

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION
NOTICE OF TENTATIVE DETERMINATION AND PUBLIC HEARING**

General Permit for Stormwater Associated with Industrial Activity

The Department proposes to reissue the State/NPDES (National Pollutant Discharge Elimination System) 12SW0000 / MDR00000. The 12SW0000 (12SW) General Discharge Permit for Stormwater Associated with Industrial Activity will be replaced with the renewal designation of 20SW0000 (20SW). The permit applies to stormwater discharges from various federal discharge categories of industrial facilities and several additional categories designated by the Department. The permit is applicable to over 1000 industrial facilities in the State of Maryland. The Department proposes a tentative determination permit (draft) with significant revisions to the previously issued permit as summarized below.

Consistent with the existing permit, those who need permit coverage submit a Notice of Intent (NOI). To tailor benchmarks to facilities, the draft includes additional information requested in the NOI. An electronic version of a Stormwater Pollution Prevention Plan (SWPPP), which should include a site map illustrating discharge locations and other information regarding activities of the applicant to protect waters of the state, will be required. Additionally, specific control measures based on the facility type should be included in the SWPPP. Once renewed, industries currently covered by the 12SW will have to file an NOI, updated SWPPP, and pay the fee to the Department to continue coverage under the reissued permit.

The draft continues requirements for nearly 300 facilities for the restoration of impervious surfaces to address Maryland requirements for the Chesapeake Bay, including maintaining practices or measures implemented under the 12-SW. The relevant facilities are over 5 acres, located within urbanized areas (defined as MS4s) in the Chesapeake Bay watershed, and not owned or operated by an MS4. The new permit does not expand on requirements in the 12SW for facilities that have implemented restoration. However, it does require restoration for new operators or those in newly designated Phase 2 MS4s by requiring that such registrants treat 20% of the impervious surfaces not currently treated to the standards of the Maryland Stormwater Design Manual. 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.

The draft includes additions and changes to benchmark monitoring, which is a core component of the permit. The Department is proposing to modify the iron benchmark, increasing it from 1 mg/L to 3 mg/L. The draft now allows composite sampling consistent with EPA federal permit. In addition, the Department intends to expand benchmark requirements by adding monitoring for 18 additional industrial categories, largely consistent with the categories in the federal Multi-Sector General Permit (MSGP). Those sectors and subsectors impacted include:

Subsector A1 (General Sawmills and Planing Mills for SIC 2421), Subsector A2 (Wood Preserving for SIC 2491), Subsector A3 (Log Storage and Handling for SIC 2411), Subsector A4 (Special Products Sawmills, not elsewhere classified and Wood Products Facilities not elsewhere classified for SIC 2426 and 2499), Subsector B1 (Paperboard Mills for SIC 2631), Subsector C3 (Soaps, Detergents, Cosmetics and Perfumes for SIC 2841 – 2844), Subsector C4 (Plastics, Synthetics and Resins for SIC 2821-2824), Subsector D1 (Asphalt Paving and Roofing Materials SIC 2951, 2952), Subsector E1 (Clay Product Manufacturers SIC 3251-3259, 3261-3269), Subsector E2 (Concrete and Gypsum Product Manufacturers SIC 3271-3275), Subsector F1 (Steel Works, Blast Furnaces, and Rolling and Finishing Mills for SIC 3312-3317), Subsector F2 (Iron and Steel Foundries for SIC 3321-3325), Subsector F3 (Rolling,

Drawing, and Extruding of Nonferrous Metals for SIC 3351-3357), Subsector F4 (Nonferrous Foundries (SIC 3363-3369), Subsector I1 (Crude Petroleum and Natural Gas; Natural Gas Liquids; Oil and Gas Field Services (SIC 1311, 1321, and 1381-1389), Subsector K1 (ALL - Industrial Activity Code "HZ" dischargers not subject to effluent limitations in 40 CFR Part 445 Subpart A), Subsector Q1 (Water Transportation Facilities SIC 4412-4499), Subsector R1 (Ship and Boat Building or Repairing Yards for SIC 3731 and 3732), Subsector S1 (Airports using more than 100,000 gallons of deicing glycols based fluids or 100 tons of urea, on an annual basis for SIC 4512 - 4581)

The draft also introduces benchmarks derived from saltwater criteria for several pollutants. As a result, benchmarks for the following sectors and subsectors were modified: Subsector C1 (Agricultural Chemicals for SIC 2873-2879), Subsector L2 (Landfills and Land Application Sites, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60), Sector M (Automobile Salvage Yards), Subsector N1 (Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling), Subsector Y1 (Tires and Inner Tubes, Rubber and Plastics Footwear, Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting, Fabricated Rubber Products, Not Elsewhere Classified for SIC 3011, 3021, 3052, 3053, 3061, and 3069), Sector AA (Fabricated Metal Products, Fabricated Metal Coating and Engraving, and Allied Services, Jewelry, Silverware, and Plated Ware).

Other proposed changes made to the benchmarks and applicable controls include additions to Sector AD, which is for facilities that do not fall into another industrial sector but are designated by the State as requiring stormwater coverage. Specifically, the draft includes benchmarks for nitrate plus nitrite nitrogen, phosphorus, and TSS for Subsector AD.a.1 (stormwater that has come into contact with street sweeping or storm drain inlet cleaning debris) and benchmarks for flow, chloride, free amenable cyanide, and iron for Sector AD.d (salt terminals). The draft also moved landfill subsector L3 (Inactive Landfills) to Sector AD.e.

The draft contains changes to the Corrective Actions to include an Additional Implementation Measures (AIM) level approach. The proposed approach provides more details on how a registrant must respond to a benchmark exceedance based on the duration and concentration of the exceedances that have occurred. The basic framework includes actions to be taken during Year 1 through Year 4, including consideration of practices recommended in the EPA MSGP permit, structural controls, requirements for hiring a professional to assist, and the development of plans. If registrants continue to exceed the quarterly benchmark threshold for the same parameter, even after installation of structural source controls or treatment controls as required, the Department proposes an option to revoke coverage under the permit through the development and issuance of an individual permit to address site specific water quality limits or a final determination to deny permit coverage, unless the registrant is operating under a consent order.

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.

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 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: 1) performance of a site evaluation, 2) considerations when significant changes to facilities are planned, 3) and the potential for additional permit coverage to be required when operating within the floodplain.

The draft includes an option to use polymers at landfills for turbidity control. This option is consistent with The Department's other stormwater permits.

The draft clarifies when warehouses require permit coverage.

The draft permit, fact sheet and a detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/ISW>. Hard copies of these documents may also be obtained directly from the Department at a cost of \$0.36 per page.

Comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to the Department on or before 5 pm on Monday, April 19, 2021. This comment period already incorporates the additional 60-day period provided in §1-606(d)(1)(ii) of the Environment Article. Comments are being accepted in writing and at the hearing. All comments received are given equal weight no matter the form in which they are received. Comments should be directed by mail to the Maryland Department of the Environment, Water and Science Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708, Attn: Paul Hlavinka, Industrial Stormwater Permits Division, or by email to Paul.Hlavinka@Maryland.gov.

The Department will hold a public hearing concerning the tentative determination on Wednesday, March 3, 2021. The hearing will be conducted through an online webinar from 5-7 PM with an option to listen-only from a landline phone. To participate online you must sign up via the registration link at <https://mdewwp.page.link/ISW>. Alternatively, those who want to monitor the webinar hearing in listen-only mode via telephone can check <https://mdewwp.page.link/ISW> for the number.

Due to the continuing threat to public health from COVID-19, MDE is urging all who wish to provide testimony do so by using the online webinar. If requested, an in-person session has been tentatively scheduled at MDE's Aqua and Terra Conference Rooms at 1800 Washington Boulevard, Baltimore, MD from 1:00-2:00 PM on March 3rd. Attendance at this event will be limited by the current health guidance at that time and admittance will be granted based on the order in which requests were received. If no one requests to attend this in-person session by 5:00 PM on Monday, February 8, 2021 it will not be held. In-person commenters may register by calling 410-537-3323 or by emailing registration information to Michael.Richardson@Maryland.gov. Required registration information will include the first and last name of the participant, mailing address, email address (if available), and a home and/or a mobile phone number. To be allowed entrance, participants must follow current Maryland Health Department Guidance, public health protocols and CDC guidelines (including and not limited to social distancing and wearing of a facial covering that covers both nose and mouth).

Any questions regarding the draft should be directed to Paul Hlavinka at Paul.Hlavinka@Maryland.gov or by telephone at 410-537-3323, between the hours of 8:00 AM and 5:00 PM, Monday through Friday. Any hearing-impaired person may request an interpreter for the hearing by contacting the Office of Fair Practices, at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.