



Maryland
Department of
the Environment

General Discharge Permit Updates: **17-HT, 17-PE, 20-SW, 20-CP**



**MD-DC Utilities Association
2021 Environmental Conference
Thursday, September 30, 2021**

Presented By:
Jonathan Rice and Paul Hlavinka



Agenda

- Overview of Wastewater Permit Program and General Permits
- General Permits Website/WWPP Portal
- 17-HT Permit Update (Hydrostatic Testing, Potable Water, etc.)
- 17-PE Permit Update (Pesticides)
- 20-SW Permit Update (Industrial SW)
- 20-CP Permit Update (Construction SW)



Who Are We?

- MDE → WSA → WWPP → I&GPD/ISPD
- Contact Information
 - Website: <https://mdewwp.page.link/IGPD>
 - Main Phone: (410) 537-3323
 - Email: Paul.Hlavinka@maryland.gov or Jonathan.Rice@maryland.gov



Resources Available to You

Wastewater Permits Interactive Search Portal

Enter or select search values in one or more text box or dropdown search fields below

Please

	Facility Name	Address	City	Zip Code	County	State Num.	NPDES Num.	Status
More Info.	Shuff's Meat Market	12247 Baugher Rd North	Thurmont	21788	Frederick	15DP0680	MD0050245	Issued

Facility Name

Zip Code

County

Results for 15DP0680

View Map	Map of facility
View Report	Final Fact Sheet for 15DP0680
View Report	Permit Application for 15DP0680
View Report	Final Permit for 15DP0680

1 facility found

	Facility Name	Address	City	Zip Code	County	State Num.	NPDES Num.	Status
More Info.	Shuff's Meat Market	12247 Baugher Rd North	Thurmont	21788	Frederick	15DP0680	MD0050245	Issued



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General Permit for Discharges from Tanks, Pipes, Other Liquid Containment Structures, Dewatering Activities, and Groundwater Remediation

**General Discharge Permit Number 17-HT
NPDES Number MDG670000**



What is an HT Permit?

- The “HT” stands for “Hydrostatic Testing”
- The permit has evolved into a “catch all” permit
 - Discharge sources commonly associated with tanks or pipelines (hydrostatic testing, containment, etc)
 - “Clean Water” Discharges (added dewatering)
 - Potable Water Systems/Chlorinated Discharges
 - Added groundwater remediation for organics/pH only
- Oil Terminals are NOT covered (separate permit from OCP)
- <https://mdewwp.page.link/HTGP>



General Info – 17HT

- The 17HT permit became effective on August 1, 2020.
- Deadline for existing 11HT registrants to reapply was February 1, 2021
- If you have not applied to renew your registration or terminate a registration which is no longer needed, please do so ASAP.
- Notices will be mailed out soon for all 11HTs which have not renewed or terminated. This will be followed by referring to WSA Compliance.



New for the 17-HT!

- Reorganization of permit limitations by “Discharge Categories” (modeled after 12-SW)
 - Clarifies applicable requirements for each category
 - Allows easier creation of tailored registration letters
 - Clarifies NetDMR requirements
- Creation of new policy and procedure for chemical additives for sediment control
- Expansion/clarification for PPPs
- Visual monitoring, tiered monitoring, authorization without an NOI for some



Sample Registration Letter

Numeric Requirements

Narrative Requirements

- You are responsible for adherence to all narrative conditions in the permit as applicable (see Permit Part III.C) including: erosion and sediment control, development and maintenance of a Pollution Prevention Plan (PPP), training/use of contractors, and visual monitoring. You must also consider any narrative requirements specific to the Discharge Categories under which you are registered, as outlined in Permit Appendix A. For all narrative conditions which require corrective actions, you must note in your PPP any time a corrective action was required, including the condition which triggered the need and a description of the action(s) taken.

Outfall Identification for NetDMR Reporting

The table below identifies the assigned outfall numbers for each registered outfall which is subject to reporting via NetDMR.

Outfall Number	Discharge Category	Receiving Stream	Class
001	A	Gwynns Falls	I
002	B	Gwynns Falls	I

If you have identified multiple outfalls on your NOI for Discharge Category A or B which are subject to numerical limitations, they have been conglomerated into a single outfall number for reporting purposes. You must collect samples for every applicable discharge event (per the frequency specified in Permit Appendix A) and report the absolute maximum and minimum values collected for each parameter (as applicable) across all samples under the assigned outfall for the appropriate Discharge Category. If there were any exceedances of permit limitations during a reporting quarter, you must report the number of excursions for each parameter in the applicable location on your NetDMR submission. All monitoring results from the individual samples collected during the reporting period shall be attached to your submission in NetDMR and shall also be maintained on site for the entire permit term and made available upon request of Department personnel.



Webpages of Note

- Industrial and General Permits
 - <https://mdewwp.page.link/IGPD>
- Chemical Additives for Sediment Control
 - <https://mdewwp.page.link/MDFlocs>
- Wastewater Permits Search Portal
 - <https://mdewwp.page.link/WWPPortal>



Maryland Department of the Environment

17-PE General Permit Requirements

**General Permit For Discharges FROM THE
APPLICATION OF PESTICIDES (17PE)
(NPDES MDG87)**





Applicability

- This permit covers discharges to Waters of this State from the application of
 - biological pesticides or
 - chemical pesticides that leave a residue (hereinafter collectively “pesticides”), or
 - colorants.



TMP Requirements

- If you currently have an active TMP for a site, that TMP is still valid until the expiration date.
- If you want to continue treatments at this site after this date, and you meet the requirements for needing coverage, you must submit an NOI at least 60 days prior to the expiration date.



Who is required to have coverage?

There are four pesticide use patterns covered by the permit:

- Mosquito and Other Flying Insect Pest Control
- Weed and Algae Control
- Nuisance Animal Control
- Forest Canopy Pest Control

When application area exceeds thresholds of:

- Mosquito or Flying Insect
 - ✓ 1 Acre or more for Larvicide
 - ✓ 6400 Acres or more for Adulticide
- Weed & Algae – 1 Acre or more
- Nuisance Animal – 1 Acre or more
- Forest Canopy – 6400 Acres or more

One main exception to these thresholds is if you are considered an agency for which pest management is considered an integral part of your responsibilities or operations.





Desirable Species

“Desirable Species” means the rare or important species to Maryland as determined by MD DNR, which includes “threatened species”, “endangered species”, “species in need of conservation”, species of management concern, and the “critical habitat” required by these species.

- Cold water native trout species are protected in water designated as [Use III](#).
- SSPRA program maintains a map on [MERLIN](#), under drop down list of “Living Resources” and then “sensitive species”.





Who submits Application (NOI)?

Decision-Makers - any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to Waters of this State.



Applicator is still covered by the permit, but doesn't require a second application.





Decision-maker Requirements

For each type of pest:

- 1) Identify the Problem. ID the pest and specifics about them.
- 2) Pest Management Options. ID the potential options for controlling them.
- 3) Pesticide Use. In cases where pesticides are used evaluate specific requirements in the permit.



Assurance Plans

- You must submit an assurance plan to the Department for approval if:
 - you will be using copper-based algaecides
 - you are discharging to waters protected for drinking water (-P)
- The plan must verify that you will not exceed Water Quality Standards or Maximum Contaminant Levels (MCL's)
- If you cannot verify that you can meet the requirements of the permit, you must submit a Monitoring Plan.



Numeric Limits

Numeric limits for Water Quality Based Limits include:

- Copper (13 ug/l fresh water),
- Aquathol (100 ug/l),
- Diquat (20 ug/l),
- Endothall (100 ug/l),
- 2,4-D (70 ug/l) and
- Glyphosate (700 ug/l).

Remember that these limits only apply in situations where you are using a copper-based product or are discharging to waters with a -P Use Class.



FIFRA Assumptions

- The 17PE permit relies on MDA to train and certify applicators.
- The 17PE permit relies on pesticide use according to and consistent with the EPA registered label.
- You can only use MDA approved products.

Applicators must “Achieve and maintain the required Pesticide Applicator Certification and Business Licensing Requirements from Maryland Department of Agriculture.”





Public Information

The applicator must carry information for the public and present it upon request during the time the pesticide is being applied.

This printed or written information is to include:

- 1) Name and EPA ID of the pesticide applied;
- 2) Date applied;
- 3) Name of licensee/permittee;
- 4) Telephone number of licensee/permittee.





Pesticide Discharge Management Plan

1. Required to submit an NOI;
2. Is a large entity;
3. Exceeds the Annual Treatment Area Threshold

Table 4 - Annual Treatment Area Thresholds related to the PDMP

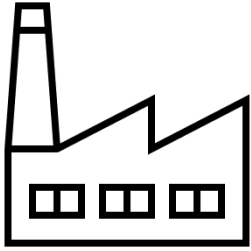
Pesticide Use	Annual Threshold ⁴
Mosquito and Other Flying Insect Pest Control	6,400 acres of treatment area ¹
Weed and Algae Control:	
- In Water	80 acres of treatment area ²
- At Water's Edge	20 linear miles of treatment area at water's edge ³
Nuisance Animal Control:	
- In Water	80 acres of treatment area ²
- At Water's Edge	20 linear miles of treatment area at water's edge ³
Forest Canopy Pest Control	6,400 acres of treatment area ¹



Recordkeeping and Annual Reporting

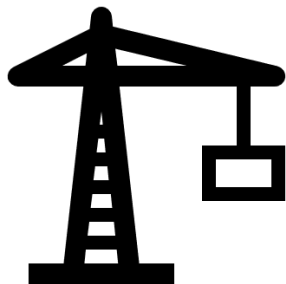


17-PE Part	Applicable Type of Operator
F.1	Recordkeeping For All Operators
F.2	Recordkeeping for All Operators who are For-Hire Applicators
F.3	Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity ⁽¹⁾
F.4	Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity ⁽²⁾
F.5	Retention of Records for All Operators
F.6	Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity ⁽²⁾
F.7	Annual Reporting for Any Decision-maker with Discharges to waters of the United States containing a Desirable Species, as defined in Appendix A, and Who is a Small Entity ⁽¹⁾



Maryland's Industrial SW General Permit

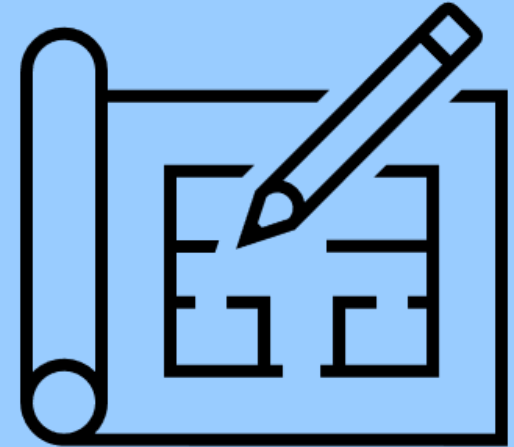
- The industrial permit is required under the Clean Water Act, for specific industrial activities.
- The existing permit "12-SW" became effective in 2014 and expired 12/31/2018, and is now **administratively extended until the renewal is issued**.
- The permit provides coverage for operators at over 1000 locations.





Current Status

- Draft permit (Tentative Determination) has been completed for the 20-SW. A public notice was published on January 4, 2021.
- The draft permit, fact sheet and detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/ISW>.
- The comment period is closed. Written comments concerning the tentative determination are being considered in the preparation of a final determination.
- No firm ETA, but you may get updates via our newsletter.





Significant Changes

Offsite restoration or nutrient trading are allowed in cases where onsite restoration isn't possible.

The draft provides nutrient trading to incentivize restoration activities for smaller operators who were not subject to the restoration requirement or for operators who have implemented more than was required.



Significant Changes continued...

The draft establishes a clear framework for requiring additional monitoring for pollutants in impaired watersheds. For example, sources of PFAS and PCBs are required to be included in the SWPPP. In addition to the potential monitoring or limits, additional specific controls are proposed for training related to PCB pollution prevention at salvage yards and scrap and waste recycling facilities.

The draft clarifies what happens upon the permit expiration if a renewal has not been issued, as well as what is required by registrants prior to permit expiration.



Significant Changes continued...

Other changes to the benchmarks and applicable controls include additions to these operators in Sector AD, which is for facilities uniquely designated by the State as requiring coverage or monitoring.

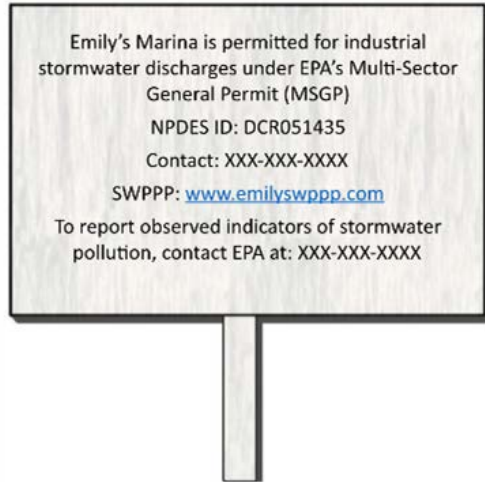
- Subsector AD.a.1 (stormwater that has come into contact with street sweeping or storm drain inlet cleaning debris) the draft includes benchmarks for nitrate plus nitrite nitrogen, phosphorus, and TSS and
- Sector AD.d (salt terminals) benchmarks for flow, chloride, free amenable cyanide, and iron,
- Moved landfill subsector L3 (Inactive Landfills) to Sector AD.e.

Significant Changes continued...

The draft requires that registrants post signage at the facility to indicate they have a permit with contact information and specific information about the permit.

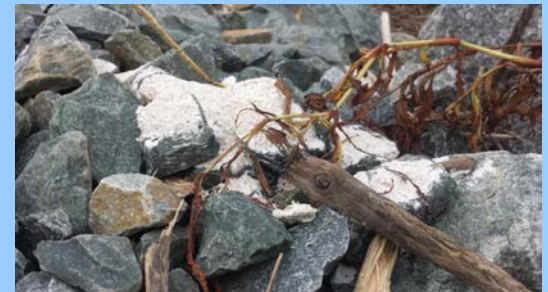
The permit also addresses climate adaptation through three separate additions:

- Performance of a site evaluation,
- Considerations when significant changes to facilities are planned,
- The potential for additional permit coverage to be required when operating within the floodplain.



Significant Changes continued...

- The draft includes an option to use polymers at landfills for turbidity control, consistent with the Department's other stormwater permits.
- The draft clarifies when warehouses require permit coverage.



Polymer used at landfill for turbidity control.





Maryland Department of the Environment

The Construction SW General Permit Renewal

**Presentation of highlights from the 11/10/2020
Public Hearing.**





Construction SW General Permit

- The construction permit is required under the Clean Water Act, for any land disturbance over an acre, or less for common plan of development.
- The existing permit “14-GP” issued in 2014 expired 12/31/2019, now **administratively extended until the renewal is issued.**
- The permit currently has over 5100 registrations.



Current Status

- Draft permit (Tentative Determination) has been completed for the 20-CP. A public notice published September 25, 2020.
- The draft permit, fact sheet and detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/CGP>.
- The comment period is closed. Written comments concerning the tentative determination are being considered in the preparation of a final determination.
- No firm ETA, but you may get updates via our newsletter.





Significant Changes continued...

The permit clarifies:

- the non-stormwater discharges that are prohibited, and
- those that are allowed.

For projects in Tier II Watersheds:

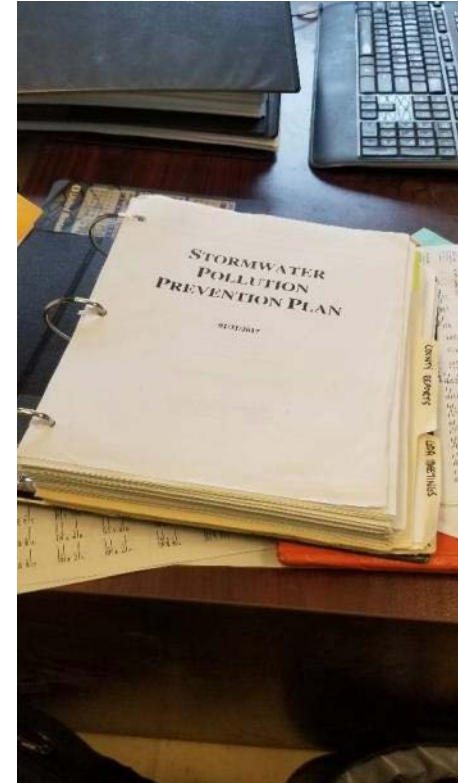
a completed checklist is required at the time an NOI is filed as proof of antidegradation review.



Significant Changes continued...

A Stormwater Pollution Prevention Plan (SWPPP) is required for your site in the following situations (Part III.F.1 of the Permit):

- 1) Projects within a common plan of development which share liability between and among operators on the same site. This SWPPP clarifies specific areas of responsibility.**
- 2) When using Chemical Additives or Polymers for Sediment Control.**





SWPPP Continued...

3) When there is potential for any of the non-stormwater discharges prohibited in permit Part I.D (also listed below). This may include any of these.

- Wastewater from the Concrete Washout. (permit Part III.A.3.d).
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. (permit Part III.A.3.d)
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance (permit Parts III.A.3.a and III.A.3.c.iii).
- Soaps or solvents, or detergents used in vehicle and equipment washing or external building washdown (permit Part III.A.3.b);
- Toxic or hazardous substances from a spill or other release (also see permit Part III.A.3.c iv, III.A.3.f. and VI.J) (whether the site is known to be contaminated by PCBs, PFAS, mercury, lead, or other metals, or any other source of toxic industrial pollution); and
- Water contaminated by toxic or hazardous substances from sites managed under Maryland's Voluntary Cleanup Program (VCP) or Land Restoration Program (LRP).

4) When implementing controls associated with the activities requiring pollution prevention measures, referenced in Part III.A.3 of the permit.



Significant Changes continued...

Technology-based limits have been updated to reflect the current federal Construction and Development Effluent Guidelines (40 CFR Part 450), which include:

- managing dewatering activities,
- implementing pollution prevention measures, and
- providing and maintaining buffers around surface waters (referred to as Stream Protection Zones)



Significant Changes continued...

New Stream Protection Zone (SPZ) requirements require operators

- to avoid disturbances within:
 - 50 feet from the edge of Tier I streams or
 - an average of 100 feet and not less than 50 feet at any point from Tier II streams.
- If disturbances are required within the SPZ, several controls must be considered for the project. These controls include:
 - minimizing the disturbance,
 - adding an additional level of E&SC,
 - accelerated stabilization,
 - utilizing redundant controls,
 - upgrading controls,
 - using passive or active chemical treatment or
 - a reduction in the size of the grading unit.





Significant Changes continued...

The permit includes one additional alternative and one additional requirement regarding inspection frequency.

- In addition to inspections once per week and 24 hours after a storm event, the permit allows more frequent inspections in lieu of the after storm inspection.
- It also requires more frequent inspections for projects in Tier II watersheds.
- A storm event is now defined as 0.25 inches of rain or more.



Significant Changes continued...

The permit will now address the use of chemical additives or polymers to reduce turbidity.

- The permit includes a pre-approved list of products to increase efficiency.
- For products not on the approved list there is a required method of review established to evaluate potential toxicity of the product.
- The product may be accepted by the Department and added to the product list after the review.
- Cationic polymers require an additional review with residual testing.





Significant Changes continued...

Sites with known contamination are subject to additional pollution prevention measures, this includes:

- known contaminated soils or
- sites with demolition of buildings when paints or caulking containing PCBs are present.

To reduce ongoing confusion for larger common plans of development the permit:

- clarifies when transfers of permit coverage are possible,
- when a new or separate NOI is required,
- and has developed a new classification of Single Family Home Builder with certain exemptions when projects occur within a larger common plan of development.

Questions???



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Permit Page Link: <https://mdewwp.page.link/IGPD>
