

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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FACT SHEET

INDUSTRIAL STORM WATER DISCHARGE PERMITTING IN MARYLAND

BACKGROUND

The Maryland Department of the Environment's discharge permit program, which has focused since 1974 on control of industrial process wastewater and sewage from cities and communities, has been successfully reducing point source pollution of our waterways. However, remaining water quality problems require control of non-point source pollutants from farms, cities, and industry. As a result, in 1990 the U.S. EPA issued regulations requiring that all storm water associated with industrial activity be regulated by discharge permits.

PURPOSE OF DISCHARGE PERMIT

A discharge permit precisely defines one's obligations under federal and State water pollution laws, in order to minimize or eliminate the release of pollutants from one's facility. On some permits, this is accomplished by setting numerical limits on the quantity or concentration of pollutants in the effluent. On others, this is accomplished by setting operational conditions. A permit is not simply an authorization to discharge, nor is it a license to pollute.

WHO NEEDS A PERMIT

The EPA has developed a list of activities that, if they discharge storm water to surface water of the State, must potentially be regulated by permit. This includes most manufacturing, but also extractive industries, service activities, and construction. It does not include retail and wholesale establishments. The storm water of concern is that coming from most buildings, storage facilities, access roads and rail lines, and processing areas. It does not include non-industrial areas on the property such as lawns, employee/customer parking, or roofs of administrative buildings.

The factor that decides which facility needs a permit is whether there is an opportunity for pollutants from the facility to be carried away by storm water runoff. We call this "exposure." The pollutants may come from raw materials, byproducts, final products, or waste products. Generally, if all operations, movement of materials, and storage of materials are under roof, then a permit is not needed. As long as there is any potential for exposure, a permit is required. Having a clean or well-controlled facility does not negate the need for a permit.

INDUSTRIES NOT NEEDING A PERMIT

Industries that are on the list of potential storm water permittees, but have no potential exposure of pollutants, must certify that there is no exposure and continue to do so every five years. There is a No Exposure Certification form and questionnaire to complete, which can be obtained by mail or off of the Department's website. There is no fee for this process.

TYPES OF PERMITS

The Department issues two types of permits--individual and general.

An individual permit is crafted for a specific facility. It begins with a detailed application, and is developed under its own public participation process, which also allows the applicant opportunity to comment on the content of the permit. Processing time is six months or more.

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A general permit is developed for a group of similar facilities or similar types of discharges. It is initiated by the Department and also goes through a public participation process. Once it is issued, it is available to any facility of the description for which the permit was developed. A person obtains coverage under a general permit by submission of a notice of intent (NOI), which is a formal statement in which the discharger agrees to comply with the terms of the general permit.

The general industrial storm water permit, identified as 02-SW, is effective on December 1, 2002 and will expire on November 30, 2007. Coverage under this general permit fulfills most industrial facilities' storm water permitting obligations, but no longer includes construction activity associated with these facilities. Complex or pollution prone facilities where the terms of the general permit are not applicable will require individual permit coverage. Most facilities qualify for coverage under the general permit.

WHAT INDUSTRY IS REQUIRED TO DO UNDER THE PERMIT

The general permit directs the discharger to develop a storm water pollution prevention plan and implement it. The intent of this strategy is to prevent pollutants from entering the storm water rather than using treatment to remove pollutants. Major components of the plan are to 1) assess the site to determine routes and areas of drainage, locate unpermitted nonstorm water discharges, and identify potential sources of pollutants, 2) take measures to control these sources, such as housekeeping, process changes, routine inspections, or containment, 3) assign responsible individuals to continually oversee storm water protection efforts, and 4) perform annual reevaluations of the adequacy of the plan.

An individual permit would also require a pollution prevention plan. In addition, it might include site specific pollution prevention requirements and include end-of-pipe numerical limits and monitoring.

HOW INDUSTRIES OBTAIN A PERMIT

The permit, NOI form, and instructions may be downloaded from the Department's website at www.mde.state.md.us. You may call the Wastewater Permits Program at 410-631-3323 or write to 1800 Washington Blvd, Baltimore, Maryland 21230 and request a copy of 02-SW, an NOI form, and written instructions.

WHAT ARE THE COSTS

There is a one-time \$550 fee for coverage under the industrial general permit or an annual fee of \$120. The fees cover the period from the time one submits the NOI to the date of expiration of the general permit and will be prorated on a monthly basis.

An individual permit has an application fee, advertising charges, and an annually assessed permit fee. Permit and application fees depend on the volume discharged and type of industry.