

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

Q&A

May 24, 2023



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



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



•The construction stormwater permit has been required under the Clean Water Act since 1992, for any land disturbance over an acre, or less for common plan of development.

•The latest renewal of the permit, the "**20-CP",** became effective April 1, 2023.

•More than 6,700 projects registered under the 14-GP must continue coverage under the 20-CP by September 30, 2023, otherwise...

ePermits will automatically terminate coverage.

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



Includes clarifications for :

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

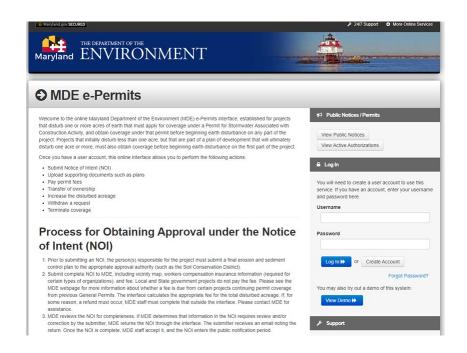


Who Issues Authorizations?

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

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

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



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



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



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

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

1. Chemical Additive or Polymer use

2. Contaminated soil or demolition, **dewatering** activities requiring turbidity monitoring, or the Department notifies you.



3. Pollution prevention activities referenced in Part IIII.A.3 such as fueling and concrete washout

4. Sites with **multiple operators** under a common plan of development or sharing permit-related functions with others

5. Where coverage under this permit is required but E&SC plan is not required under Title 4.



Not meant to replace the approved E&SC plan

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



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



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



COMAR 26.17.01.08:

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

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

Additional Requirements in 20-CP

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

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



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







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