection Zone consists of a natural buffer from the site's earth disturbances to edge of stream of at least 50 feet for Tier I watersheds, or an average of 100 feet and not less than 50 feet at any point for Tier II watersheds, or other appropriate E&SCs in addition to, or instead of, a Stream Protection Zone. Additional requirements may also apply based on State regulations or local criteria (e.g., wetlands and waterways, forest conservation, and critical area). Refer to Appendix B for more specifics related to this requirement.

Stream Protection Zone Alternatives. If work is required within the Stream Protection Zone, additional E&SC measures are required. Such measures include accelerated stabilization, redundant controls, increased buffers, passive or active chemical treatment, or a reduction in the size of the grading unit. See Appendix B for additional conditions applicable to each compliance alternative.

- b. Minimize soil compaction. In areas of your site where post-construction stormwater control infiltration practices will be installed:
  - i. Restrict vehicle and equipment use in these locations to avoid soil compaction; or
  - ii. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.
- c. Preserve native topsoil, unless infeasible.
- d. Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).
- e. Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.
  - i. Remove sediment before it has accumulated to no more than one-half of the above-ground height of any perimeter control, or as specified in the cleanout volumes included in your approved plans.
  - ii. Exception. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way),

implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

- f. Stabilize exposed portions of the site. Implement and maintain stabilization measures that minimize erosion from exposed portions of the site in accordance with the ESC Handbook. Stabilization practices are used to promote the establishment of vegetation on exposed soil, or in other cases to provide a stable, non-eroding surface for frequently used areas (e.g., equipment and material storage, staging areas, heavily used travel lanes) and to improve the water quality from the runoff of these areas. After initial soil disturbance or redistribution, permanent (ESC Handbook Section B-4-5) or temporary (ESC Handbook Section B-4-4) stabilization is required within:
  - i. Three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and
  - ii. Seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading.

Stabilization requirements are found in Section B-4 of the ESC Handbook. These include details on heavy use area protection, incremental stabilization, soil preparation, mulching, plant species, and seeding rates. Adequate vegetative stabilization requires 95% groundcover (ESC Handbook Section B-4). If environmental conditions, such as winter weather, prevent or delay seed germination, it is important to use a method of anchoring mulch to prevent erosion.

- g. Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.
- h. Minimize tracking of sediment at entrance or exit from construction site.
  - i. Restrict vehicle use to properly designated exit points;
  - ii. Use appropriate stabilization techniques (ESC Handbook Section B-1 or B-2) at all points that exit onto paved roads;
  - iii. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and
  - iv. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or Waters of this State.
- i. Minimize dust. On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques (ESC Handbook Section H-5).
- j. If you install a sediment trap or basin:
  - i. Situate the trap or basin outside of any Waters of this State and any natural buffers established under Part III.A.2.a;
  - ii. Design the trap or basin to avoid collecting water from wetlands;
  - iii. Design the trap or basin, outlet structures and associated erosion controls consistent with state standards (ESC Handbook Section D and G);
  - iv. Remove accumulated sediment to maintain stormwater capacity and conduct all other appropriate maintenance to ensure the trap or basin remains in effective operating condition as required for the practice in the ESC Handbook Section G.
- k. Protect storm drain inlets.
  - i. Install inlet protection measures (ESC Handbook Section E-9) that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a Waters of this State, provided you have authority to access the storm drain inlet; and

- ii. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, or performance is compromised. If the inlet protection does not completely drain within 24 hours after a storm event, it is clogged. When this occurs, remove accumulated sediment and clean, or replace the geotextile and stone. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.
- l. Minimize erosion of stormwater conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion.
- m. If you are using chemical additives (defined in Appendix A) for control of sediment (such as polymers or flocculants) at your site, you must comply with the requirements identified in this section. You must refer to the most current version of Standards for Use of Chemical Additives for Sediment Control document available on the Department's website at <https://mdewwp.page.link/ChemAddStandards> for specific instructions on information which must be included in your SWPPP, additional requirements, and assistance in applying for chemical additive use.
  - i. The use of chemical additives for sediment control should only be considered in the event that water quality standards cannot be met using conventional best management practices.
  - ii. Should the use of chemical additives be necessary, you must utilize conventional best management practices for E&SCs at a location prior to and after the application of chemical additives.
  - iii. Chemical additives may only be applied where treated stormwater is directed to a sediment control (e.g., sediment basin, perimeter control) prior to discharge. This permit intends to authorize additives used to create flocculation of suspended materials in stormwater or groundwater. It does not authorize use of chemical additives for bank or soil stabilization.
  - iv. Chemical additives must be approved by the Department prior to use. The Department maintains a current list of pre-approved polymers/flocculants including approved application method and maximum allowable dosage concentration or application rate on its website (<https://mdewwp.page.link/MDFlocs>).
  - v. If you wish to use a chemical additive which is not found on the approved list, you must request approval by following the Department's Procedures for Review of Chemical Additives for Sediment Control. You may not begin use of any chemical additive absent from the pre-approved list until you receive written approval from the Department.
  - vi. You are required to identify all additives you will be using in your SWPPP, and any cationic chemical additives in your Notice of Intent (pursuant to Part II.A.1 of this permit). If you wish to change to or add another preapproved chemical, you must provide notification to the Industrial Stormwater Permits Division of the Department within 30 days of commencing the use of the new pre-approved chemical additive.
  - vii. You must minimize exposure of stored chemicals to stormwater. Store all treatment chemicals in leakproof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., spill berms, decks, spill containment pallets), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill).
  - viii. You must comply with relevant local requirements affecting the use of chemical additives. If requested by the E&SC plan approval authority, provide a Safety Data Sheet (SDS) with your E&SC plan.
  - ix. You must use chemical additives and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.

- x. You must document any departures from good engineering practices or dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.
  - xi. Selection of chemical additives and dosing rates should be determined based on site-specific test results. Documentation of the chemical selection process and dosing rate determination must be included in your SWPPP. Dosing rates cannot exceed those found on the Department's list of pre-approved chemical additives.
  - xii. Ensure that all persons who handle and use chemical additives at the site are provided with appropriate, product-specific training. At a minimum, this training must cover proper dosing requirements and safe handling practices.
  - xiii. You must notify and receive written approval from the Department's Industrial Stormwater Permits Division of the Department at least 7 days prior to using cationic chemical additives (as defined in Appendix A). Use of anionic chemical additives requires notice once on the NOI to indicate additives are being used, however when changing additives for better results, only SWPPP updates are required. For anionic the notice to the Department must occur no later than a week (7 days) after you begin using a product.
  - xiv. To receive authorization to use cationic chemical additives under this permit, you must identify in your SWPPP appropriate controls and implementation procedures (including where the chemical is applied, description of active treatment systems required, dosing, filtering, pH monitoring, etc.) designed to ensure that your use of cationic chemical additives will not lead to a violation of water quality standards. See the Standards for Use of Chemical Additives for Sediment Control document for additional instructions for completing your SWPPP and requesting use of cationic chemical additives.
  - xv. A copy of the SWPPP section regarding use of cationic chemical additives must be submitted along with the NOI and Request for Use of Cationic Chemical Additives form. You are required to comply with all such requirements if the Department has authorized you to use cationic chemical additives at your site.
  - xvi. Depending on the chemical additive selected for use, you may be required to sample discharges and test for residuals or other components. Any such monitoring requirement will be laid out in your authorization letter. Results of required monitoring must be maintained with the SWPPP and made available if requested by Department personnel.
  - xvii. Authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards. If you use polymers or other chemical treatments as part of your controls, you must identify the polymers or chemical treatments used and the purpose in your SWPPP.
- n. You must consider Federal and State listed rare, threatened, and endangered species and designated critical habitat in the design of the E&SC plan in accordance with the DESIGN METHODOLOGY in the ESC Handbook, Section A-4. You must use MERLIN "<https://dnr.maryland.gov/Pages/Merlin.aspx>" or contact the Department of Natural Resources (DNR) to identify where threatened and endangered species or designated critical habitat are located within your Project area (see Appendix A). If rare, threatened, and endangered species and designated critical habitat is identified, you must contact the DNR to determine additional regulatory requirements. You must also indicate the areas on the E&SC plan, and the SWPPP (Part III.F.3.i) if applicable, where protections must take place based on consultation with DNR.
- o. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment or soil (ESC Handbook Section B-4-8):
- i. Locate the piles outside of any stream protection zones established under Part III.A.2.a and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;
  - ii. Install a sediment barrier along all downgradient perimeter areas;
  - iii. For piles that will be unused for more than 7 days (3 days for all slopes steeper than 3 horizontal to 1 vertical (3:1)), provide cover or appropriate temporary stabilization (consistent with Part III.A.2.f);
  - iv. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or Waters of this State, unless it is treated through a basin per your approved E&SC plan.

### 3. Pollution Prevention Requirements

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

- a. For equipment and vehicle fueling and maintenance:
  - i. Implement measures to eliminate the discharge of spilled or leaked chemicals, including fuels and oils, from these activities (Examples of effective means include: locating activities away from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach Waters of this State; providing secondary containment (e.g., spill berms, decks dikes, spill containment pallets) and cover where appropriate; and having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.);
  - ii. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
  - iii. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
  - iv. Use drip pans and absorbents under or around leaky vehicles;
  - v. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
  - vi. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down); and
  - vii. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.
  
- b. For equipment and vehicle washing:
  - i. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters; (Examples of effective means to minimize the discharge include locating activities away from Waters of this State and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.)
  - ii. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
  - iii. For storage of soaps, detergents, or solvents, provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas.
  
- c. For storage, handling, and disposal of building products, materials, and wastes:
  - i. For building materials and building products (Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles), provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas.

Note: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- ii. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

- In storage areas, provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas; and
  - Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part III.A.3.e).
- iii. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:
- Store chemicals in water-tight containers, and provide either
    - cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or
    - a similarly effective means designed to minimize the discharge of pollutants from these areas (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and
  - Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Notify the authorities as required. (Part III.A.3.f). You are prohibited from hosing the area down to clean surfaces or spills; and
  - Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- iv. For hazardous or toxic wastes (Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.):
- Separate hazardous or toxic waste from construction and domestic waste;
  - Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
  - Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site);
  - Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;
  - Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. Notify the authorities as required. (Part III.A.3.f). You are prohibited from hosing the area down to clean surfaces or spills;
  - Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste; and
  - Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- v. For construction and domestic wastes (examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris and other trash or building materials, although not uncontaminated soils.):
- Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;
  - For waste containers that have lids, keep waste container lids closed when not in use and close lids at the end of the business day and during storm events. For waste containers that do not have lids, provide either
    - cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or

- a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);
    - On business days, clean up and dispose of waste in designated waste containers; and
    - Clean up immediately if containers overflow.
  - Note: If illegal dumping is occurring note that there may be specific state or local laws that address dumping at your construction site.
  - Note: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants (such as final products and materials intended for outdoor use) and where winds from intense storms will not cause these materials to mobilize.
  - Note: When using secondary containment, evaluate contained water for color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants and plan to pump and haul the water offsite to be treated if it is contaminated.
  - vi. For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over and are located away from Waters of this State and stormwater inlets or conveyances.
- d. For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:
- i. Direct wash water into a leak-proof container or leak-proof and lined pit designed (refer to ESC Handbook Section H-6) so that no overflows can occur due to inadequate sizing or precipitation;
  - ii. Handle washout or cleanout wastes as follows:
    - Do not dump liquid wastes in storm sewers or Waters of this State.;
    - Dispose of liquid wastes in accordance with applicable requirements in Part III.A.3.c; and
    - Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part III.A.3.c; and
  - iii. Locate any washout or cleanout activities as far away as possible from Waters of this State and stormwater inlets or conveyances, and to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.
- e. For the application of fertilizers:
- i. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part III.F;
  - ii. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
  - iii. Avoid applying before rains that could cause excess nutrients to be discharged;
  - iv. The application to frozen ground is prohibited;
  - v. The application to stormwater conveyance channels is prohibited; and
  - vi. Follow all other federal, state, tribal, and local requirements regarding fertilizer application, including Agriculture Article § 8-803.4.
- f. Releases in Excess of Reportable Quantities. Discharges of hazardous substances and oil resulting from on-site spills are not authorized by this permit. (Part I.D.5). In the event of a discharge resulting from a spill of hazardous substances or oil from a construction site (Parts III.A.3.c.iii and Part III.A.3.c.iv), where the release is an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurring during a 24 hour period:
- i. You must notify the National Response Center (NRC) as soon as you have knowledge of the discharge in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302;
    - 1-800-424-8802 or
    - 202-267-2675 (in the Washington, DC metropolitan area)
  - ii. You must notify the Maryland Department of the Environment as soon as you have knowledge of the discharge;

- Between 8AM and 5PM at 410-537-3510
- All other hours at (866) 633-4686

You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release to the Department's compliance program. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies. No condition of this general permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### **4. Construction Dewatering Requirements**

Comply with the following requirements to minimize the discharge of pollutants from dewatering operations, in accordance with Part I.C.2.

- a. Route dewatering water through a sediment control designed to minimize discharges of pollutants and prevent discharges with visual turbidity (as defined in Appendix A). Appropriate controls are identified in the ESC Handbook Section F and may require additional use of chemical additives as provided in this permit that are designed to remove sediment.
- b. Do not discharge visible floating solids or foam;
- c. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
- d. To the extent feasible, use well-vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using Waters of this State as part of the treatment area;
- e. To prevent dewatering-related erosion and related sediment discharges;
  - i. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;
  - ii. Do not place dewatering controls, such as pumped water filter bags, on steep slopes; and
  - iii. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part III.A.2.1;
- f. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- g. For any approved manufactured treatment systems, replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- h. Comply with dewatering-specific inspection requirements in Part C.

#### **B. Water Quality-Based Limits.**

##### **1. General Effluent Limitation to Meet Applicable Water Quality Standards**

Discharges must be controlled as necessary to meet applicable water quality standards. In the absence of information demonstrating otherwise, the Department expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or the Department determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts III.D.1 and III.D.2, and document the corrective actions as required in Part III.D.3.

The narrative surface water quality criteria in Maryland's water quality standards (COMAR 26.08.02) include floating debris, oil, grease, scum, sludge, and other floating materials in amounts sufficient to cause the receiving water(s) to be unsightly; change the existing color to produce objectionable color for aesthetic purposes, or interfere directly or indirectly with designated uses; or elevate temperature which interfere directly or indirectly with designated uses.

The Department may require that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are

not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

**2. Water Quality-Based Conditions for Sites Discharging to Tier II Waters**

For any portion of the site that discharges within a catchment or directly into a tributary that is designated by the Department as Tier II for antidegradation purposes, you must perform an antidegradation review (COMAR 26.08.02.04-1), including the social and economic justification (SEJ) and alternatives analysis provisions, and complete the antidegradation checklist in Appendix C to establish the stormwater controls you will implement to protect the water resource. The checklist confirms that you will comply with the inspection frequency specified in III.C, the stabilization deadline specified in Part III.A.2.f and the additional controls required when work is considered within Stream Protection Zones as specified in Part III.A.2.a and Appendix B. The antidegradation checklist includes verification of whether the stream has assimilative capacity or if any waivers were allowed. Operators with discharges to Tier II streams with no assimilative capacity will be subject to additional review by the Department, which should happen well before submitting your NOI. In addition, on a case-by-case basis, the Department may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

**3. Water Quality-Based Conditions for Sites Discharging to Impaired Waters**

If you discharge to a water that is impaired, the Department may impose additional controls that are necessary for your discharge to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater (Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, using tools that minimize dust and heat. For additional information, refer to 20-CP Fact Sheet); and
- b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

**4. Turbidity Benchmark Monitoring to Protect Water Quality**

For Sites Discharging dewatering water to Tier II or Waters Listed as impaired for sediment or a sediment-related parameter, you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part III.F.2.h. A summary of these requirements is included in Table 3.

The benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part III.D.1.e, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part III.F.2.h. Regardless of how the operators divide the responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.

- a. Turbidity monitoring requirements
  - i. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
  - ii. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts III.A.4.a and III.A.4.c and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
  - iii. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part IV.K.
  - iv. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with an approved method contained in Part 136 of the Federal Regulations (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day’s use, consistent with the manufacturer’s instructions.
- b. Turbidity benchmark
 

The benchmark threshold for turbidity for this permit is a daily maximum of 150 NTUs (referred to elsewhere in this permit as the “standard 150 NTU benchmark”)
- c. Comparison of turbidity samples to benchmark. Compare the daily maximum of your turbidity monitoring results to the standard 150 NTU benchmark.
  - i. If the daily maximum of your turbidity monitoring results exceeds the standard benchmark, you are required to conduct follow-up corrective action in accordance with Part III.D.5 and document any corrective action taken in your corrective action log in accordance with Part III.D.3.
  - ii. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in your reporting.
  - iii. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must report the daily maximum turbidity value for each discharge point and compare each to the turbidity benchmark.
- d. Reporting and recordkeeping.
  - i. You must maintain a log of daily turbidity measurements, as well as any calibration performed for the monitoring equipment.
  - ii. You must summarize the data using the form in Appendix D and submit the reports of your daily turbidity data summarized per week to the Department no later than 28 days following the end of each monitoring quarter (see Table 2). If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part III.B.4, indicate this in your turbidity monitoring report.
  - iii. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

**Table 2 - Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data**

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 28

2	April 1 – June 30	July 28
3	July 1 – September 30	October 28
4	October 1 – December 31	January 28

- iv. You must use the Department's ePermits system ([egov.maryland.gov/mde/npdes/Account/Login](http://egov.maryland.gov/mde/npdes/Account/Login)) to electronically submit your quarterly turbidity data, using the turbidity monitoring report form, in Appendix D. A copy of the filled out forms must also be kept on-site.
- v. For each day in which you are required to monitor, you must record the monitoring information and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

**Table 3- Summary of Turbidity Benchmark Monitoring Requirements**

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment impaired water or to a water designated as a Tier II for antidegradation purposes	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part III.C.4.a.	Compare the daily maximum of your turbidity monitoring results to the 150 NTU benchmark.	If the daily maximum of turbidity monitoring results exceeds the 150 NTU turbidity benchmark, you are required to take follow-up corrective action in accordance with Part III.D.5.	Report all daily maximum turbidity monitoring results on a quarterly basis via ePermits using the monitoring form in Appendix D no later than 28 days following the end of each monitoring quarter.

**C. Site Inspection, Monitoring and Records.**

You must maintain records of your communications with the Department or delegated inspection authority related to the required pre-construction meetings. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, the permittee must conduct inspections of the permitted area.

**1. Person(s) Responsible for Inspecting Site**

The person(s) inspecting the site may be a person on the permittee's staff or a third party hired or arranged to conduct inspections. The person conducting the inspection must hold a valid certificate of attendance from a training program for responsible personnel as required by Section 4-104(b) of the Environment Article, unless the E&SC plan approval authority has waived the requirement for a Certificate of Training in accordance with Section 4-104(c) of the Environment Article.

**2. Frequency of Inspections**

Unless you are subject to the Part III.C.3 site inspection frequency for discharges to Tier II waters or qualify for a Part III.C.4 reduction in the inspection frequency, at a minimum the permittee must conduct site inspections at one of the two following intervals,:

- a. Once each calendar week (Sunday to Saturday), and after a storm event of 0.25 inches or greater within 24 hours (either the same day the rainfall event concludes or the next day), or
- b. Once every four (4) business days.

You should discuss your inspection frequency selection at your preconstruction meeting, and you must keep your inspector updated if the inspection frequency changes. Document your inspection frequency selection and your communications with the inspector in your SWPPP, or with your inspection records.

In option III.C.2.a above, “within 24 hours” means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect weekly in accordance with this Part III.C.2.a and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part III.C.7.f.

**3. Increase in Inspection Frequency:**

a. For Sites Discharging to Tier II Waters

For any portion of the site that discharges to a water that is identified by the Department as Tier II for antidegradation purposes (see Part III.B.2), instead of the inspection frequency specified in Part III.C.2, you must conduct inspections twice every week. When reasonably possible schedule these within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part III.C.7.f.

b. For Sites subject to Dewatering Turbidity Benchmarks

You must conduct an inspection in accordance with Part III.C.7 during the discharge once per day on which the discharge occurs. The Part III.C.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part III.C.3.a or the reduced frequency in Part III.C.4.

**4. Reductions in Inspection Frequency**

For areas meeting stabilization requirements of COMAR 26.17.01.07.B.6(f) and the E&SC plan, inspections may be reduced to once per month if construction activity is suspended. If construction activity resumes in such a portion of the site at a later date, the inspection frequency immediately increases to that required in III.C.2; the permittee must document the beginning and ending dates of the period of stabilization in its inspection records.

Exception. For “linear construction sites” (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on other portions, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part III.A.2.f have been completed. After the first month, you must inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If “wash-out” of stabilization materials or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part III.C.2. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

**5. Areas That Must Be Inspected**

During your site inspection, you must at a minimum inspect the following areas of your site:

- a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part III.A.2.f;
- b. All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit (This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part III.A.2.h);
- c. Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

- d. All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, or treat stormwater;
- e. All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;
- f. All points of discharge from the site; and
- g. All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are documented as considered unsafe to your inspection personnel.

## 6. Requirements for Site Inspections

During your site inspection, you must at a minimum:

- a. Check whether all stormwater controls (i.e., E&SCs and pollution prevention controls) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges;
- b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
- c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts III.A and III.B;
- d. Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any Waters of this State flowing within or immediately adjacent to the site;
- e. Identify any incidents of noncompliance observed;
- f. If a discharge is occurring during your inspection:
  - i. Identify all discharge points at the site; and observe and document the visual quality of the discharge, and
  - ii. take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.
- g. Based on the results of your inspection, complete any necessary maintenance under Part III.A.1.d and corrective action under Part III.D;
- h. Verify if the site was subject to flooding.

## 7. Inspection Report

You must complete an inspection report within 24 hours of completing any site inspection and meet the applicable signature requirements. Approved forms for the inspection can be found on the Department's website. Each inspection report must include the following:

- a. the date and time of the inspection;
- b. the name(s) of the individual(s) who performed the inspection;
- c. for site inspections also include:
  - i. weather information (conditions during the inspection as well as time and amount of last recorded precipitation);
  - ii. a summary of your inspection findings, covering at a minimum the observations you made in accordance with Part III.C.6, including any necessary maintenance or corrective actions; (such as whether significant amounts of sediment were observed as described in Part III.C.6.d, above; an assessment of the condition of E&SCs and how any deficiencies were or are being addressed; and a description and date of any E&SC implementation and maintenance performed, including identification of any controls that have not been installed as required);
  - iii. a description of the site's present phase of construction;
  - iv. If you are inspecting your site based on a storm event (Part III.C.2.a or Part III.C.3), you must include the applicable rain gauge or weather station readings that triggered the inspection; and
  - v. If you documented that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.
- d. for dewatering inspections conducted pursuant to Parts III.C.3.b also include:
  - i. approximate times that the dewatering discharge began and ended on the day of inspection;
  - ii. if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

- iii. estimates of the rate (in gallons per day) of discharge on the day of inspection;
- iv. whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site, to constructed or natural site drainage features, or storm drain inlets:
  - a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; or
  - a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.

## 8. Records On-site

- a. After the first earth disturbance occurs on the site, and thenceforth during the entire period of permit coverage whether the site is active or inactive, you must post, at a safe, publicly accessible location in close proximity to the project site, a notice of permit coverage, including the project name as listed on the permit, the permittee, the words "General Permit for Stormwater Associated with Construction Activity", and the permit authorization number. For larger linear construction projects, the notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way. For linear construction projects that extend over miles and for which a posting may be insufficient to provide notice of permit coverage, any proposed alternative methods of notification must be approved by the inspector during the preconstruction meeting.
- b. During the entire period of permit coverage, you must maintain the following records, which must be available when the site is active, either physically on-site or electronically accessible through your environmental reporting system, or at a readily accessible location within a reasonable distance from the site approved by the inspector during the preconstruction meeting:
  - i. The NOI and records of all data used to complete the NOI;
  - ii. the approved E&SC plan;
  - iii. the approved SWM plan;
  - iv. a copy of this General Permit;
  - v. a copy of your SWPPP (if applicable);
  - vi. a copy of your antidegradation checklist (if applicable);
  - vii. a copy of the general permit authorization document from the Department;
  - viii. a copy of transfer of authorization documents (if applicable);
  - ix. all inspection reports and enforcement actions issued to the permittee from any appropriate enforcement or approval authority, including the Department, the delegated enforcement authority, or the U.S. Environmental Protection Agency; and
  - x. Written reports of all inspections conducted by the permittee.
- c. For a period of three (3) years from the date that general permit coverage for the site is terminated, the permittee must maintain the records in Part III.C.8.b above and a copy of the Notice of Termination (after it is prepared).
- d. When a permit is transferred, the original permittee must maintain the records in Part III.C.8.b above that document the permit activity up to the date of transfer. The original permittee must maintain those records for three (3) years from the date of transfer. Both the original permittee and the new permittee must maintain a copy of the Transfer of Authorization document.
- e. The permittee must ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity. If the Department requires monitoring at a site covered by this permit, the permittee must use monitoring procedures that are sufficiently sensitive to meet an imposed limit, in accordance with federal regulations at 40 CFR 122.44(i)(1)(iv). Records of monitoring information must include:
  - i. the date, exact place, and time of sampling or measurements;
  - ii. the individual(s) who performed the sampling or measurements;
  - iii. the date(s) analyses were performed;

- iv. the individual(s) who performed the analyses;
  - v. the analytical techniques or methods used;
  - vi. the results of such analyses; and
  - vii. all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation.
- f. Reporting Requirements. You must provide, upon request by the Department, the information maintained in accordance with Part III.C.8 either by email when directed by the Department to send electronically or to:

The Maryland Department of the Environment  
Water and Science Administration  
Compliance Program  
1800 Washington Blvd, Ste 420  
Baltimore, Maryland 21230-1708

## **D. Corrective Actions**

### **1. Conditions Triggering Corrective Action.**

You must take corrective action to address any of the following conditions identified at your site:

- a. A stormwater control needs repair or replacement (beyond routine maintenance required under Part III.A.1.d);
- b. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
- c. Your discharges are causing an exceedance of applicable water quality standards;
- d. A prohibited discharge has occurred (see Part I.D);
- e. During discharge from site dewatering activities the daily maximum of your turbidity monitoring results exceeds the 150 NTU benchmark; or
- f. Indications exist of significant amounts of sediment discharging such as:
  - i. Earth slides or mud flows;
  - ii. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
  - iii. Turbid flows of stormwater that are not filtered, settled or otherwise treated to reduce turbidity;
  - iv. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or catch basins that discharge directly to surface waters;
  - v. Deposits of sediment from the construction site on public or private streets outside of the permitted construction activity;
  - vi. Deposits of sediment from the construction site on any adjacent property outside of the permitted construction activity; or
  - vii. Discharges from the construction site to municipal conveyances, curbs and gutters, or streams running through or along the site where visual observations show that the discharges differ from ambient conditions in terms of turbidity so as to indicate significant amounts of sediment present in them.

### **2. Corrective Action Deadlines (except dewatering)**

If the permittee observes any of the triggering events (except e) described in Section III.D.1 above, or if any person informs the enforcement authority or the Department of a triggering event and the enforcement authority or the Department informs the permittee that one or more of the triggering events was verified, the permittee must undertake the following actions and record the dates and results of these actions in an on-site logbook, a SWPPP or electronically accessible through your environmental reporting system.

- a. Within one business day the permittee must inspect E&SC practices to verify compliance with its approved Plans. Any deficiencies, including; failure to follow the approved sequence of construction; failure to maintain approved buffers; grading beyond the limit of disturbance; or any approved E&SCs found to be missing, improperly installed or in need of maintenance must

be corrected immediately and may be considered to be a violation of this permit until such time that they are corrected.

- b. If the permittee believes the site to be in compliance with its approved Plans, the permittee must, by the next business day, contact the Compliance Program of the Water and Science Administration in the Department, the enforcement authority for the site (if it is not the Department), and the appropriate approval authority for E&SC and inform the authorities about the conditions observed during the inspection cited above. In addition to any requirements imposed by the delegated enforcement authority or the Department, the permittee must, after notifying the enforcement authority, implement any of the following that are determined to be appropriate towards the prevention of further triggering events:
  - i. Any change that may be approved in the field by the inspector for the enforcement authority for the site;
  - ii. Modifications to the Plans allowed as field modifications by the approval authority;
  - iii. Performing temporary or permanent seeding of disturbed areas more frequently than required by the approved Plan or regulation; or
  - iv. Increasing buffer distances.

The permittee must implement any changes needed based on the above review within four days after the triggering event is observed.

- c. If the permittee identifies additional triggering events, the permittee must determine if the E&SC plan and SWM plan are adequate or if an update to a SWPPP is required to prevent further triggering events, including any necessary on-site practices or plan modifications. Within three days of the observation of a second triggering event, the permittee must contact the Compliance Program of the Water and Science Administration in the Department, the enforcement authority for the site (if it is not the Department), and the approval authority for the Plans and advise them that:
  - i. The permittee observed a triggering event;
  - ii. If the E&SCs were properly installed and maintained, the event nevertheless happened; and
  - iii. The permittee is reviewing plans and will afford the approval authority the opportunity to concurrently review them.

The permittee must begin reviewing these plans within three days of the triggering event, submit revised plans to the approval authority no later than 14 days after the observation of a second triggering event and begin implementation of the changes to the revised Plans immediately upon approval from the approval authority.

### **3. Corrective Action Report**

For each corrective action taken in accordance with this Part 2 above or Part 4 below, you must complete a report in accordance with the following requirements:

- a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b. Within 24 hours of completing the corrective action (in accordance with the deadlines in Part III.D.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.
- c. Each corrective action report must be signed in accordance with Part II.A.7 of this permit.
- d. You must keep a copy of all corrective action reports at the site, at an easily accessible location or electronically accessible through your environmental reporting system, so that it can be made available at the time of an on-site inspection or upon request by the Department.
- e. You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

### **4. Corrective Action Required by the Department**

You must comply with any corrective actions required by the Department as a result of permit violations found during an inspection provided under Part IV.D.

### **5. Corrective Action Deadlines (for dewatering)**

If the permittee observes any of the dewatering triggering events described in Section III.D.1e above, you must:

- a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account;
- b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and
- c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

## **E. Staff Training Requirements**

Each operator, or group of multiple operators, must assemble a “stormwater team” to carry out compliance activities associated with the requirements in this permit. At least one of the team members must be a qualified person who holds a valid certificate of attendance at a training program in accordance with Environment Article § 4-104 and must be on site at a frequency and duration sufficient to ensure compliance with the requirements of the permit and SWPPP (if applicable) and E&SC Plan.

### **1. Prior to the commencement of construction activities,**

You must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- a. Personnel who are responsible for the compliance with the design, installation, maintenance, or repair of stormwater controls (including pollution prevention controls);
- b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c. Personnel who are responsible for conducting inspections as required in Part III.C.1; and
- d. Personnel who are responsible for taking corrective actions as required in Part III.D.

### **2. Regarding subcontractors or outside service providers,**

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

### **3. Specific training related to scope of jobs,**

At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
- b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c. The proper procedures to follow with respect to the permit’s pollution prevention requirements; and
- d. When and how to conduct inspections, record applicable findings, and take corrective actions.

### **4. Easy access to documents,**

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

## **F. Stormwater Pollution Prevention Plan (SWPPP)**

### **1. General Requirements**

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part III.F prior to their submittal of the NOI, if any of the following criteria apply at your site:

- a. The use of Chemical Additives or Polymers for Sediment Control,

- b. Construction activity which includes disturbing material or soils with known contamination by toxic or hazardous substances (Part I.D.6 and Part III.B.3), dewatering requiring turbidity benchmarks (Part III.B.4) or the Department notifies you to install additional controls to meet water quality standards (Part III.B.1),
- c. The implementation of controls associated with any of the pollution prevention activities referenced in Part III.A.3 (except projects less than 5 acres solely based on either building materials (including gravel or aggregate) present on-site, fertilizer required for revegetation or concrete washout),
- d. The sharing of permit-related functions between and among operators on the same site, or
- e. Where coverage under this permit is required but either E&SC, SWM plan requirements, or both are exempt under Title 4.

The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts III.A and III.B.

Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to implement any measures necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not compromise any other operators' controls or any shared controls. The SWPPP must be kept up-to-date throughout coverage under this permit.

## 2. SWPPP Contents

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit. In cases where the information in paragraphs a – k below is contained in your approved E&SC plan, you may refer to that plan instead to avoid duplicate information.

- a. All Site Operators. Include a list (either maintain one yourself or reference a group list maintained by the main developer) of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.
- b. Stormwater Team. Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections. Include documentation that the required personnel were, or will be, trained in accordance with Part III.E.
- c. Nature of Construction Activities. Include the following:
  - i. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
  - ii. The size of the property (in acres or length in miles if a linear construction site);
  - iii. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
  - iv. A description of any on-site and off-site construction support activity areas covered by this permit (see Part I.C.1.c);
  - v. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
  - vi. A description and projected schedule for the following:
    - Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
    - Temporary or permanent cessation of construction activities in each portion of the site;
    - Temporary or final stabilization of exposed areas for each portion of the site; and
    - Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

- If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meet these dates. When departures from initial projections are necessary, this should be documented in the SWPPP, the E&SC, or in associated records, as appropriate.
  - vii. A list and description of all pollutant-generating activities on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
  - viii. Business days and hours for the project;
  - ix. If you are conducting construction activities in response to a public emergency (see Part I.F.1), a description of the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and a description of the construction necessary to reestablish affected public services.
- d. Site Map. Include a legible map, or series of maps (which may include reference to your E&SC map), showing the following features of the site:
- i. Boundaries of the property (or right-of-way for linear utility projects);
  - ii. Locations where construction activities will occur, including:
    - Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
    - Approximate slopes before and after major grading activities (note any steep slopes as defined in Appendix A);
    - Locations where sediment, soil, or other construction materials will be stockpiled;
    - Any crossings over Waters of this State;
    - Designated points where vehicles will exit onto paved roads;
    - Locations of structures and other impervious surfaces upon completion of construction; and
    - Locations of on-site and off-site construction support activity areas covered by this permit (see Part I.C.1.c).
  - iii. Locations of all Waters of this State to which the site discharges and one mile downstream of the site’s discharge points. Also identify if any are listed as impaired, or are identified as a Tier II water;
  - iv. Areas of State-listed critical habitat within the site or at discharge locations;
  - v. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
  - vi. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
  - vii. Stormwater and authorized non-stormwater discharge locations, including:
    - Locations where stormwater or authorized non-stormwater will be discharged to storm drain inlets; and
    - Locations where stormwater or authorized non-stormwater will be discharged directly to Waters of this State.
  - viii. Locations of all potential pollutant-generating activities identified in Part III.F.2.c.vii;
  - ix. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
  - x. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.
- e. Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part I.C.2 that will or may occur.
- f. Description of Stormwater Controls.
- i. For each of the Part III.A.2 E&SC effluent limits, Part III.A.3 pollution prevention effluent limits, and Part III.A.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

- A description of the specific control(s) to be implemented to meet the effluent limit;
  - Any applicable stormwater control design specifications (including references to any manufacturer specifications, E&SC manuals, or ordinances relied upon, and any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP);
  - Routine stormwater control maintenance specifications; and
  - The projected schedule for stormwater control installation/implementation.
- ii. You must also include any of the following additional information as applicable;
- Natural buffers or equivalent sediment controls (see Part III.A). You must include the following:
    - The compliance alternative to be implemented;
    - If complying with alternative 2, the width of natural buffer retained;
    - If complying with alternative 2, the E&SC(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
    - For “linear construction sites” where it is infeasible to implement compliance alternative 1, or 2, a rationale for this determination, and a description of any buffer width retained, supplemental E&SCs installed, or both; and
    - A description of any disturbances that have been exempted from these requirements by the approval authority that occur within Stream Protection Zones.
  - Perimeter controls for a “linear construction site” (see Part III.A.2.e). For areas where perimeter controls are not feasible, include documentation to support this assessment and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities. Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part III.A.2.e.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.
  - Sediment track-out controls (see Parts III.A.2.h.ii and III.A.2.h.iii). Document the specific stabilization techniques or controls that will be implemented to remove sediment prior to vehicle exit.
  - Treatment chemicals (see Part III.A.2.m). You must include the following:
    - A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction or updated as you learn more about site conditions;
    - A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
    - If the Department authorized you to use cationic chemical additives for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic chemical additives will not lead to an exceedance of water quality standards;
    - The dosage of all treatment chemicals to be used at the site and the methodology to be used to determine dosage;
    - Information from any applicable Safety Data Sheet (SDS);
    - Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
    - A description of how chemicals will be stored consistent with Part III.A.2.m.vi;
    - References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer’s specifications regarding the use of your specific treatment chemicals or chemical treatment systems; and
    - A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.
  - Stabilization measures (see Part III.A.2.f). You must include the following:

- The specific vegetative or non-vegetative practices that will be used;
    - The stabilization deadline that will be met in accordance with Part III.A.2.f;
    - If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.
  - Spill prevention and response procedures (see Part I.D.5 and Part III.A.3.c.iv). You must include the following:
    - Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
    - Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part III.A.3.f. and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period (see Part III.A.3.f). Contact information must be in locations that are readily accessible and available to all employees. You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.
  - Waste management procedures (see Part III.A.3.c). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.
  - Application of fertilizers (see Part III.A.3.e). Document any departures from the manufacturer specifications where appropriate.
- g. Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part III.A.1.d, Part III.C, and Part III.D of this permit. Also include:
- i. The inspection schedule you will follow, which is based on whether your site is subject to Part III.C.2 or Part III.C.3, or whether your site qualifies for any of the reduced inspection frequencies in Part III.C.4;
  - ii. If you will be conducting inspections in accordance with the inspection schedule in Part III.C.2, or Part III.C.3, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data; and
  - iii. Any maintenance or inspection checklists or other forms that will be used.
- h. Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part III.B.4 turbidity benchmark monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to the Department and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. Include in your procedures a log (Part III.B.4.d) of turbidity monitoring equipment calibration and daily measurements of turbidity.
- i. Compliance with Other Requirements.
- i. Threatened and Endangered Species Protection. Include documentation required in Part III.A.2.n supporting your eligibility with regard to the protection of State threatened and endangered species and/or designated critical habitat.

- ii. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls. If you are using any of the following stormwater controls at your site, document any contact you have had with the Department for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR 144 -147. Such controls would generally be considered Class V UIC wells:
  - Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
  - Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
  - Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).
- j. SWPPP Certification. You must sign and date your SWPPP in accordance with Part II.A.8.
- k. Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:
  - i. Any correspondence exchanged between you and the Department related to coverage under this permit;
  - ii. A copy of the acknowledgment letter you receive from the Department assigning your NPDES ID (i.e., permit authorization number);
  - iii. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

**3. On-site Availability of your SWPPP**

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by the Department, the EPA, the local approval agency, or the operator of a storm sewer system receiving discharges from the site. The Department may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from the Department. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

**4. SWPPP Modifications**

- a. You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:
  - i. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part III.D. You do not need to modify your SWPPP if the estimated dates in Part III.F.2.vi change during the course of construction;
  - ii. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - iii. If inspections or investigations by the Department or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
  - iv. Where the Department determines it is necessary to install or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
    - A copy of any correspondence describing such measures and requirements; and
    - A description of the controls that will be used to meet such requirements.
  - v. To reflect any revisions to applicable federal, state, or local requirements that affect the stormwater controls implemented at the site; and
  - vi. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

- b. You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part III.F.2.j above) and a brief summary of all changes.
- c. All modifications made to the SWPPP consistent with Part III.F.4 must be authorized by a person identified in II.A.8.
- d. Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

#### **Part IV. STANDARD PERMIT CONDITIONS**

##### **A. Duty to Comply**

You must comply at all times with the terms and conditions of this permit; the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland; and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part IV (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part III.D.

##### **B. Property Rights.**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

##### **C. Water Construction and Obstruction**

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any Waters of this State, unless otherwise authorized by the appropriate State and/or Federal Agency.

##### **D. Right of Entry**

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharge's source is located or where any records are required to be kept under the terms and conditions of this permit;
2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. sample, at reasonable times, any discharge of pollutants; and
6. take photographs (which may require direction for reasons of national security).

##### **E. Duty to Provide Information.**

You must provide 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 to the Department. You must also provide copies of records required to be kept by this permit to the Department, upon request.

##### **F. Availability of Reports**

Except for data determined to be confidential under the Maryland Public Information Act or Section 308 of the Clean Water Act implemented in 33 U.S.C. § 1318, all submitted data, plans or reports prepared pursuant to this permit, including self-inspection information, must be available for public

inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

**G. Submitting Additional or Corrected Information**

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other approved plans or report to the Department, you must submit the facts or information to the Department within 30 days.

**H. Removed Substances**

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting Waters of this State.

**I. Toxic Pollutants**

You must comply with effluent standards or prohibitions for toxic pollutants established under the Federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. You must be in compliance 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.

**J. Oil and Hazardous Substances Prohibited**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you 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.

**K. Proper Operation and Maintenance.**

The permittee must at all times properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the installation and operation of backup, auxiliary, or similar systems or controls, by a permittee when necessary to achieve compliance with the conditions of the permit.

**L. Bypass**

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's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification must 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.

**M. Upset**

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 within 24-hours of becoming aware of the upset in accordance with the reporting requirements of Corrective Actions above;
4. the permittee submitted, within five (5) 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.

**N. Need to Halt or Reduce Activity Not a Defense.**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

**O. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any adverse impact to Waters of this State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**P. Permit Actions.**

Authorization under this permit may be modified, revoked and reissued, or terminated for cause. At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may require the owner or operator of such discharge to obtain an individual permit or alternative general permit coverage. A request by the permittee for a modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not suspend the permittee's obligation to comply with all permit conditions.

**Q. Severability.**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**R. Reopener Clause for Permits**

This permit may be modified, or alternatively, revoked and reissued, 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, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation 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 section, must also contain any other requirements of the Act then applicable.

**S. Civil and Criminal Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 309 of the CWA, with Title 9 of the Environment Article, Annotated Code of Maryland, any applicable State or Federal law, or regulation under authority preserved by section 510 of the CWA.

**T. Action on Violations**

The issuance or reissuance 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.

**U. Civil Penalties for Violations of Permit Conditions.**

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

**V. Criminal Penalties for Violations of Permit Conditions.**

In addition to the 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 Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 311(b)(3), 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 Act, 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 year, or both; In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both;
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 311(b)(3), 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 Act, 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 years, or both; in the case of a second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both;
3. Any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 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 Act, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both; in the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both; an organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 for a first violation and up to \$2,000,000 for second or subsequent convictions;
4. Any person who: falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

**W. Administrative Penalties for Violations of Permit Conditions.**

In addition to administrative penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

1. Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500).
2. Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended

by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$187,500).

**Part V. 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 May 15, 1989, EPA and Maryland entered into a superseding Memorandum of Agreement for such discharges. 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 an NPDES general discharge permit.

*D. Lee Currey*

[D. Lee Currey \(Dec 27, 2022 14:43 EST\)](#)

D. Lee Currey, Director

Water and Science Administration

Dec 27, 2022