

Pollack, Janine N. (GSFC-2500)

From: Paul Hlavinka -MDE- <paul.hlavinka@maryland.gov>
Sent: Wednesday, July 22, 2015 11:18 AM
To: Pollack, Janine N. (GSFC-2500)
Subject: Re: Permit Mod Effective Date

Thanks for the feedback Janine. You are correct that you don't need to go back in time and sample from a different location, just use the new location going forward.

On Tue, Jul 21, 2015 at 10:12 AM, Pollack, Janine N. (GSFC-2500) <janine.n.pollack@nasa.gov> wrote:

Hello Paul,

I've been out of the office since the 10th and found the official notice for the permit modification in my mailbox this morning. Thank you again for your assistance in helping us with the mod. The cover letter states that the effective date is on the cover page. I believe this is referring to the "modification date" which is listed as May 1, 2015. The cover letter is dated July 2, 2015 with a postmark date on the envelope of July 15, both well after the May 1st date. Since today is the first day that we became aware that the modification went through and we obviously cannot go back in time to sample at the new location for the past few months, we will use July 21, 2015 as the effective date for the modification with all future pH sampling events for 001 to be taken at the new location. Please let me know if you have any concerns with this interpretation.

Again, thanks so much for all of your help and guidance on this issue.

Best,

Janine

Janine Pollack
NASA's Goddard Space Flight Center

Medical & Environmental Management Division, Code 250

Tel: [301.286.0509](tel:301.286.0509) Fax: [301.286.1644](tel:301.286.1644)

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Paul Hlavinka
Industrial and General Permits Division
Wastewater Permits Program
Water Management Administration
Maryland Department of the Environment
Email: paul.hlavinka@maryland.gov
Voice: 410-537-3631



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JUL - 2 2015

CERTIFIED MAIL

Ms. Janine Pollack
NASA - Goddard Space Flight Center
8800 Greenbelt Road, Code 250
Greenbelt, Maryland 20771

Re: State Discharge Permit No. 08DP3156A, NPDES Permit MDD0067482

Dear Ms. Pollack:

Enclosed are impacted pages for the modification requested in your letter dated March 2, 2015 "Modification to pH Sampling Point Location for Outfall 001". The effective date of the modification is indicated on the cover page. You are responsible for complying with all permit conditions. Therefore you are advised to read the revised permit carefully and become thoroughly familiar with the updated requirements.

If you have any questions, please do not hesitate to call Paul Hlavinka, Industrial and General Permits Division, at 410-537-3631.

Sincerely,


Virginia F. Kearney, Acting Director
Water Management Administration

JGS:kd
Enclosures



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STATE DISCHARGE PERMIT NUMBER	08-DP-3156A	NPDES PERMIT NUMBER	MDD0067482
EFFECTIVE DATE	June 1, 2012	EXPIRATION DATE	May 31, 2017
MODIFICATION DATE:	May 1, 2015	REAPPLICATION DATE	June 1, 2016

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

NASA – Goddard Space Flight Center
Greenbelt Road
Greenbelt, Maryland 20771

TO DISCHARGE FROM

a research and office facility

LOCATED AT

Greenbelt Road, at Soil Conservation Road, Greenbelt, Prince George's County,
Maryland

VIA OUTFALLS

001 and 004 as identified and described herein

TO

an unnamed tributary to Beaverdam Creek (001) and to an unnamed tributary to Bald Hill Branch via EOSDIS Pond (004). Beaverdam Creek and Bald Hill Branch are protected for (Use 1) water contact recreation, fishing, aquatic life, and wildlife in accordance with the following special and general conditions and maps made a part hereof:



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I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge non-contact cooling water and boiler blowdown via Outfall 001, and non-contact cooling water via Outfall 004. Outfall 001 is located at Maryland Coordinates 1352.38 E and 486.16 N. Outfall 004 is located at Maryland coordinates 1357.02 E and 483.01 N.

For all parameters except pH, discharges from Outfall 001 shall be limited and monitored by the permittee, during dry weather conditions (no rainfall during previous 24 hours) at the exit from the main storm water management pond (Main Pond). The pH at Outfall 001 will be monitored at the inlet of the sediment pond, south of Cobe Road, adjacent to the Main Pond (Maryland Coordinates 1352.74 E and 485.07 N) as specified in the below table. For Outfall 004 discharges including pH shall be limited and monitored by the permittee during dry weather conditions (no rainfall during previous 24 hours) at the exit of the EOSDIS Pond, on the Eastern Campus of the facility.

PARAMETER	QUANTITY OR LOADING				QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	QUARTERLY AVERAGE	DAILY MAXIMUM	ANNUAL MAXIMUM	UNITS	MINIMUM	QUARTERLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	Report	Report		gpd					1/Month	Measured	
Flow	Report	Report		MG / Quarter					1/Quarter	Measured	(5)
Copper (total)						.009	.013	mg/l	1/Month	Grab	(1)
Copper (dissolved)						Report	Report	mg/l	1/Month	Grab	(1)
Total Residual Chlorine						.011	.019	mg/l	1/Month	Grab	(2)
Hardness (as CaCO3)						Report	Report	mg/l	1/Month	Grab	
Temperature							90	°F	1/Month	i-s	
pH					6.5		8.5		1/Month	Grab	(6)
Phosphorus, Total (as P)	Report		Report (Net)	See Note (4)		Report		mg/l	1/Quarter	8-Hour Composite	(4) (5)
Nitrogen, Total (as N)	Report		Report (Net)	See Note (4)		Report		mg/l	1/Quarter	8-Hour Composite	(3) (4) (5)

File is Located here
L:\WASTEWATER\DP\PUBLIC\Factsheets\3156A 08 Mod Fact Sheet

FACT SHEET

To: File 08-DP-3156A
Through: Michael Richardson *MR*
From: Paul Hlavinka
Date: April 9, 2015
Subject: pH Sampling Location Modification Request Rationale
Request:

NASA is requesting that their sampling point for pH for Outfall 001 be moved closer to their outfall pipe. This was the sole request.

Rationale for allowing the modification:

The individual permit provided limits that are protective of water quality. However the discharge of Outfall 001 is from a large pond, which is exposed to stormwater and impacted by natural events such as rain and algae growth, both of which impact pH and are not part of their process water discharge or within the control of the facility.

They request that the monitoring point be located as close to possible to the discharge point into the stormwater pond, where they do have control. This ensures that their process water discharge is maintained within the permit water quality limits and not impacting pH, while allowing for natural fluctuation of pH within the pond in order to allow discharge of stormwater.

The request is straight forward, protective of water quality and enforceable.

Paul Hlavinka, Project Manager
Industrial and General Permits Division
Maryland Department of the Environment
1800 Washington Blvd, Ste 455
Baltimore, MD 21230-1708
Phone: 410-537-3631

FINAL
May 29, 2015



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Lieutenant Governor

MAY 09 2012

CERTIFIED MAIL

Ms. Janine N. Pollack, Environmental Protection Specialist
NASA – Goddard Space Flight Center
Code 250, 8800 Greenbelt Road
Greenbelt, MD 20771

Re: State Discharge Permit No. 08DP3156, NPDES Permit MD0067482

Dear Ms. Pollack:

Enclosed is the issued discharge permit referenced above with the effective date indicated on the cover page. The permittee is responsible for complying with all permit conditions. You are therefore advised to read the permit carefully and become thoroughly familiar with the requirements.

Enclosed are (EPA No. 3320-1) Discharge Monitoring Report (DMR) forms, which must be completed for each reporting period and submitted to the Department in accordance with the requirements of the permit. Copies of these forms can also be downloaded from the Department's website (the shortcut is www.mde.state.md.us/assets/document/permit/newdmr.pdf). Using the latest version of Adobe Acrobat Reader, the DMR form can be completed from a keyboard and printed for mailing to the Department.

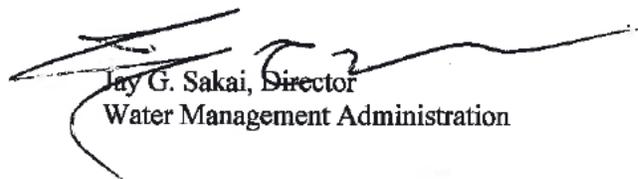
You will also find enclosed a copy of the Federal Register, Part 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants". Unless otherwise specified, these guidelines are to be used for the analyses required by this permit. The most current version of 40 C.F.R. Part 136 can be found online at EPA's website. The link is www.epa.gov/epahome/cfr40.htm. Finally you'll also find enclosed a brochure for NetDMRs.

Please direct all future correspondence regarding permit compliance to the following address:

Attention: Discharge Monitoring Reports
Water Management Administration – Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, Suite 425
Baltimore, Maryland 21230-1708

If you have any questions, please do not hesitate to call Paul Hlavinka, Industrial and General Permits Division, at 410-537-3631.

Sincerely,



Jay G. Sakai, Director
Water Management Administration

JGS:kd
Enclosures





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STATE DISCHARGE PERMIT NUMBER	08-DP-3156	NPDES PERMIT NUMBER	MD0067482
EFFECTIVE DATE	June 1, 2012	EXPIRATION DATE	May 31, 2017
MODIFICATION DATE:		REAPPLICATION DATE	June 1, 2016

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

NASA – Goddard Space Flight Center
Greenbelt Road
Greenbelt, Maryland 20771

TO DISCHARGE FROM

a research and office facility

LOCATED AT

Greenbelt Road, at Soil Conservation Road, Greenbelt, Prince George's County,
Maryland

VIA OUTFALLS

001 and 004 as identified and described herein

TO

an unnamed tributary to Beaverdam Creek (001) and to an unnamed tributary to Bald Hill Branch via EOSDIS Pond (004). Beaverdam Creek and Bald Hill Branch are protected for (Use I) water contact recreation, fishing, aquatic life, and wildlife in accordance with the following special and general conditions and maps made a part hereof.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge non-contact cooling water and boiler blowdown via Outfall 001, and non-contact cooling water via Outfall 004. Outfall 001 is located at Maryland Coordinates 1352.38 E and 486.16 N. Outfall 004 is located at Maryland coordinates 1357.02 E and 483.01 N.

As specified below, such discharge shall be limited and monitored by the permittee during dry weather conditions (no rainfall during previous 24 hours) at the exit from the main storm water management pond (Main Pond) for Outfall 001. For Outfall 004, the discharges shall be limited and monitored by the permittee during dry weather conditions (no rainfall during previous 24 hours) at the exit of the EODIS Pond, on the Eastern Campus of the facility.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	QUARTERLY AVERAGE	DAILY MAXIMUM	ANNUAL MAXIMUM	UNITS	MINIMUM	QUARTERLY AVERAGE	DAILY MAXIMUM			
Flow	Report	Report		gpd					Measured	
Flow	Report	Report		MG / Quarter					Measured	(5)
Copper (total)						.009	.013	mg/l	Grab	(1)
Copper (dissolved)						Report	Report	mg/l	Grab	(1)
Total Residual Chlorine						.011	.019	mg/l	Grab	(2)
Hardness (as CaCO3)						Report	Report	mg/l	Grab	
Temperature							90	°F	i-s	
pH					6.5		8.5		Grab	(6)
Phosphorus, Total (as P)	Report		Report (Net)	See Note (4)		Report		mg/l	8-Hour Composite	(4) (5)
Nitrogen, Total (as N)	Report		Report (Net)	See Note (4)		Report		mg/l	8-Hour Composite	(3) (4) (5)

I. SPECIAL CONDITIONSA. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

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

- (1) The permittee shall analyze for total copper and dissolved Copper using EPA Method 200.8.
- (2) The minimum level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below this minimum level as “<0.10 mg/l”.
- (3) Total nitrogen is defined as the sum of total Kjeldahl nitrogen (TKN), nitrite and nitrate. The concentrations TKN and nitrite plus nitrate shall also be reported. Testing for both forms of nitrogen must be performed on the same sample.
- (4) The permittee shall report in the “Quarterly Average” column the Quarterly Loading Rate, in units of lbs per quarter, to be calculated by multiplying the gross quarterly average times the calculated flow.

The permittee shall report in the “Annual Maximum” column the Annual Maximum Loading Rate. The Annual Maximum Loading Rate is a calculated parameter, in units of pounds per year, determined by summing the Quarterly Loading Rates from January through December of the current calendar year. At the end of each calendar year, the permittee shall report the load. The details and results of the required annual calculations shall be submitted to the Department's Compliance Program with the Discharge Monitoring Report for December. Reporting during the first year of the effective period of the permit shall be pro-rated to reflect the number of days of discharge occurring during that year.

- (5) Monitoring required for 1 year. After 1 year (4 values collected) the permittee may petition the Department to have the monitoring reduced or eliminated.
- (6) These limits are to be achieved within 3 years of the Effective Date. Refer to Special Condition S for more details. Interim limits will be carried over from previous permit of 6.0 to 9.0, until these final limits are in effect.

I. SPECIAL CONDITIONSB. DEFINITIONS

1. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
2. "Composite sample" means a combination of individual samples obtained at least at hourly intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
3. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/l or other appropriate units as an outcome.
4. "Daily determination of discharge of constituents by mass loading" means a value which is calculated by multiplying the daily determination of concentration times flow in millions of gallons per day times 8.34. This results in a mass loading expressed in pounds per day.
5. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.
6. The "daily maximum" effluent limitation by mass loading means the highest allowable daily determination of discharge of a constituent by mass loading during a 24-hour period.
7. The "daily maximum" temperature means the highest temperature observed during a 24-hour period or, if flows are of shorter duration during the operating day.
8. "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.
9. "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.
10. "i-s" = immersion stabilization - means a calibrated device immersed in the effluent stream until the reading is stabilized.
11. "Measured" flow means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
12. The "minimum" value means the lowest value measured during a 24-hour period.
13. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.
14. The "monthly, quarterly, semi-annual, or annual average" effluent limitation by mass loading means the highest allowable value calculated by computing the arithmetic mean of all the

daily determinations of discharge of a constituent by mass loading made during any calendar month, 3-month, 6-month, or 12-month period, respectively.

15. "Recorded" flow, pH, temperature, etc., means any method of providing a permanent, continuous record including, but not limited to, circular and strip charts.
16. "Temperature Difference" is a calculated value, arrived at by subtracting the effluent temperature or the temperature of the receiving water at the edge of a mixing zone, whichever is lower, from the ambient receiving water temperature or receiving water quality standard, whichever is higher.
17. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. TOXIC POLLUTANT REPORTING

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

D. REMOVED SUBSTANCES

1. Within 30 days after notification by the Department, the permittee shall provide information on the disposal of any removed substances, as defined by General Condition B.7, including the following information:
 - a. A suitable map showing all areas used for disposal of removed substances.
 - b. The physical, chemical, and biological characteristics, as appropriate; quantities of any removed substances; and the method of disposal.
 - c. If disposal is handled by persons other than the permittee, identification of the contractor or subcontractor, their mailing address, and the information specified in a and b above.
2. The Department's notification may also require the permittee to provide the above information prior to the use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

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

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

F. WASTEWATER OPERATOR CERTIFICATION – [Reserved]

G. FLOW MONITORING

In lieu of providing measured flow (defined in the Special Conditions Definitions section) at Outfalls 001 and 004, the permittee may estimate flows and submit the following information at the time of submission of the initial discharge monitoring report and/or upon any change in the methodology:

1. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
2. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided.
3. a description of the factors (e.g., batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE

The Department will calculate permit fees annually and will invoice the permittee based upon average discharge flow. Permit fees are payable in advance to the Department by July 1 of each fiscal year (July 1 through June 30).

The permittee shall provide to the Department's Industrial Discharge Permits Division by May 1 of each year an updated average discharge flow value for the next billing period if the flow volume used to calculate the most recent annual permit fee (or, if the permit was renewed within the past year, the flow volume used to calculate the application fee) differs significantly from either of the following flow determinations:

1. average flow data from the current fiscal year as reported on the permittee's discharge monitoring reports, or
2. the estimated flow volume for the next billing period based upon recent changes at the facility.

The permittee shall include with their flow revision notification a summary of flow data reported on discharge monitoring reports for the previous year and any other supporting documentation to be used as the basis for the flow determination.

I. REAPPLICATION FOR A PERMIT

The Department is implementing a schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the watershed-based schedule, the Department may revoke and reissue this permit concurrently with other permits in the watershed.

Unless the Department grants permission for a later date, the permittee shall submit a renewal application by no later than 12 months prior to the expiration date on the first page of this permit, or notify the Department of the intent to cease discharging by the expiration date.

In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this

permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

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

This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for this watershed (ANACOSTIA WATERSHED, 02.14.02.05 or PATUXENT WATERSHED, 02.13.11.03), including but not limited to: Total Nitrogen, Total Phosphorus, Total Suspended Solids (TSS) and Combined Benthic/Fishes Bioassessment.

In consideration of the characteristics of this facility's discharge and the Chesapeake Bay Total Maximum Daily Load (TMDL) for Sediments, Nitrogen, and Phosphorus, approved December 29, 2010, the Department has determined the potential discharge of total suspended solids, total nitrogen and total phosphorus from the facility is insignificant. This determination has been based on facility operations and/ or discharge characteristics. Therefore no limits have been established at this time.

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

K. BIOMONITORING PROGRAM

1. Within three months of the effective date of the permit, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity at Outfall 001 by using biomonitoring. The study plan should include at a minimum a discussion of:
 - a. wastewater and production variability
 - b. sampling & sample handling
 - c. source & age of test organisms
 - d. source of dilution water
 - e. testing procedures/experimental design
 - f. data analysis
 - g. quality control/quality assurance
 - h. report preparation
 - i. testing schedule
2. The testing program shall consist of two definitive acute testing events, three months apart. This testing shall be initiated no later than three months following the Department's acceptance of the study plan.
 - a. Each of the two testing events shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.
 - b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination.
4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002.
5. Test results shall be submitted to the Department within one month of completion of each set of tests.
6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.
7. If testing is not performed in accordance with MDE-approved study plan, additional testing shall be required by the Department.
8. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute toxicity, the permittee shall repeat the test within 30 days to confirm the findings of acute toxicity. If acute toxicity is confirmed, the permittee shall:
 - a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or
 - b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.
9. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.
10. Submit all Biomonitoring related materials to:

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

L. TOXICITY REDUCTION EVALUATION

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

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

2. This plan should follow the framework presented in Generalized Methods for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070).
3. Beginning 60 days following the date of the Department's acceptance of the TRE study plan and every 60 days thereafter, the permittee shall submit progress reports including all relevant test data to the Department. This shall continue until completion of the toxicity reduction confirmation.
4. Within 60 days following completion of the toxicity identification, or the source identification phase of the TRE, the permittee shall submit to the Department a plan and schedule for implementing those measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. The implementation of these measures shall begin immediately upon submission of this plan.
5. Within 60 days after completing implementation of the control measures to eliminate or reduce toxicity, the permittee shall submit to the Department for approval a study plan to confirm the elimination or reduction of toxicity by using biomonitoring.
6. If, for any reason, the implemented measures do not result in compliance with the Department's toxicity limitations, the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION

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

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

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

N. PROTECTION OF WATER QUALITY

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

O. BIOTIC LIGAND MODEL STUDY

A biotic ligand model (BLM) study may be performed by the permittee and their consultant to determine if alternate copper limits are appropriate. Implementation of alternate limits would have to be in accordance with COMAR 26.08.02.03-2D and would require major modification to this permit.

P. WATER TREATMENT ADDITIVES

1. The permittee is advised to obtain and review aquatic toxicity data (from the manufacturer or vendor) on any water treatment product or detergent that will discharge to waters of the State.
2. The permittee currently uses the following Nalco water treatment preparations in the wastewater discharged for Outfall 001 and 004: Nalco 8735, Stabrex ST70, H-550, Nalco 73551, 3DT199, 3DT701, and 3DT288. The permittee currently uses the following Coastline and Nalco treatment preparations in the wastewater discharged for Outfall 001 only: Coastline 8945, Nalco 19 PULV, Nalco 1720, Tri-Act 1820, and NexGuard 22310. If any of the above products is found to be the cause of toxicity in the discharge, its use will be prohibited.
3. If the name of the water treatment product changes (not the composition) the permittee shall submit to the Department (Industrial Discharge Permits Division) the new name when use of the product starts.
4. If the permit changes any of the water treatment products discharging from Outfalls 001 and 004, before commencing the use of the new product, the permittee shall submit to the Department (Industrial Discharge Permits Division) aquatic toxicity data and manufacturer's information on the chemical composition of the product and the concentrations that will exist in the effluent. Based on this information, if the Department determines that the new wastewater may cause aquatic toxicity, the Department may direct the permittee to perform additional biomonitoring of the wastewater.

Q. IDENTIFICATION OF TOTAL NITROGEN AND PHOSPHORUS SOURCES

The permittee shall submit to the Department no later than 30 days after the effective date of the permit an inventory of all total nitrogen (TN) and/or total phosphorus (TP) generating activities and TN and/or TP containing chemical formulation used at the facility where the TN and/or TP may end up being discharged to waters of the State. This may require completing a TN and/or TP mass balance for the entire facility. The end result of this inventory shall be an estimate (to the nearest 100 lbs/yr) of the annual quantity of TN and/or TP expected from each source/generating activity. An explanation of the estimation methodology shall be included. Minor sources (less than 10 lbs/yr for either TN or TP) are not required to be included. Potential sources to be evaluated shall include, but not be limited to, the following:

Possible TN and/or TP generating sources:
Sanitary waste or Demineralizer regenerate

Possible chemical additive/formulation sources;
Boiler operation, Cooling tower operation, Wastewater treatment, Anti-corrosion, Anti-scaling, or Equipment cleaning.

R. ADDITIONAL REQUIREMENTS FOR TIER II RECEIVING WATERS

This permit authorizes a discharge into Bald Hill Branch in the Patuxent Watershed, 02.13.11.03, which has been designated as a Tier II water, and is subject to COMAR 26.08.02.04 -1. The permittee shall report any anticipated facility expansions, production increases, or process modifications which may potentially result in an increased discharge of pollutants to the Tier II waters. The Department may then perform any necessary Tier II Antidegradation Review. Any change(s) in the discharge that may potentially occur due to facility expansions, production increases, or process modifications are not authorized until the permittee receives written notification from the Department.

S. COMPLIANCE SCHEDULE FOR pH

1. Every six months, the permittee shall submit to the Department a status report detailing current plans for meeting the pH limits in Special Condition A. This report is due six months after the effective date of the permit and every year thereafter until the effective date of the permit limits. The plans may include alternative treatment technologies or other discharge options which will result in compliance with the final discharge limitations.
2. If the permittee has not yet met the pH limits, then no later than 30 months after the effective date of this permit, the permittee may apply for a permit modification to revise or remove the permit limit(s) based on any combination of the following options allowed under COMAR 26.08:
 - a. Chemical or Biological Translator: The permittee shall complete all studies supporting use of the translator under COMAR 26.08.04.02-3C, paragraphs (1), (3) and (4) for biological translators or under COMAR 26.08.04.02-4C, paragraphs (1), (3) and (4) for chemical translators and submit the results to the Department as part of the application for a permit modification.
 - b. Mixing Zone Study: [Reserved]
 - c. Additional Data: As part of the application for a permit modification, the permittee may submit any new or additional data which demonstrates that there is no reasonable potential for violation of applicable water quality standards.

Alternatives for making such a demonstration include, but are not limited to, the following:

- i. collection of effluent data using analytical methods which have lower detection levels;
- ii. collection of data using techniques designed to minimize the effects of contamination on sample results; and collection of data utilizing alternate monitoring locations to show compliance with water quality standards.

T. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

1. Storm Water Pollution Prevention Plans - General

The permittee shall have and implement a storm water pollution prevention plan beginning on the effective date of this permit. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of

pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility.

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

- a. In developing this plan, the permittee may use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA Document #EPA832-R-92-006) or the "Summary Guidance" (EPA Document #EPA833-B-09-002). These documents can be obtained from the EPA Clearinghouse (phone: 1-800-490-9198) or the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-605-6000).
- b. The plan shall be signed in accordance with Part II.C.18 of this permit, and be retained on site in accordance with Part II.C.1 of this permit. The permittee shall make plans available upon request to the Department, and in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- c. If the plan is reviewed by the Department, the Department will notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the requested changes have been made and implemented. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.
- d. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which creates a potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department as described above.

2. Storm Water Pollution Prevention Plan - Contents

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

- a. Each plan shall provide a description of potential sources which may be reasonably expected to add pollutants to storm water discharges. Each plan shall identify all activities and materials which may potentially be significant pollutant sources. Each plan shall include:
 - i. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and surface water bodies, including drainage ditches and wetlands.
 - ii. A topographic map (or other map, if a topographic map is unavailable), extending one-quarter of a mile beyond the property boundaries of the

facility. The requirements of this condition may be included in the site map required above, if appropriate.

- iii. A narrative description of significant materials that have been treated, stored, or disposed in a manner which allowed exposure to storm water at anytime from three years prior to obtaining coverage under this permit until the time the present method of on-site storage or disposal was initiated; materials management practices employed to minimize contact of these materials with storm water runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
 - iv. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity; and
 - v. A summary of all existing sampling data describing pollutants in storm water discharges.
- b. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- i. A preventive maintenance program that involves timely inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
 - ii. Good housekeeping that requires the maintenance of a clean, orderly facility.
 - iii. Spill prevention and response procedures shall be identified in the plan and made known to the appropriate personnel. The necessary equipment to implement a cleanup shall be available to the appropriate personnel.
 - iv. The plan shall prevent sediment and erosion by identifying areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identifying measures to limit erosion.
 - v. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility

to contribute pollutants to storm water discharges associated with industrial activity (see 2.a - description of potential pollutant sources) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

- vi. Qualified plant personnel shall be identified to visually inspect designated equipment and plant areas. A site inspection shall be conducted annually by such personnel to verify that the description of potential pollutant sources required under 2.a is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. In particular, material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure shall be used to ensure that each inspection results in an appropriate response.
- vii. Spills or other discharge incidents, and information describing the quality and quantity of storm water discharges shall be in the facility records. Maintenance activities shall be documented and recorded with inspection and discharge records. All records shall be maintained at the facility, for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.
- c. Storm water management programs may include requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by any NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.
- d. Special Requirements for Storm Water Discharges Associated with Industrial Activity to Municipal Separate Storm Sewer Systems: Facilities covered by this permit shall comply with applicable requirements in municipal storm water management programs developed under State/NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the municipal operator has notified the discharger of such conditions. These facilities shall make storm water pollution prevention plans available to the municipal operator of the system upon request.
- e. Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.
- f. The description of the storm water Pollution Prevention Committee shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

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

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

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

- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
 - i. Curbing, culverts, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
 - ii. Roofs, covers, liners, or other forms of appropriate protection to prevent storage piles from leaching or exposure to storm water and wind.
- b. The storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines.
 - i. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Liquid storage areas for Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 chemicals by means such as secondary containment for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
 - ii. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 water priority chemicals by means such as the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
 - iii. In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled, piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals, and be composed of materials that are

compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided, as appropriate, to control the releases.

iv. Discharges from secondary containment areas.

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

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

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

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

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

- c. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge or disrupt treatment. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
- d. The storm water pollution prevention plan shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled. Facilities shall include in the plan a description of releases to land or water of SARA Title III water priority chemicals that have occurred at any time after July 1, 1989. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

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

2. REPORTING-MONITORING RESULTS SUBMITTED QUARTERLY

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

The reports shall be submitted to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard, Suite 425
Baltimore, Maryland 21230-1708

3. SAMPLING AND ANALYSIS METHODS

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

4. DATA RECORDING REQUIREMENTS

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

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

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

6. ADDITIONAL MONITORING BY PERMITTEE

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

7. RECORDS RETENTION

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

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

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

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

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

- a. a description of the non-complying discharge including its impact upon the receiving waters;
- b. cause of noncompliance;
- c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
- d. steps taken by the permittee to reduce and eliminate the non-complying discharge;

- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
- f. a description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. FACILITIES OPERATION

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

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. BYPASSING

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

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;

- d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

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

8. POWER FAILURE

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

- a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,
- b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

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

- a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
- b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and
- e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

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

- a. the permittee notifies the Department in writing, of the proposed transfer;
- b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and
- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT –[Reserved]

4. AVAILABILITY OF REPORTS

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

5. PERMIT MODIFICATION

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

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

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

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

7. TOXIC POLLUTANTS

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

case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

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

9. CIVIL AND CRIMINAL LIABILITY

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

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

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

11. SEVERABILITY

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

12. WATER CONSTRUCTION AND OBSTRUCTION

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

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

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

14. ACTION ON VIOLATIONS

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

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$37,500 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

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

- a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
- b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.
- c. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.
- d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

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

19. REOPENER CLAUSE FOR PERMITS

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

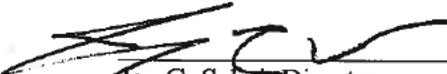
- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
- b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

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

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

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

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


Jay G. Sakal, Director
Water Management Administration

