



**GENERAL PERMIT FOR DISCHARGES FROM
SURFACE COAL MINES AND RELATED FACILITIES**

DISCHARGE PERMIT NO. 11-CM

NPDES PERMIT NO. MDG85

Effective Date: May 1, 2014

Expiration Date: April 30, 2019

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PART I. APPLICABILITY

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the CWA (CWA), 33 U.S.C. §1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Maryland Department of the Environment hereinafter referred to as the "Department", hereby authorizes operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department, to discharge wastewater discharges from surface coal mines to waters of the state of Maryland in accordance with the eligibility requirements and other conditions set forth in this permit and consistent with the permittees' NOI on file with the Department.

A. Geographic Coverage

This permit covers discharges to surface or groundwater located within the territorial boundaries of the state of Maryland.

B. Eligible Discharges

This permit covers all new and existing discharges of storm water runoff and ground water seepage to surface waters of this state from surface coal mines, including active mining areas, access roads, coal mine reclamation areas, and associated coal storage and loading areas (tipples). This permit also covers storm water from independent tipples and coal preparation plants. This permit also authorizes discharges from remaining for those who choose to obtain coverage under the terms and limits of this general permit rather than a separate individual permit issued in accordance with COMAR 26.08.03.08.

C. Ineligible Discharges

The following discharges are not authorized under this general permit:

1. Discharges of toxic substances at levels that exceed state water quality criteria for toxic substances;
2. Discharges that elevate the temperature in Use III, III-P, IV, or IV-P waters, as designated in COMAR 26.08.02.03-3;
3. Untreated discharges of acid mine drainage from reclamation areas;
4. Discharges from coal mines commingled with other sources of wastewater, particularly wastes from active underground mines;
5. Discharges of process wastewater other than those from mining; and
6. Discharges from active underground coal mines.
7. Discharge to high quality waters, Tier II waters, or to impaired streams unless the discharges meet the qualifying provisions under Part VII, Paragraphs I, J, and/or L.

D. Contiguous Mines

Any two or more mines operated by the same permittee that are contiguous or are accessed by the same haul road will be considered as a single mine and will be registered under the general permit as a single mine.

E. Individual Permit or Another General Permit Required.

1. If the Department determines that a discharge may cause an in-stream exceedance of water quality standards, the Department may require additional actions, including an application for an individual permit.
2. The Department may require any person authorized by this permit to apply for and obtain an individual state or state/NPDES discharge permit or obtain coverage under another general permit. If an owner or operator fails to submit, in a timely manner, an application for the Department-required individual state or state/NPDES discharge permit or a Notice of Intent (NOI) for another general permit as established by this condition, the applicability of this permit to the owner or operator is automatically terminated. Effective at the end of such day that was specified by the Department for the application or NOI to be submitted this permit is terminated and the permittee's continuance of discharges that are covered by this permit is no longer authorized.
3. Any person authorized by this permit may request to be excluded from coverage under this permit by applying for an individual state or state/NPDES discharge permit or requesting coverage under another general permit. The Department may grant this request by issuing an individual state or a state/NPDES discharge permit or by granting coverage under another general permit, if the reasons cited by the owner or operator are adequate to support the request.
4. When an individual state or state/NPDES discharge permit is issued to a person for discharges otherwise subject to this permit, the applicability of this permit to the permittee is automatically terminated on the effective date of the individual state or state/NPDES discharge permit.
5. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of the discharging facility may be required to obtain an individual state or a state/NPDES discharge permit or coverage under another general permit. Impacts of concern will include impairment of downstream potable water intakes.
6. For persons directed by the Department to obtain an individual permit to achieve water quality protections, if a person otherwise covered under this permit is denied coverage under an individual state or a state/NPDES discharge permit, the denial automatically terminates, on the date of the denial, the person's coverage under this general permit, unless otherwise specified by the Department.
7. The Department shall process an NOI as an application for an individual permit if site specific conditions do not allow registration of the facility under the general permit without compromising water quality. Such circumstances may (or may not) occur when a permittee proposes to discharge to impaired waters, with or without an existing Total Daily Maximum Load (TMDL), or for discharges to high quality waters.

F. Termination of Permit

1. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:
 - a. The NOI contained false or inaccurate information;

permit shall be considered void from the outset. The permittee should save the cancelled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department upon request.

H. Transfer of Authorization

1. The authorization under this permit is not transferable to cover a change in facility location.
2. The authorization under this permit is not transferable to any person except in accordance with this section.
3. Authorization to discharge under this permit may be transferred to another person if:
 - a. The current permittee notifies the Department's Wastewater Permits Program in writing of the proposed transfer along with the submittal of form MDE/WMA/PER.079 (<http://www.mde.maryland.gov/>);
 - b. A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with and liability for the terms and conditions of this permit, is submitted to the Department;
 - c. The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or submits a modified NOI; and
 - d. Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items a through c above, of intent to terminate coverage under this permit.
4. The Department may continue coverage for the new permittee under this permit or may require the new permittee to apply for and obtain an individual state or state/NPDES discharge permit or obtain coverage under another general permit.
5. The new permittee is responsible for any permit fees unpaid by the former permittee.

I. Continuation of an Expired General Permit

The terms and conditions of this permit and authorized permit registrations are automatically continued and remain fully effective and enforceable upon expiration of this permit until the date(s) specified under a reissued general permit unless the permit or authorization is revoked or terminated by the Department. New registrations or modifications of existing registrations are not allowed after the expiration date of this permit.

J. Change in Location

Registration under this permit is specific to a geographic location. If an operation moves, the permittee must submit a Notice of Termination (NOT) MDE/WMA/PER.005 form (<http://www.mde.maryland.gov/>) as stated in Section F, above. They must also apply for coverage at the new location by submitting a new NOI.

PART II. DEFINITIONS

- A. **"Acid or ferruginous mine drainage"** is mine drainage which, prior to treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10.0 mg/l.
- B. **"Active mining area"** means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas. It includes access roads.
- C. **"Best management practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of this State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- D. **"Bypass"** means the intentional diversion of wastes from any portion of a treatment facility.
- E. **"CFR"** means Code of Federal Regulations.
- F. **"COMAR,"** means Code of Maryland Regulations.
- G. **"Department"** means the Maryland Department of the Environment.
- H. **"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, as approved by the Department.
- I. **"Coal preparation Plant"** means a facility where coal is subject to cleaning, concentrating or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.
- J. **"Coal Preparation Plant Associated Areas"** means the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.
- K. **"Coal re-mining"** means a coal mining operation which begins after January 2, 1995 at a site on which coal mining was conducted before August 3, 1977, the effective date of the federal Surface Mining Control and Reclamation Act of 1977
- L. **"CWA"** means the federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted thereunder.
- M. **"General permit"** means a discharge permit issued for a class of dischargers.
- N. **"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.
- O. **"Ground water"** means underground water in a zone of saturation.
- P. **"Impaired water"** means water whose quality does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters:
1. For which TMDLs have been established,
 2. For which existing controls such as permits are expected to resolve the impairment, or for which a TMDL is required.

Impaired waters compilations are also sometimes referred to as 303(d) lists, and are included in [Maryland's most current List of Impaired Surface Waters \[as Category 4 or 5\] \(http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL\)](http://www.mde.maryland.gov/Programs/WaterPrograms/TMDL).

- Q. **"Includes"** or **"including"** means includes or including by way of illustration and not by way of limitation.
- R. **"NetDMR"** is a web application that can be used to enter and submit data required to meet NPDES permit reporting requirements. The Agency (State, Region, Tribal Nation, or EPA headquarters) that issued and manages your permit can tell you whether you can report using NetDMR. After you complete, sign, and submit a DMR, NetDMR creates and stores the Copy of Record (COR) for that DMR. NetDMR then forwards your DMR data to ICIS-NPDES, EPA's central repository for DMR data through EPA's Central Data Exchange. You can retrieve and download your COR at any time using NetDMR.
- S. **"NPDES permit"** means a National Pollutant Discharge Elimination System permit issued under the CWA.
- T. **"NOI"** means Notice of Intent to be covered by this permit (see Part III of this permit).
- U. **"Operator"** means that person or those persons with responsibility for the management and performance of each facility.
- V. **"Permittee"** means the person holding a permit issued by the Department.
- W. **"Person"** means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this State, any county, Municipal Corporation or other political subdivision of this State or any of their units.
- X. **"Post-mining area"** means reclamation area and underground workings of an underground mine after extraction, removal, or recovery from natural deposit has ceased and prior to bond release.
- Y. **"Reclamation area"** means the surface area of a coal mine which has been returned to required contour and on which vegetation, specifically seeding or planting work, has commenced.
- Z. **"Remining"** means abandoned mines and bond forfeiture sites where remining is occurring or other abandoned mines and bond forfeiture sites.
- AA. **"State discharge permit"** means a discharge permit issued according to the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.
- BB. **"Storm water"** means that portion of precipitation, including snow melt runoff, that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, and the retentive capacity of surface features, which flows or will flow off the land by surface runoff to waters of the state. Storm water limited and regulated by this permit is that storm water which has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of the mining operations.
- CC. **"Surface waters"** means all waters of this State that are not ground waters.
- DD. **"Tipple"** means the area where coal is unloaded, loaded, and stored.
- EE. **"Total Maximum Daily Load (TMDL)"** means a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.
- FF. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the

extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

GG. "Wastewater" means any:

1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and
2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics that will pollute any waters of the state.

HH. "Waters of the state" includes:

1. Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this state, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
2. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency.

II. "Water Quality Standard" means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in COMAR 26.08.02 (<http://www.dsd.state.md.us/comar/>).

PART III. NOTICE OF INTENT REQUIREMENTS**A. Registration Requests and Fee Requirements****1. Notice of Intent (NOI)****a. APPLICATION FORM**

Applicants shall complete all required information on this permit's corresponding NOI Form MDE-WMA-PER007 (<http://www.mde.maryland.gov>), including: permittee name, address, electronic-mail (email) address, and telephone number; facility location including address and latitude and longitude; any preexisting NPDES permit number; receiving water body(s) for each outfall/discharge, and discharge type and flow (expressed as gallons per day) for each outfall (or discharge location). Detailed instructions on how to complete the NOI are located on the back of the form. Appendix A of form MDE-WMA-PER007 lists applicable TMDLs associated with surface coal mining regions.

b. SITE DESCRIPTION AND FACILITY PLANS

i.) A site map shall be included with the NOI identifying discharge locations. The map should provide significant points of reference (i.e., road, building etc.) near the discharge location and must identify all surface waters within a quarter mile of the discharge point. All discharge locations shall correspond to those identified on the NOI.

A latitude and longitude must be provided for each discharge point. All locations are to be provided in North American Datum (NAD83), Geographic Projection of Latitude/Longitude in Decimal Degrees.

ii.) The applicant shall provide a line drawing of water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification required in **b.iii**, below. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

iii.) A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including storm water runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms (for example, "distillation tower"). For a privately owned treatment works, this information shall include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated. If any of the discharges described in this paragraph are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for stormwater runoff, spillage or leaks).

2. Permit Fee

- a. Persons who intend to obtain coverage under this general permit shall submit an initial permit fee to the Department with the NOI form, and an annual fee each year thereafter per COMAR 26.08.04.09-1 (D).
- b. Initial fee shall be made payable to the Maryland Department of the Environment and sent along with the completed NOI and site map to:

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

- c. The Department will bill the permittee annually, and the fee shall be paid by the anniversary date of the effective date of the permit each year after the first.
- d. Storm water runoff volume for use in determining the average discharge volume shall be determined by the following method:
- i.) Annual runoff volume

$$(\text{gallons/day}) = \text{Annual rainfall (ft.)} \times \text{drainage Area (ft.)}^2 \times 7.48 \times 0.15$$
- ii.) Average daily runoff volume

$$(\text{gallons/day}) = \frac{\text{Annual storm water runoff volume}}{365}$$
- iii.) As an alternative to this method, the permittee may submit a report to the Department that contains calculations of the daily average storm water runoff volume from the permitted facility. The Department shall have the final decision in determining the acceptability of the alternative method.

B. Deadlines for Notification**1. New Discharges**

At least 60 days prior to the commencement of any new discharge covered under this general permit, a person shall request coverage by submitting a NOI in accordance with the requirements of this PART. The Department will not allow submission of a NOI after the expiration date of this permit.

2. Renewals of General Permit 06-CM

Within 60 days after the effective date of this permit, any permittee currently registered under General Permit 06-CM shall submit to the Department a new NOI and fee in order to obtain coverage under this permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 06CM and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit. Permittees who submit timely notification for continued permit coverage shall operate under the administratively extended permit 06CM until receiving notification from the Department of coverage (or denial of coverage) under the new permit.

3. All Discharges

The Department may bring an enforcement action for failure to submit a NOI in a timely

manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

C. Required Signatures

1. Certification. Any person signing a NOI shall make the following certification as part of the NOI.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Signatories. All permit documents shall be signed as follows:

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

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

- ii.) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- c. For a municipal, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- i.) The chief executive officer of the agency; or

- ii.) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

3. Report Submission

- a. All reports required by permits, and other information requested by the Department shall be signed by a person described in PART III - Section C.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- i.) The authorization is made in writing by a person described in PART III - Section C.2;
 - ii.) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and
 - iii.) The written authorization is submitted to the Department.
- b. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART III - Section C.3(a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

D. Failure to Notify

Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of the state without an individual state or state/NPDES discharge permit, are in violation of the CWA and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. 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, additional or relocated outfalls, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new NOI (<http://www.mde.maryland.gov>) at least 90 days prior to the commencement of the changed discharge. Based on its evaluation of the revised NOI the Department may:

- a. Continue to authorize the discharge under the permittees' current registration; or
- b. Require the permittee to apply for an individual state or state/NPDES discharge permit.

PART IV. SPECIAL CONDITIONS

A. Notification of the Discharge of a Pollutant Not Limited in This Permit

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 the 40 CFR Part 122.42.

B. Effluent Limitations and Monitoring Requirements

1. Active Mining Area Discharges

The permittee is authorized to discharge storm water runoff and ground water seepage from the active mining area; coal remining areas; and, storm water runoff from coal storage, loading areas, and coal preparation plants and associated areas. Except for discharges from reclamation areas and access roads (unassociated with coal preparation plant associated areas), all discharges shall meet the limitations specified below at the point of discharge from the sediment control pond(s):

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION			UNITS	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM			
Flow	REPORT					GPD	2/Month	Estimated
Turbidity (a)				50	100	NTU	2/Month	Grab
Total Iron (a)				3.0	6.0	mg/L	2/Month	Grab
Total Manganese (a, c)				2.0	4.0	mg/L	2/Month	Grab
Total Suspended Solids (a, d)				35	70	mg/L	2/Month	Grab
pH (a, d)			6.0		9.0	s.u.	2/Month	Grab
Settleable Solids (a, d, e, f)					0.5	mL/L	1/quarter	grab (b)
Temperature(g)					(g)	°F	2/month	i-s
Temperature Difference(g)					0	°F	2/month	i-s
Specific Conductance					REPORT	mS/cm	(h)	Grab
Chloride					REPORT	mg/L	(h)	Grab
Sulfates					REPORT	mg/L	(h)	Grab
Metals (see i)					REPORT	mg/L	1/year	Grab
Total Selenium					20	ug/L	(i)	Grab (b)
Bromide					REPORT	mg/l	1/quarter	Grab
Total Dissolved Solids					REPORT	mg/l	1/year	Grab

Notes:

a. Except during a precipitation event equal to or greater than 4.3 inches of precipitation in a 24-hour period in Garrett County or 4.5 inches in a 24-hour period in Allegany County or 4.8 inches in a 24-hour period in Washington County. The permittee shall indicate on the DMR if such a precipitation event occurred, and the magnitude of the event. During a storm of this magnitude, and for four hours thereafter, the permittee need only meet the above pH limitations. The permittee shall maintain a rain gauge on site and record the precipitation on the day of wet weather monitoring in a log that shall be made available for inspection by Department personnel, or shall indicate upon submission of the NOI the name and

location of a weather station within ten miles of the facility from which s/he shall use the recorded rainfall in every instance.

- b. Samples shall be collected when there is a discharge, if possible during or immediately after a storm event that causes a discharge or an increase in the discharge volume, and at least one week apart.
- c. Monitoring and limitation of manganese is only required when wastewater is acid or ferruginous mine drainage. The permittee shall indicate on each monthly monitoring report if a neutralizing agent is being used to treat acid or ferruginous mine drainage. Unless the report specifically states that no such treatment has been used during that month, and that wastewater is not acid or ferruginous, monitoring for manganese will be required.
- d. Any TMDL limits, anti-degradation restraints, or water quality-based limits assigned to a facility shall supersede any limits identified in this permit, see PART VII - Section I for details.
- e. Applies to access roads, discharges from preparation plants, and active mining areas.
- f. The limitation for Settleable Solids is an instantaneous maximum
- g. Temperature Difference” is the calculated value, arrived at by subtracting ambient receiving water temperature or designated water criteria [Use I, I-P, II and II-P: 90°F; Use III and III-P: 68°F; Use IV and IV-P: 75°F], whichever is higher, from the effluent temperature or the temperature of the receiving stream at the edge of a mixing zone, whichever is lower. The allowable mixing zone for temperature in still water is 50 feet radially from the outfall and in flowing water, 50 feet from the discharge point (outfall) in the direction of flow at the time of measurement. If the temperature of the effluent is equal to or less than the [Use] criteria, the only temperature measurement necessary to calculate the “temperature difference” shall be one measured at the point of discharge. Temperature monitoring is required for all discharges from May 15 through September 30 only. Temperature limits do not apply to discharges to groundwater and/or discharges which do not have a direct flow path to a receiving stream. In these conditions the permittee shall report “<0” on the discharge monitoring report. For the purpose of temperature monitoring only, the outfall (point of discharge) to a stream is defined as the point that the effluent enters a stream that carries observable flow that is not solely attributable to the discharge.
- h. Sample shall be taken once per quarter during each calendar quarter of the year with a measurable discharge (not just those during a major precipitation event).
- i. The Department requires a suite of metals to be taken consisting of the following metals using Method ICP/MS for aluminum, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, silver, thallium, and zinc, and Method 1631 for mercury. Metals shall be analyzed and reported as both total and dissolved. Based on the results of these analyses, additional monitoring may be required or an individual State/NPDES discharge permit with metal limitations may be required. Upon notification by the Department only, the permittee may be required to provide, corresponding to parameters listed in the permit, two sets of in-stream sampling results upstream and downstream of the facility, one set representative of seasonal flows in warm weather season and the other set representative of cold weather season.
- j. Once per discharge. After the first four samples are taken and analyzed, frequency is reduced to once per year.

2. Post Mining Reclamation Area discharges

The following requirements become effective 30 calendar days after the permittee notifies the Department, in writing, that alternate limitations for reclamation areas are

appropriate. After Department approval for alternate limitations, the limits apply until bond release. These requirements only apply to outfalls that do not receive any drainage from active mining areas (Section B.1, above). All point source discharges from reclamation areas shall be monitored by the permittee and shall meet the effluent limitations specified below:

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	REPORT	REPORT			gpd	1/quarter	Estimated
Settleable Solids (a, c)				0.5	mL/L	1/quarter	grab (b)
pH (c)			6.0	9.0	s.u.	1/quarter	grab (b)
Temperature (d)				(d)	°F	1/month	i-s
Temperature Difference (d)			0		°F	1/month	i-s

Notes:

- a. Except during a precipitation event equivalent to 4.3 inches of precipitation in a 24-hour period in Garrett County or 4.5 inches in a 24-hour period in Allegany County or 4.8 inches in a 24-hour period in Washington County. The permittee shall indicate on the DMR if such a precipitation event occurred, and the magnitude of the event. The permittee shall maintain a rain gauge on site and record the precipitation on the day of wet weather monitoring in a log that shall be made available for inspection by Department personnel, or shall indicate upon submission of the NOI the name and location of a weather station within ten miles of the facility from which s/he shall use the recorded rainfall in every instance.
- b. During a storm of this magnitude, and for four hours thereafter, the permittee need only meet the above pH limitations.
- c. Samples shall be collected when there is a discharge, if possible during or immediately after a storm event that causes a discharge or an increase in the discharge volume, and at least one week apart.
- d. Any TMDL limits, anti-degradation restraints, or water quality-based limits assigned to a facility shall supersede any limits identified in this permit, see PART VII - Section I for details.
- e. Temperature Difference” is the calculated value, arrived at by subtracting ambient receiving water temperature or designated water criteria [Use I, I-P, II and II-P: 90°F; Use III and III-P: 68°F; Use IV and IV-P: 75°F], whichever is higher, from the effluent temperature or the temperature of the receiving stream at the edge of a mixing zone, whichever is lower. The allowable mixing zone for temperature in still water is 50 feet radially from the outfall and in flowing water, 50 feet from the discharge point (outfall) in the direction of flow at the time of measurement. If the temperature of the effluent is equal to or less than the [Use] criteria, the only temperature measurement necessary to calculate the “temperature difference” shall be one measured at the point of discharge. Temperature monitoring is required for all discharges from May 15 through September 30 only. Temperature limits do not apply to discharges to groundwater and/or discharges which do not have a direct flow path to a receiving

stream. In these conditions the permittee shall report “<0” on the discharge monitoring report.

C. Ground Water Protection

The pH of any pool of standing water within the mining permit area which persists for more than 48 hours after the most recent precipitation shall be kept within the range of 6.0 to 9.0 s.u. at all times. As an alternative to maintaining the water within this pH range, the permittee may submit data proving there is a one-foot-thick layer of material with a permeability less than or equal to 10^{-7} cm/sec on the sides and bottom of the pool or a Department approved synthetic liner. The pH requirement is not waived until the Department has received and approved the permeability data.

D. Other Requirements

1. The permittee is prohibited from using phosphorus or nitrogen compounds to treat wastewater without prior approval from the Department.
2. The permittee is prohibited from using chlorine or chlorine products for the treatment of wastewater that will be discharged from this site.
3. Coverage under this general permit is required until all reclamation bonds have been released by the Maryland Bureau of Mines or the ponds have been reclaimed, whichever comes first.
4. The permittee shall maintain roads accessible by four-wheel-drive vehicles to within 100 feet of each sediment control pond.

E. Storm Water Runoff

All construction and mining activity shall be in accordance with Best Management Practices (BMPs) to control storm water runoff including the conditions of the mining permit issued by the Maryland Department of the Environment and the Sediment and Erosion Control Plan approved by the Soil Conservation District. BMPs shall include treatment requirements, operating and maintenance procedures, prohibitions of activities, and other management practices to control runoff from the haul roads and construction areas so as to prevent or reduce the contribution of pollutants to the waters of this State. The BMPs shall be addressed by completing a storm water pollution prevention plan (SWPPP) which shall be updated as necessary and available on site at all times.

1. Administrative Requirements

- a. The plan shall be signed in accordance with PART III - Section C.2 of this permit, and must be retained on site in accordance with PART VI – Section G of this permit. For new facilities, the plan shall be completed and implemented no later than the date operations begin. For existing facilities or those renewing permit coverage, the permittee shall develop and implement a plan upon the effective date of coverage under this general permit.
- b. The Department may notify the permittee, at any time, that the SWPPP does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification along with the revised plan that the requested changes have been made

and implemented. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.

- c.** The permittee shall keep the SWPPP current, and include the most recent date of the SWPPP on the front page of the plan. The permittee shall amend the plan whenever there is a significant modification to the facility and its potential for discharge of pollutants to the waters of the State. The permittee shall also amend the SWPPP if it proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with their industrial activity. If there is a significant modification to the facility as identified in PART III - Section F, the permittee shall confirm the continued applicability of the existing plan or make needed changes, and submit the confirmation or amendment to the Department.
- d.** Plan retention for inactive sites. If during the term of this permit, a site becomes inactive, the permittee must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP.
- e.** Permittees may be subject to additional requirements and regulations dictated by the Department's Oil Control Division and Emergency Planning and Community Right-to-Know Act (EPCRA) (40 CFR 116). Any requirements listed in this permit which control grease, oil or fuel are to address potential pollutants not governed directly by Oil Pollution Prevention (40 CFR 112), as the handling and storage of fuel and other petroleum products has a potential to cause negative impacts to ground and surface waters of the State.

2. Contents

a. Site Plans and Description

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

b. Pollution Prevention Team

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

c. Employee Training

Employee training programs shall inform personnel, responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management, of the components and goals of the SWPPP. The SWPPP shall identify how often training will take place, but in all cases training must be held at least once per calendar year. As part of the employee training program, address, at a minimum, the following activities (as applicable): used oil management, spill prevention and control, fueling procedures, general good housekeeping practices.

d. Description of Potential Sources

The plan shall provide a description of potential sources that may be reasonably

expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather to waters of the state. Each plan shall identify activities and significant materials that may potentially be significant pollutant sources.

e. Inventory of Exposed Materials

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

f. Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility since three years prior to the date of coverage under this permit. Such list shall be updated as appropriate during the term of the permit. Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

g. Best Management Practices, Measures and Controls

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

- i.) *Good Housekeeping.*** Permittees must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals. The plan must include a schedule for routine yard maintenance and cleanup.
- ii.) *Maintenance.*** Permittees must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. Permittees must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained), and all needed replacement and repair completed as expeditiously as practicable.
- iii.) *Maintenance Activities.*** Maintenance activities must be performed in a manner which controls the exposure and possible contamination of storm water. If

storm water becomes contaminated due to comingling with maintenance activities and has the potential for discharging pollutants to waters of the State, it is the responsibility of the permittee to identify the appropriate measures to treat the contaminated water

- iv.) *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, waste oil) in a protected, secure location away from drains to eliminate the contamination of precipitation or surface runoff from the storage areas.
 - v.) *Material Handling Areas.* The plan must describe measures that prevent or minimize contamination of storm water runoff from material handling areas (i.e., fueling, paint and solvent mixing, etc.).
- h. *Spill Prevention and Response Procedures.* Permittees must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills. In addition to any requirements of [RCRA](#) (42 U.S.C. §6901) , the Departments [Division of Land Management Oil Control Program](#) (<http://www.mde.maryland.gov>), NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of [40 CFR § 112](#)), permittees shall identify in their SWPPP containers that are susceptible to spillage or leakage (i.e., use oil). Verify on a quarterly basis that all containment structures have no leaks/cracks and discharge is properly sealed. Check that plugs are properly affixed and any valve is in working condition and not leaking. The Department shall be notified of any significant (as defined in Part IV.E.2.f) oil spill or leak, via the Maryland Department of the Environment's Emergency Spill Response number at (866) 633-4686. This number is monitored 24-hours a day.
- i. *Additional Requirements for Facilities Subject To SARA Title III, Section 313 Requirements.* Facilities which are subject to SARA Title III, [Section 313](#) (42 U.S.C.11023) reporting requirements shall, in addition to the requirements of this Part, provide additional narrative on the preventive measures used to eliminate the exposure of these chemicals to storm water run-on or run-off. To identify if a facility is subject to this requirement, visit the Maryland Department of the Environment's [Community Right-to-Know website](#) (<http://www.mde.maryland.gov>) for more information. A list of the Section 313 chemicals can be found at the [EPA's LIST OF LISTS Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act \(EPCRA\) and Section 112\(r\) of the Clean Air Act](#) (<http://www.epa.gov>). Additionally, SARA Title III, Section 313 water priority chemicals are often identified on Material Data Safety Sheets (MSDS) as such.

F. Wastewater Operator Certification

Within two months of obtaining coverage under this general permit, the discharge facility shall be operated by a Class 2 or above industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. During the effective period of this permit, the treatment facility shall not be operated without a certified operator for more than 180 accumulative days. For any existing permittee covered under the 06CM permit, operator certification shall be valid at time of registration.

G. Removed Substances

Wastes such as solids, sludge, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in accordance with the Department approved mining and reclamation plan and in a manner so as to prevent any removed substances or runoff from such substances from entering waters of this state.

PART V. MONITORING AND REPORTING**A. Representative Sampling**

1. Required samples and measurements shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.
2. The permittee shall estimate flows and submit the following information with their discharge monitoring report each calendar year:
 - a. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
 - b. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided; and
 - c. a description of the factors (e.g. batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

B. Sampling and Analytical Methods

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

C. Data Recording Requirements

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

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;
3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

D. Monitoring Equipment Maintenance

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

E. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Section F, below.

F. Reporting Monitoring Results

1. All monitoring results obtained by the permittee during each month shall be summarized on a separate DMR form EPA No. 3320-1, as provided with registration under this permit, until such time that the permittee can submit electronically by using NetDMR system. Results shall be submitted quarterly to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter (March, June, September and December), at the addresses below:

a. Maryland Department of the Environment

Mine Compliance
160 Water Street
Frostburg, MD 21532
Attn: DMR

b. Maryland Department of the Environment

WMA - Compliance
1800 Washington Blvd, Ste 425
Baltimore, MD 21230
Attn: DMR

For any calendar quarter in which no discharge is observed, a single monitoring report for the quarter shall be sufficient.

2. By no later than December 31, 2014, permittees shall begin using the NetDMR system for the submission of monitoring data. Before a permittee can use NetDMR they must attend a training Webinar, successfully set-up and submit a DMR electronically, and verify with a paper DMR in the "test environment" then setup an account in the "production environment". After set-up in the production environment the permittee is no longer required to submit a paper DMR to the Department. To learn more about NetDMR, access the site at www.epa.gov/netdmr and register for a NetDMR Webinar.
3. Permittees shall submit the name and address of the laboratory performing analyses within 30 days of registration under this permit. If the permittee changes laboratories during the permit term, the Department shall be notified within 30 days in writing. This information shall be sent to the address listed in Section F.1.b, above.
4. All reports required by this permit, and other information requested by the Department shall be signed by a person described in Part III.D.2 or by a duly authorized representative of that person as described in Part III.D.3.

G. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

E. Noncompliance with Discharge Limits

The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit.

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

Maryland Department of the Environment
Mine Compliance
160 South Water Street
Frostburg, MD 21532
Phone: (301) 689-1440 Fax: (301) 689-6544

2. Within five calendar days thereafter, the permittee shall provide the Department with the following information in writing at the above address:
 - a. A description of the noncompliant discharge, including the date and time of its occurrence and its impact on the receiving water;
 - b. The cause of the noncompliance;
 - c. The anticipated time the cause of the noncompliance is expected to continue, or, if the condition has been corrected, the duration of the period of the noncompliance;
 - d. Steps taken by the permittee to eliminate the noncompliant discharge;
 - e. Steps planned and implemented by the permittee to prevent the recurrence of the noncompliance; and
 - f. A description of the permittee's accelerated or additional monitoring to determine the nature and impact of the noncompliant discharge.
3. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this State or to human health from noncompliance with any effluent limitations specified in this permit.

PART VI. VIOLATION OF PERMIT CONDITIONS

A. Compliance with this General Permit and Water Pollution Abatement Statutes

The permittee shall comply at all times with the terms and conditions of this permit, the provisions of the Environmental Article, Title 7, Subtitle 2, Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the CWA, 33 U.S.C. § 1251 et seq.

B. Civil and Criminal Liability

Except as provided in the permit conditions on "bypassing" and "upset" (PART VII), nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other state law or regulation.

C. Action on Violations

The act to issue or reissue 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 reissuance of this permit, nor a waiver of the

state's right to do so.

D. Civil Penalties for Violations of Permit Conditions

In addition to civil penalties for violations of state water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA or in a permit issued under Section 404 of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule published in the federal register 2009.

E. Criminal Penalties for Violations of Permit Conditions

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

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the CWA, or in a permit issued under Section 404 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person who is an organization shall, upon conviction of violating this Part, be subject to a fine of not more than \$1,000,000.

F. Penalties for Falsification and Tampering

The Environment Article, Section 9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 6 months, or by both. The CWA provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the CWA, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under the CWA, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be

punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

PART VII. GENERAL CONDITIONS

A. Right of Entry

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

1. To 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;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. To sample, at reasonable times, any discharge of pollutants;
6. To install ground water monitoring wells; and
7. To take photographs.

B. Property Rights/Compliance with other Requirements

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

C. Duty to Provide Information

The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information that the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. Other Information

If the permittee becomes aware that incorrect information has been included in the NOI or any other report submitted to the Department, or relevant facts have been omitted from the NOI or any other report to the Department, the permittee shall submit the correct information or facts to the Department with 30 calendar days of becoming aware of the error or omission.

E. Availability of Reports

Except for data determined to be confidential under the Maryland Public Information Act, and Section 308 of the CWA, all submitted data shall be available for public inspection at the Department.

F. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the CWA or under Section 9-314 and Sections 9-322 through 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G. 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 the CWA or under the Annotated Code of Maryland.

H. 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.

I. Water Quality Assessments, Impaired Waters and Total Maximum Daily Loads

Discharges must be controlled as necessary to meet applicable water quality standards in the receiving water body or another water body impacted by the discharge. The Department generally expects that compliance with the other conditions in this permit, including those identified in PART IV - Section B, will control discharges as necessary to meet applicable water quality standards. The Department may impose additional water quality-based limitations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if information in the NOI, in required reports, or from other sources indicates that, after meeting the water quality-based limitations in PART IV - Section B, discharges are not controlled as necessary to meet applicable water quality standards, either in the receiving water body or another water body impacted by the discharge.

1. Discharges to Impaired Waters without an EPA-Approved or Established TMDL

If a permittee discharges to an impaired water without an EPA-approved or established TMDL, the permittee is required to comply with the requirements in this Part VII.I. Note that this provision also applies to situations where the Department determines that discharges are not controlled as necessary to meet water quality standards in another water body, even if the permittees discharge is to a receiving water that is not specifically identified on a section 303(d) list of impaired waters.

2. Discharges to Impaired Waters with an EPA-Approved or Established TMDL

If a permittee discharges to an impaired water with an EPA-approved or Department-established TMDL and the Department informs a permittee that a Waste Load Allocation (WLA) has been established that applies specifically to the permittees discharges or to a specific class of dischargers (i.e. coal mines), such discharges must be consistent with the assumptions and requirements of that WLA. If such a WLA exists, the Department will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions of any available WLA in the TMDL, or whether an individual permit application is necessary in accordance with PART I - Section E. Note that this provision also applies to situations where the Department determines that a permittee's discharges are covered by the WLA in an EPA-approved or established TMDL for another water body, even if the discharge is to a receiving water that is not specifically identified on a section 303(d) list. If an applicable TMDL exists either individually or categorically for a specific

facility or a category of facilities the Department will inform the facility owners/operators of specific requirements.

J. Total Maximum Daily Load (TMDL)

1. In accordance with Maryland's Administrative Procedures Act, this permit may be reopened to implement any additional requirements that will further ensure that waters of the state are protected from discharges of pollutants that lead to impairments, including but not limited to the incorporation of TMDL requirements relevant to discharges authorized by this permit. Appendix "A", which can be found with the NOI Form MDE-WMA-PER007 (<http://www.mde.maryland.gov>), identifies any approved TMDLs relevant as of the date this permit is issued. The Department reserves the right to update Appendix "A" to reflect the list of current TMDL's during the course of the permit's effective dates to allow for actions protective of water quality. When TMDLs for watersheds affected by facilities registered under this permit are approved after the effective date of this permit, limits may be imposed to incorporate any TMDL requirements.
2. Appendix "A" lists each watershed's aggregate waste load allocation (WLA) established for this permit within the respective TMDL relative to the authorized discharges. For all discharges to impaired watersheds with an approved TMDL, the NOI will be reviewed at the time of submittal and, based on the permittee's description of the discharge and the TMDL's WLA, the permittee may be subject to any combination of the following actions:
 - a. meeting more stringent effluent limits than identified in this permit;
 - b. eliminating the discharge;
 - c. modifying the discharge;
 - d. obtaining coverage under an individual discharge permit as identified in PART I - Section F; and/or
 - e. denial of application for coverage under this permit.
3. If a permittee discharges to an impaired water which does not have an approved or established TMDL, the permittee shall monitor once per year at each outfall discharging storm water to the impacted water segment, for the pollutant impairing the water segment (e.g., suspended solids).

K. 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.

L. Antidegradation Review and Status of the Receiving Stream

As outlined in COMAR 26.08.02.04 - Anti-degradation Policy, certain waters of this state possess an existing quality that is better than then water quality standards established for them. The quality of these waters shall be maintained unless: (1) The Department determines a change in quality is justifiable as a result of necessary economic or social development; and (2) The change will not diminish uses made of, or presently existing, in these waters.

Each registration letter identifies the Tier designation of the permitted outfall(s) receiving streams. As such, actions shall be taken by the permittee to uphold the Department's Antidegradation Policy and in accordance with COMAR 26.08.02.04-1 - Antidegradation Policy Implementation Procedures as they may apply. For discharges to a Tier I stream, the Department's review of the application will ensure the registration includes sufficient limits in order to maintain and protect water quality necessary to protect existing uses. For discharges to a Tier II stream: (a) for new or expanding discharges, the Department will review the application to determine whether the applicant may discharge with limits identifies in the permit, require an individual permit application, or require a Tier II Antidegradation Review; (b) for existing discharges the Department will review the application to ensure sufficient limits are intact in order to maintain and protect water quality necessary to protect existing uses.

M. Reopener Clause for Permit

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:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
2. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

PART VIII. FACILITY OPERATION AND MAINTENANCE

A. Facility Operation

The permittee shall maintain in good working order and efficiently operate all systems used or installed and all treatment and control facilities.

B. Bypasses

Any bypass of treatment facilities needed 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 that would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. There are no feasible alternatives;
3. Except under emergency conditions, the permittee notifies the Department ten calendar days in advance of the date of the anticipated bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days;
4. Under emergency conditions, the permittee notifies the Department within 24 hours of becoming aware of the bypass. If the notification is given orally, the permittee shall follow the oral notification with written notification to the Department within five calendar days of the oral notification; and

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

C. 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 notification of upset within 24 hours of becoming aware of an upset. If the notification was given orally, the permittee submitted written notification to the Department within five calendar days following the oral notification;
4. The permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. The permittee complied with any remedial measures required to minimize adverse impact.

D. Power Failure

In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or
2. 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.

PART IX. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the CWA, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the state of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a state of Maryland general discharge permit and an NPDES general discharge permit.



Jay G. Sakai, Director
Water Management Administration