MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101 • www.mde.maryland.gov

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Secretary

STATE DISCHARGE PERMIT NUMBER	11-DP-3749	NPDES PERMIT NUMBER	MD0071226
EFFECTIVE DATE	February 21, 2014	EXPIRATION DATE	February 20, 2019
MODIFICATION DATE:	N/A	REAPPLICATION DATE	February 20, 2018

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment, hereinafter referred to as the "Department," hereby authorizes

Northeast Maryland Waste Disposal Authority
100 South Charles Street, Tower II, Suite 402
Baltimore, Maryland 21201

TO DISCHARGE FROM

the Frederick/Carroll County Renewable Waste to Energy Facility

LOCATED AT

4548 Metropolitan Court, Frederick, Frederick County, Maryland 21701

VIA OUTFALL

001 as identified and described herein and from facility areas identified in the storm water pollution prevention plan referenced herein

TO

the Potomac and Monocacy rivers which are protected for (Use I-P) water contact recreation, fishing, aquatic life, wildlife and public water supply in accordance with the following special and general conditions and maps made a part hereof.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge to the Potomac River noncontact cooling water via Outfall 001 (Maryland Coordinates 662.9 E and 516.1 N).

As specified below, such discharge shall be limited and monitored by the permittee at or before the point of discharge to the Frederick County sewer.

PARAMETER	QUANTITY OR LOADING				QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	ANNUAL MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow (incoming)	Report	Report		MGD					3/Week	Measured	
Flow (discharge)	Report	Report		MGD					3/Week	Measured	
Total Residual Chlorine (or Bromine)							<0.1	mg/l	1/Week	Grab	(1)
Temperature Difference							0	°F	1/Week	Calculated	(2)
Total Copper							Report	mg/l	1/Quarter	Grab	(3)
Dissolved Copper							Report	mg/l	1/Quarter	Grab	(3)
Total Zinc							Report	mg/l	1/Quarter	Grab	(3)
Dissolved Zinc							Report	mg/l	1/Quarter	Grab	(3)
Total Mercury							Report	mg/l	1/Quarter	Grab	(3)
Dissolved Mercury							Report	mg/l	1/Quarter	Grab	(3)
Total Suspended Solids	Report	Report		lbs/day		30	45	mg/l	3/Week	24-Hour Composite	
Nitrogen, Total (as N) (Daily)	Report	Report		lbs/day		Report	Report	mg/l	3/Week	24-Hour Composite	(5)
Phosphorus, Total (as P) (Daily)	Report	Report		lbs/day		Report	Report	mg/l	3/Week	24-Hour Composite	
Nitrogen, Total (as N) (Calendar Year)	Report		0 (Net)	See Note (4)					1/Month	Calculated	(4)(5)
Phosphorus, Total (as P) (Calendar Year)	Report		0 (Net)	See Note (4)					1/Month	Calculated	(4)
pH					6.0		9.0		1/Week	Grab	

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge.

The effluent limitations and monitoring requirements are based on an annual average flow of 400,000 gallons per day (gpd). In accordance with General Condition B.1, the Department must be notified at least 180 days before the annual average flow is expected to exceed this level. This requirement is not a flow limit.

The discharge of wastewater from the cleaning of the cooling water system with acids, solvents, or detergents is prohibited. If caustic inorganic cleaners or chlorine shock treatment are used, the permittee shall monitor the discharge for pH and total residual chlorine during those periods of discharge in addition to the periodic monitoring of the routine discharge specified in the table in this section.

(1) The minimum level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below this minimum level as "<0.10 mg/l". All results reported below the minimum level shall be considered in compliance.

(2) The discharge shall not cause the temperature of the receiving waters, beyond a mixing zone, to exceed 90 ^{o}F or to exceed the ambient stream temperature, whichever is higher. A mixing zone extending no greater than 50 feet radially from the point of discharge is allowed. The mixing zone may not form a thermal barrier to aquatic life.

"Temperature Difference" is a calculated value, arrived at by subtracting the ambient receiving water temperature or 90 ^{o}F, whichever is higher, from the effluent temperature or the temperature of the receiving water at the edge of a mixing zone, whichever is lower. If the temperature of the effluent is equal to or less than 90 ^{o}F, the only temperature measurement necessary to calculate the "temperature difference" shall be one measured at the point of discharge to State Waters or at a representative internal monitoring point. A positive "temperature difference" shall be entered as ">0" and shall be reported as a noncompliance.

The permittee shall maintain a record of all temperature measurements and their location, to be submitted as an addendum to each discharge monitoring report. All temperature measurement shall be done by immersion stabilization. Monitoring required only during the months of May, June, July, August, September, and October.

(3) Results reported as below detection will not be accepted unless the test method with the lowest method detection level in 40 CFR 136 is used. An alternate test method may be substituted as long as the Department concurs that its detection level is less than the applicable Toxic Substance Criteria in COMAR 26.08.02.03 or the permittee demonstrates to the Department that a lower detection level is not practically achievable for this wastewater. Sample preservation procedures, container materials, and maximum allowable holding times must be specified in any application to the Department for use of an alternate test method(s). Written approval from the Department must be given before any alternate test method(s) is used. The integrity of all testing shall be ensured by following all sample preservation procedures, container materials, and maximum allowable holding times for the test method(s) specified. If a variance from the prescribed preservation techniques, container materials, and maximum holding times applicable is requested sufficient data shall be provided in the application to the Department to assure the integrity of the sample.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

(4) The load limits are in conformance with the Chesapeake Bay Total Maximum Daily Load (TMDL) for Nitrogen and Phosphorus established on December 29, 2010 by the United States Environmental Protection Agency.

The permittee shall report in the "Monthly Average" column the Monthly Loading Rate, in units of lbs per month. It is calculated by multiplying the gross monthly average loading (in lbs per day) times the number of days of discharge in the month. Thus the Monthly Loading Rate is given by the following equation:

Monthly Loading Rate (lbs/month) =

Monthly Average Concentration $_{DISCHARGE}$ (mg/l) X [Monthly Average Flow $_{DISCHARGE}$ (MGD) X 8.34 X # of Days of Discharge in the Month

For Nitrogen and Phosphorus the Calendar Year limitation is an Annual Maximum Loading Rate. The limitation is a net limit, to be reported in units of pounds per year. It is a calculated by summing the Monthly Loading Rates from January through December of the current calendar year and subtracting (netting out) the load received from the Ballenger-McKinney Wastewater Treatment Plant (WWTP), currently state number 09DP0809 and NPDES number MD0021822). For calculation of incoming load, the permittee may use that day's effluent monitoring results from the WWTP. Negative values (i.e. incoming load exceeds outgoing load) are valid and shall be used in calculating annual total. Thus the Annual Maximum Loading Rate is given by the following equation:

Annual Maximum Loading Rate $_{NET}$ (lbs/year) = Annual Year-to-Date sum of Monthly Loading Rates $_{NET}$, where the

Monthly Loading Rate $_{NET}$ for any particular month = Monthly Loading Rate $_{DISCHARGE}$ (lbs/month) - WWTP Monthly Loading Rate (lbs/month), and where the

WWTP Monthly Loading Rate (lbs/month) = Monthly Average Concentration$_{WWTP}$ (mg/l) X [Monthly Average Flow$_{INCOMING}$(MGD) X 8.34 X # of Days of Incoming Flow in the Month

At the end of each calendar year the limit is in effect, the permittee shall report and comply with the load limit. The details and results of the required annual calculations shall be submitted to the Water Management Administration Compliance Program with the Discharge Monitoring Report for the 4th calendar quarter.

The first exceedance of the permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31. The number of days of exceedance may be determined based on the ratio of the total loading exceedance to the average daily loading (discharged) in the reporting period. After any exceedance, the permittee shall demonstrate to the Department's satisfaction that the facility is optimizing its compliance capability for nutrients, and neither the arrival of the next calendar year nor the issuance of a permit renewal during a period of noncompliance shall obviate continuance of any noncompliance status related to optimization requirements.

(5) Total nitrogen is defined as the sum of total Kjeldahl nitrogen and (nitrite and nitrate) nitrogen. Individual concentrations of each constituent shall also be reported. Testing for all forms of nitrogen must be performed on the same sample.

I. SPECIAL CONDITIONS

B. DEFINITIONS

1. "Ambient temperature" of the effluent receiving stream means the water temperature that is not impacted by a point source discharge, and it shall be measured in areas of the stream representative of typical or average conditions of the stream segment in question.

2. "Annual Maximum Loading Rate (in pounds/year)" limit means the highest allowable total load of a parameter calculated for a calendar year. It is calculated as the sum of the individual Total Monthly Loading Rates from January through December of the current calendar year.

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

4. "Clean Water Act: means the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.

5. "CFR" means the Code of Federal Regulations.

6. "COMAR" means the Code of Maryland Regulations.

7. "Composite sample" means a combination of individual samples obtained at least at hourly intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

8. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/l or other appropriate units as an outcome.

9. "Daily determination of discharge of constituents by mass loading" means a value which is calculated by multiplying the daily determination of concentration times flow in millions of gallons per day times 8.34. This results in a mass loading expressed in pounds per day.

10. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.

11. The "daily maximum" effluent limitation by mass loading means the highest allowable daily determination of discharge of a constituent by mass loading during a 24-hour period.

12. The "daily maximum" temperature means the highest temperature observed during a 24-hour period or, if flows are of shorter duration during the operating day.

13. "Department" means the Maryland Department of the Environment (MDE).

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

15. "Grab sample" means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.

16. "i-s" = immersion stabilization - means a calibrated device immersed in the effluent stream until the reading is stabilized.

17. "Measured flow" means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

18. The "minimum" value means the lowest value measured during a 24-hour period.

19. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.

20. The "monthly, quarterly, semi-annual, or annual average" effluent limitation by mass loading means the highest allowable value calculated by computing the arithmetic mean of all the daily determinations of discharge of a constituent by mass loading made during any calendar month, 3-month, 6-month, or 12-month period, respectively.

21. "NPDES" (National Pollutant Discharge Elimination System)" means the national system for issuing permits as designated by the Clean Water Act.

22. "Outfall" means the location where the effluent is discharged into the receiving waters.

23. "Permittee" means an individual or organization holding the discharge permit issued by the Department.

24. "Sampling Point" means the effluent sampling location in the outfall line(s) downstream from the last addition point or as otherwise specified.

25. "Solvent" is defined as an organic substance capable of dissolving another to form a uniformly dispersed mixture. Organic solvents include, but are not limited to, aromatic hydrocarbons, aliphatic hydrocarbons, esters, ethers, ketones, amines, and nitrated and chlorinated hydrocarbons.

26. "Total monthly loading rate (in pounds/month)" means total load of a parameter calculated for each calendar month. For each calendar month, it is calculated using this formula (monthly average concentration in mg/l x (Total monthly flow in Million Gallons) x 8.34).

27. "TSS (Total Suspended Solids)" means the residue retained on the filter by an analysis done in accordance with Standard Methods or other approved methods.

28. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

29. "Year-to-date Cumulative load (pounds)" means cumulative load of a parameter through the reporting month in a calendar year. It is calculated as a sum of the individual total monthly loads from January through the reporting month in a calendar year.

C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in 40 CFR Part 122.42(a).

D. REMOVED SUBSTANCES

1. Within 30 days after notification by the Department, the permittee shall provide information on the disposal of any removed substances, as defined by General Condition B.7, including the following information:

   a. A suitable map showing all areas used for disposal of removed substances.

   b. The physical, chemical, and biological characteristics, as appropriate; quantities of any removed substances; and the method of disposal.

   c. If disposal is handled by persons other than the permittee, identification of the contractor or subcontractor, their mailing address, and the information specified in a and b above.

2. The Department's notification may also require the permittee to provide the above information prior to the use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

Within 30 days after the effective date of this permit, the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) which is used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of this permit, the permittee shall notify the Department of the new laboratory within 30 days after the change.

F. WASTEWATER OPERATOR CERTIFICATION

Prior to start-up of any treatment facilities for the removal of phosphorus or total suspended solids, the permittee's facility shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. Certification shall be for operation of a Class 2 (for suspended solids control only) or Class 6 (for phosphorus and solids control) industrial wastewater works, unless the Board determines that a different classification is appropriate. At no time after start-up of wastewater treatment shall the treatment facilities be operated for more than two months without a certified operator.

G. FLOW MONITORING

In lieu of providing measured flow (defined in the Special Conditions Definitions section) at Outfall 001 the permittee may estimate flows and submit the following information at the time of submission of the initial discharge monitoring report and/or upon any change in the methodology:

1. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;

2. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided.

3. a description of the factors (e.g., batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE – [Reserved]

I. REAPPLICATION FOR A PERMIT

The Department is implementing a schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the watershed-based schedule, the Department may revoke and reissue this permit concurrently with other permits in the watershed. Unless the Department grants permission for a later date, the permittee shall submit a renewal application by no later than 12 months prior to the expiration date on the first page of this permit, or notify the Department of the intent to cease discharging by the expiration date. In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

J. PERMIT REOPENER FOR TOTAL MAXIMUM DAILY LOAD (TMDL)

This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for this watershed (POTOMAC RIVER FREDERICK COUNTY, 02.14.03.01), including but not limited to: biological indicators.

The terms and conditions of this permit are in conformance with the Chesapeake Bay Total Maximum Daily Load (TMDL) for Sediments, Nitrogen and Phosphorus, approved December 29, 2010. At this time, the permit limits total suspended solids and total phosphorus, but does not introduce limits for total nitrogen. Such limitations are to prevent water quality degradation of the receiving waters and ultimately the Chesapeake Bay. This determination has been based on facility operations and/or discharge characteristics.

To ensure the Chesapeake Bay and its tributaries are protected from discharges of sediments, nitrogen and phosphorus, this permit may be reopened as a major modification to implement any applicable requirements associated with the Chesapeake Bay TMDL. The permittee may become subject to a Department-issued General Permit regarding the discharge of such pollutants.

K. BIOMONITORING PROGRAM

1. Within three months of the effective date of the permit, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity at Outfall 001 by using biomonitoring. The study plan should include at a minimum a discussion of:

   a. wastewater and production variability
   b. sampling & sample handling
   c. source & age of test organisms
   d. source of dilution water
   e. testing procedures/experimental design
   f. data analysis
   g. quality control/quality assurance
   h. report preparation
   i. testing schedule

2. The testing program shall consist of two definitive acute testing events, three months apart. This testing shall be initiated no later than three months following the Department's acceptance of the study plan or, if the facility has not started operations at that time, testing shall be initiated no later than three months following start discharge. Start of testing may be delayed in order to comply with Special Condition K.3, but all testing shall be completed by no later than one year after start of discharge.

   a. Each of the two testing events shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.

   b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination. If possible, sampling shall be limited to effluent generated from five or six cycles of reuse in the cooling system.

4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002.

5. Test results shall be submitted to the Department within one month of completion of each set of tests.

6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.

7. If testing is not performed in accordance with MDE-approved study plan, additional testing shall be required by the Department.

8. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute toxicity, the permittee shall repeat the test within 30 days to confirm the findings of acute toxicity. If acute toxicity is confirmed, the permittee shall:

a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or

b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.

9. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.

10. Submit all Biomonitoring related materials to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard, Suite 420
Baltimore, Maryland 21230-1708

L. TOXICITY REDUCTION EVALUATION

The permittee shall conduct a Toxicity Reduction Evaluation (TRE) when a review of toxicity test data by the Department indicates unacceptable acute or chronic effluent toxicity. A TRE is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement the necessary control measures and then confirm the reduction in toxicity.

1. Within 90 days following notification by the Department that a TRE is required, the permittee shall submit a plan of study and schedule for conducting a TRE. The permittee shall conduct the TRE study consistent with the submitted plan and schedule.

2. This plan should follow the framework presented in Generalized Methods for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070).

3. Beginning 60 days following the date of the Department's acceptance of the TRE study plan and every 60 days thereafter, the permittee shall submit progress reports including all relevant test data to the Department. This shall continue until completion of the toxicity reduction confirmation.

4. Within 60 days following completion of the toxicity identification, or the source identification phase of the TRE, the permittee shall submit to the Department a plan and schedule for implementing those measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. The implementation of these measures shall begin immediately upon submission of this plan.

5. Within 60 days after completing implementation of the control measures to eliminate or reduce toxicity, the permittee shall submit to the Department for approval a study plan to confirm the elimination or reduction of toxicity by using biomonitoring.

6. If, for any reason, the implemented measures do not result in compliance with the Department's toxicity limitations, the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION

The "Chesapeake 2000 Bay Agreement" includes the following goal:

> "Through continual improvement of pollution measures and other voluntary means, strive for zero release of chemical contaminants from point sources, … Particular emphasis shall be placed on achieving elimination… of mixing zones for persistent or bioaccumulative toxics."

To support this goal, the permittee shall strive to meet water quality standards for toxic substances (including COPPER AND ZINC) at the point of discharge through continual improvement of pollution prevention measures and other means. Beginning within 12 months after the effective date of the permit, and continuing annually thereafter, the permittee shall report to the Department on progress towards the elimination of mixing zones for persistent or bioaccumulative toxics.

N. PROTECTION OF WATER QUALITY

It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03 unless the level and the substance were disclosed in writing in the permit application prior to the issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, or if the discharge includes a pollutant that was not disclosed or addressed in the public record for the permit determination, the Department is authorized to modify, suspend or revoke this permit or take enforcement action to address unlawful discharges of pollutants.

O. USE OF CHEMICAL CONDITIONERS IN COOLING WATER

No later than ten days after changing or adding any water treatment chemicals, the permittee shall submit the names of the new products to the Department. Accompanying this list shall be corresponding aquatic toxicity data, manufacturer's information on chemical composition of the product, the concentrations that will exist in the effluent (note: material safety data sheets seldom provide all of this information). Based on this information, if the Department determines that wastewater containing the additive is likely to cause toxicity, use of the additives will be prohibited. The Department, however, will approve its use if the permittee performs biomonitoring of the effluent and demonstrates that the effluent is nontoxic.

P. REUSE OF COOLING WATER BLOWDOWN, BOILER BLOWDOWN, AND REVERSE OSMOSIS BLOWDOWN

The plant shall be designed and operated to use cooling water blowdown, boiler blowdown, and reverse osmosis blowdown for all ash management and any wet air pollution control. The permittee shall use at least 10% of the cooling water blowdown for this use. Prior to start-up, the permittee shall submit to the Industrial and General Permits Division a report describing how this diversion will be verified. Exceptions for emergencies are permitted provided the reason and duration is documented in records available to the Department upon request.

Q. MISCELLANEOUS DISCHARGES

As established in COMAR 26.08.04.08 and issued by the Department's Industrial and General Permits Division, the permittee must obtain coverage prior to commencing discharges authorized by the General Permit for Discharges From Tanks, Pipes, and Other Containment Structures at Facilities other Than Oil Terminals (11HT (NPDES No. MDG67)).

R. START-UP NOTIFICATION

Prior to commencement of discharge, the permittee shall notify Water Management Administration Compliance of the anticipated start-up date.

S. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

1. Storm Water Pollution Prevention Plans - General

The permittee shall have and implement a storm water pollution prevention plan beginning on the effective date of this permit. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility.

In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

a. In developing this plan, the permittee may use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA Document #EPA832-R-92-006) or the "Summary Guidance" (EPA Document #EPA833-R-92-002). These documents can be obtained from the EPA Clearinghouse (phone: 1-800-490-9198) or the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-605-6000).

b. The plan shall be signed in accordance with Part II.C.18 of this permit, and be retained on site in accordance with Part II.C.1 of this permit. The permittee shall make plans available upon request to the Department, and in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

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

d. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which creates a potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water

discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department as described above.

2. Storm Water Pollution Prevention Plan - Contents

The plan shall include, at a minimum, the following items:

a. Each plan shall provide a description of potential sources which may be reasonably expected to add pollutants to storm water discharges. Each plan shall identify all activities and materials which may potentially be significant pollutant sources. Each plan shall include:

i. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and surface water bodies, including drainage ditches and wetlands.

ii. A topographic map (or other map, if a topographic map is unavailable), extending one-quarter of a mile beyond the property boundaries of the facility. The requirements of this condition may be included in the site map required above, if appropriate.

iii. A narrative description of significant materials that have been treated, stored, or disposed in a manner which allowed exposure to storm water at anytime from three years prior to obtaining coverage under this permit until the time the present method of on-site storage or disposal was initiated; materials management practices employed to minimize contact of these materials with storm water runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

iv. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity; and

v. A summary of all existing sampling data describing pollutants in storm water discharges.

b. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

i. A preventive maintenance program that involves timely inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

ii. Good housekeeping that requires the maintenance of a clean, orderly facility.

iii. Spill prevention and response procedures shall be identified in the plan and made known to the appropriate personnel. The necessary equipment to implement a cleanup shall be available to the appropriate personnel.

iv. The plan shall prevent sediment and erosion by identifying areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identifying measures to limit erosion.

v. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see 2.a - description of potential pollutant sources) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

vi. Qualified plant personnel shall be identified to visually inspect designated equipment and plant areas. A site inspection shall be conducted annually by such personnel to verify that the description of potential pollutant sources required under 2.a is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. In particular, material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure shall be used to ensure that each inspection results in an appropriate response.

vii. Spills or other discharge incidents, and information describing the quality and quantity of storm water discharges shall be in the facility records. Maintenance activities shall be documented and recorded with inspection and discharge records. All records shall be maintained at the facility, for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

c. Storm water management programs may include requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by any NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

d. Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

e. The description of the storm water Pollution Prevention Committee shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

f. Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics, such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

3. Storm Water Pollution Prevention Plan - Additional Requirements For Facilities Subject To SARA Title III, Section 313 Requirements

Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 (42 U.S.C. § 11023) are required to include, in addition to the information required above, a discussion of the facility's conformance with the following (appropriate) guidelines:

a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

i. Curbing, culverts, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or

ii. Roofs, covers, liners, or other forms of appropriate protection to prevent storage piles from leaching or exposure to storm water and wind.

b. The storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines.

i. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Liquid storage areas for Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 chemicals by means such as secondary containment for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

ii. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 water priority chemicals by means such as the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler

nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

iii. In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled, piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals, and be composed of materials that are compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided, as appropriate, to control the releases.

iv. Discharges from secondary containment areas.

(a) Drainage from secondary containment shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section 313 water priority chemicals into the drainage system. After a visual inspection of the storm water and determination that no product is present, containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall be of manual, open-and-close design.

(c) Records of the frequency and estimated volume (in gallons) of discharges from containment areas shall be kept at the facility for a minimum of three years.

(d) In lieu of facility drainage engineered as described above, the final discharge of all in-facility storm sewers shall be equipped with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(e) Areas of the facility [those not addressed in paragraphs (a), (b), (c) or (d)], from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals and which could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

c. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge or disrupt treatment. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

d. The storm water pollution prevention plan shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled. Facilities shall include in the plan a description of releases to land or water of SARA Title III water priority chemicals that have occurred at any time after July 1, 1989. Each of the following shall be evaluated for the reasonable potential for contributing

pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged: the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

2. REPORTING-MONITORING RESULTS SUBMITTED QUARTERLY

Monitoring results obtained during the calendar quarter shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). For each effluent characteristic monitored at a frequency of once per month or less and not limited as a monthly average, the results obtained during the reporting period shall be summarized on a single report form for each quarter. More frequently monitored effluent characteristics and effluent characteristics limited as a monthly average shall be reported on a separate form for each calendar month of the reporting period. Results shall be submitted to the Department postmarked no later than the 28th day of the month following the end of the reporting period. Calendar quarter reporting periods end on the last day of the following months: March, June, September and December.

The reports shall be submitted to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

3. SAMPLING AND ANALYSIS METHODS

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

4. DATA RECORDING REQUIREMENTS

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

a. the exact place, date, and time of sampling or measurement;
b. the person(s) who performed the sampling or measurement;

c. the dates and times the analyses were performed;
d. the person(s) who performed the analyses;
e. the analytical techniques or methods used; and
f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

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

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

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

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall report any anticipated facility expansions, production increases, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge except that if the change only affects a listed pollutant and will not violate the effluent limitations specified in this permit, by providing written notice to the Department. Following such notice, the permit may be modified by the Department to include new effluent limitations on those pollutants.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 537-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

a. a description of the non-complying discharge including its impact upon the receiving waters;

b. cause of noncompliance;

c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;

d. steps taken by the permittee to reduce and eliminate the non-complying discharge;

e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and

f. a description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee, are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the 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.

5. BYPASSING

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

a. 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;

b. there are no feasible alternatives;

c. 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 shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and

d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. 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:

a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. 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;

c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;

d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and

e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

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

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,

b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

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

a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;

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

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

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

e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

a. the permittee notifies the Department in writing, of the proposed transfer;

b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and

c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT – [Reserved]

4. AVAILABILITY OF REPORTS

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

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued in whole or in part during its term, in accordance with the provisions set forth in COMAR 26.08.04.10, for causes including, but not limited to, the following:

a. violation of any terms or conditions of this permit;

b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

e. upon a final, unreviewable determination that the permittee lacks, or is in violation, of any federal, state, or local approval necessary to conduct the activities by this permit.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

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

9. CIVIL AND CRIMINAL LIABILITY

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

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

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

11. SEVERABILITY

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

12. WATER CONSTRUCTION AND OBSTRUCTION

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

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

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

15. 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 Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

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

a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the 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 (1) year, or by both.

b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the 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 (3) years, or by both.

c. any person who knowingly violates Section 301, 302, 306, 307, 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 thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more $250,000 or imprisonment of not more than 15 years, or both.

d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than $10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing,

or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

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

a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or

b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

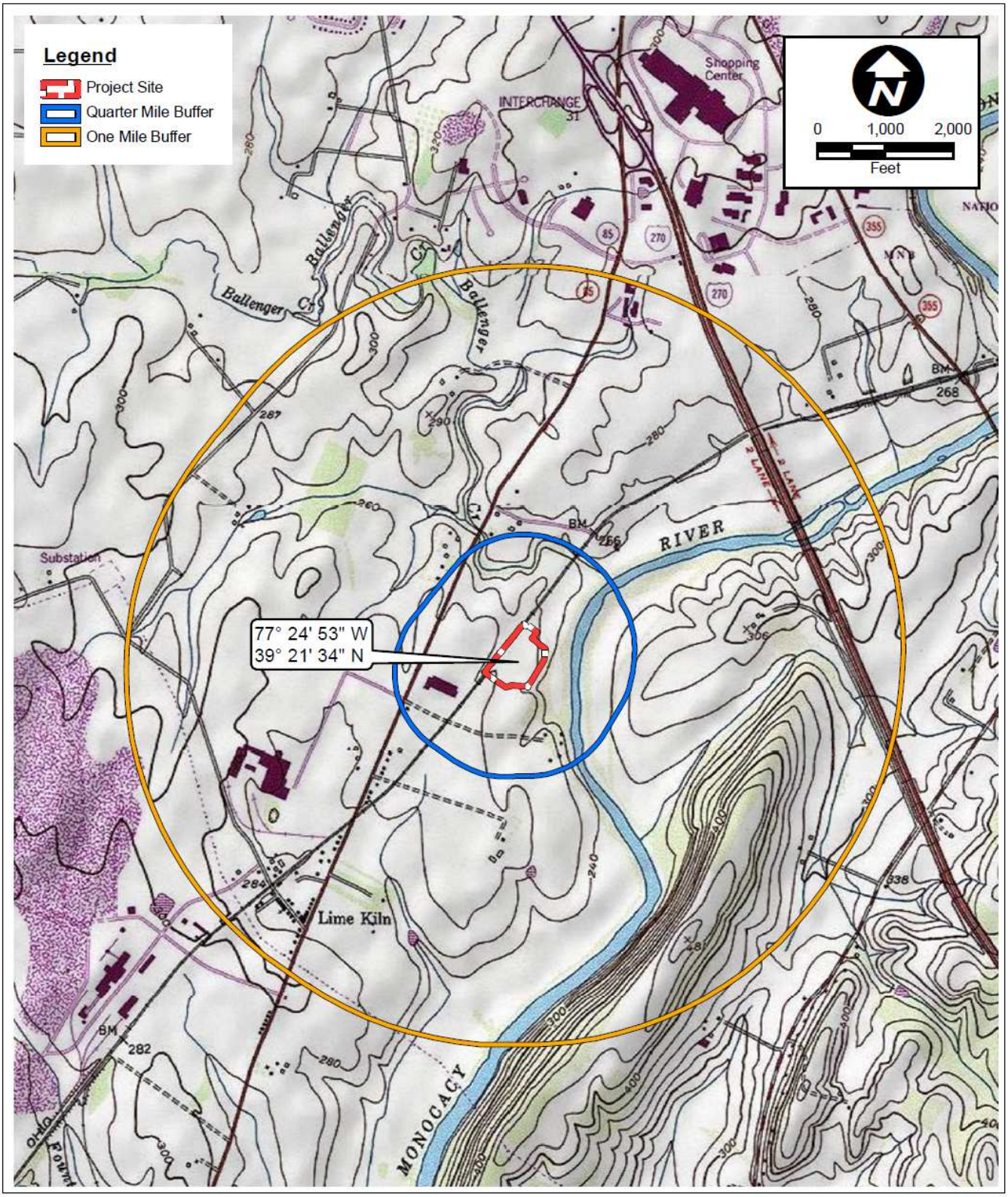
D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the renewal application provisions of this permit.

Jay G. Sakai, Director
Water Management Administration



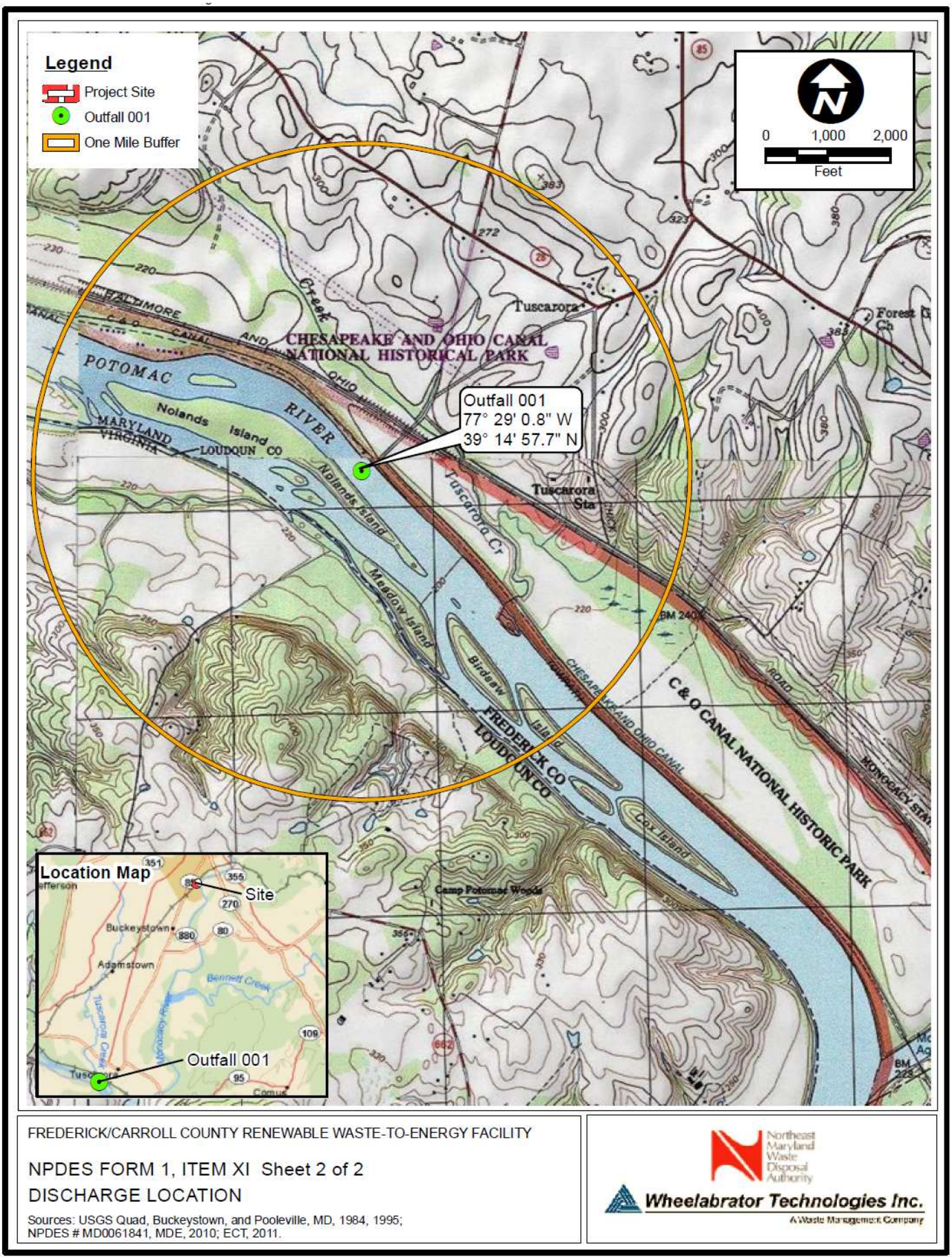
FREDERICK/CARROLL COUNTY RENEWABLE WASTE-TO-ENERGY FACILITY

NPDES FORM 1, ITEM XI Sheet 1 of 2
SITE LOCATION

Sources: USGS Quad, Buckeystown, MD, 1984; ECT, 2011.

Northeast Maryland Waste Disposal Authority

Wheelabrator Technologies Inc.
A Waste Management Company



FREDERICK/CARROLL COUNTY RENEWABLE WASTE-TO-ENERGY FACILITY

NPDES FORM 1, ITEM XI Sheet 2 of 2

DISCHARGE LOCATION

Sources: USGS Quad, Buckeystown, and Pooleville, MD, 1984, 1995; NPDES # MD0061841, MDE, 2010; ECT, 2011.

Northeast Maryland Waste Disposal Authority

Wheelabrator Technologies Inc.
A Waste Management Company