

# Industrial Stormwater & How it Can Affect You: The Permit Process

Hosted by: UMB Environmental Law Clinic, Bluewater  
Baltimore, and Chesapeake Legal Alliance

Co-Sponsored by: Community Law Center

# Zoom Logistics

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- To join audio by phone:

**(301) 715 8592      ID: 897 7864 7179      Passcode: 121520**

- Type your questions using the questions button
- This webinar is being recorded

# Industrial Stormwater & How it Can Affect You: The Permit Process

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# Introductions

# Logistics

- How long will the presentation take?
- Where can questions be submitted?
- Will these slides be available after the presentation?

# Goals

- Define Industrial Stormwater
- Define the Clean Water Act and the Permit Process
- Understand Community Impacts
- Learn the Importance of Community Action
- Learn How to Take Part in the Permit Process

# Agenda

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1. Industrial Stormwater & Baltimore
  - How does it affect public health?
  - How does it affect health of waterways?
  - How does this connect to our communities?
2. Background on the Clean Water Act
  - What is a permit?
  - How do permits help limit pollution?
  - How do we stay informed?
3. Current state of the Maryland Draft Industrial Stormwater Permit
4. Community Engagement & Involvement
  - How can a community take part in the permit renewal process?

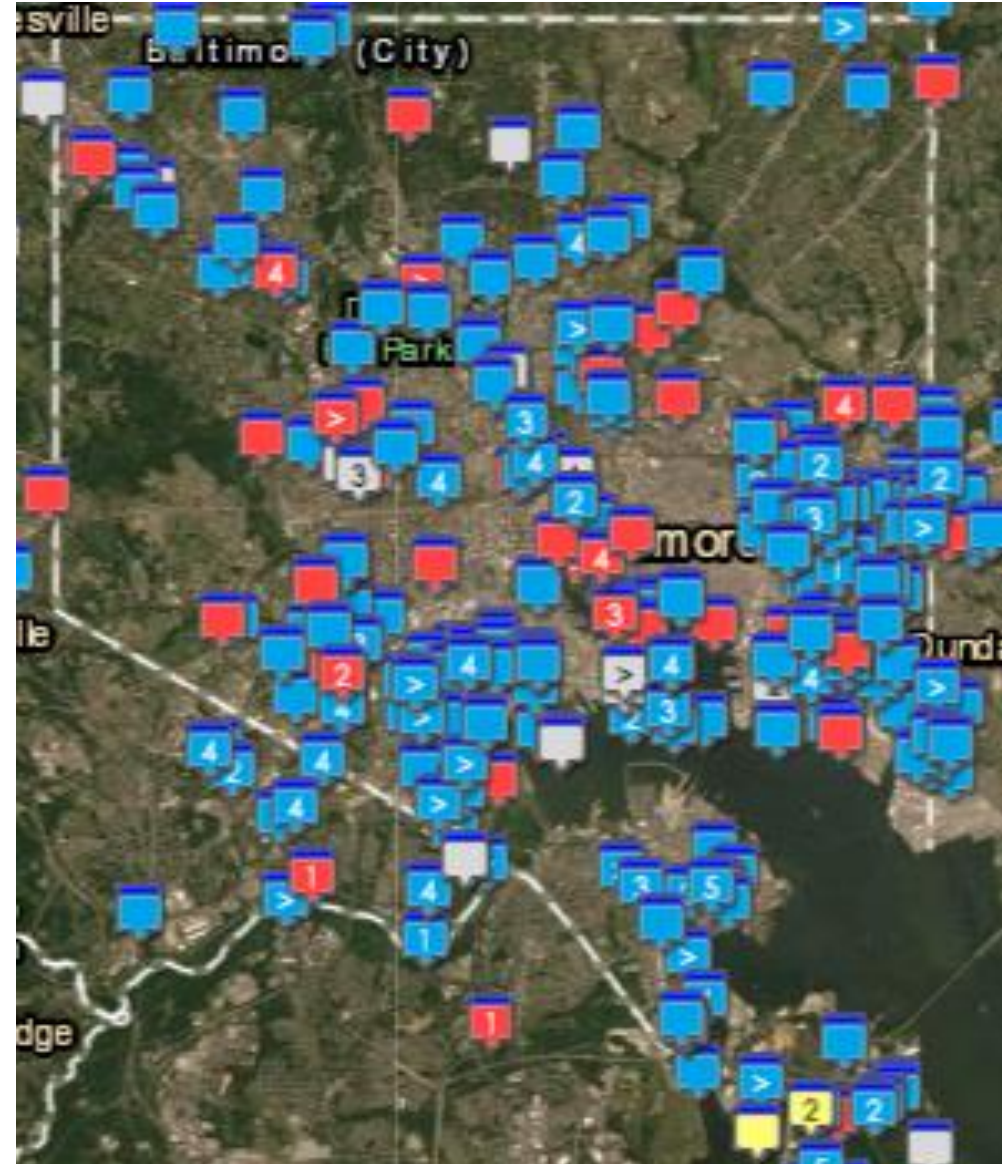
# Why comment on the industrial stormwater permit?

- Industrial stormwater is harmful to public and environmental health and disproportionately affects low-income communities and communities of color
- Affected parties can advocate for a stronger permit by submitting a comment to the Maryland Department of the Environment



# Industrial Facilities & Baltimore City

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# Agenda

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- How does it affect public health?
- How does it affect health of waterways?
- How does this connect to our communities?

## 2. Background on the Clean Water Act

- What is a permit?
- How do permits help limit pollution?
- How do we stay informed?

## 3. Current state of the Maryland Draft Industrial Stormwater Permit

## 4. Community Engagement & Involvement

- How can a community take part in the permit renewal process?



# What is Industrial Stormwater?



Industrial activities are exposed to the weather



Runoff from precipitation is contaminated



Harmful materials enter local waterways





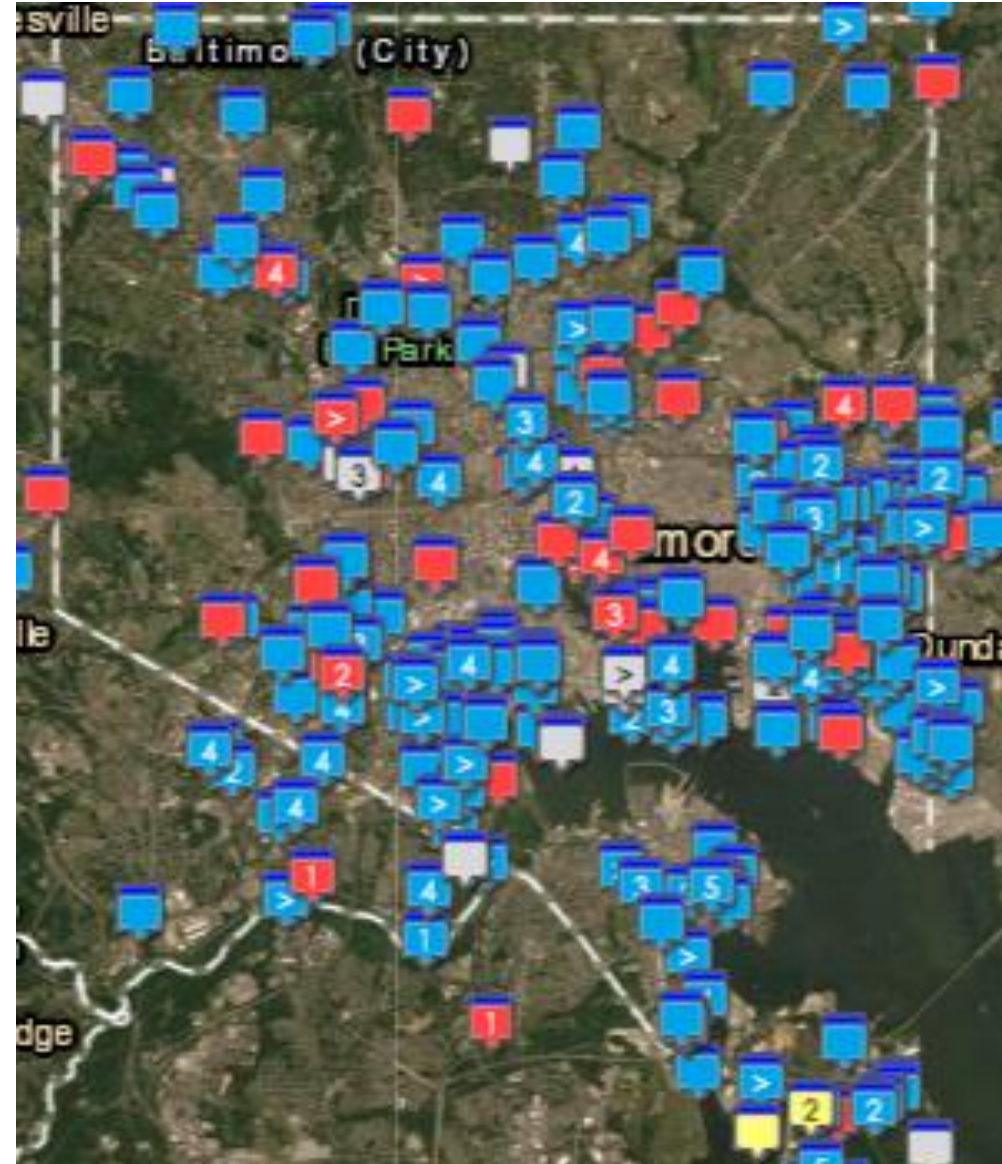
# What is an Industrial Activity?

- Heavy Manufacturing
- Coal and mineral mining and oil and gas exploration
- Hazardous waste treatment, storage, and disposal facilities
- Landfills
- Recycling facilities
- Steam electric power facilities
- Transportation facilities
- Construction sites
- Light manufacturing operations



# Industrial Facilities & Baltimore City

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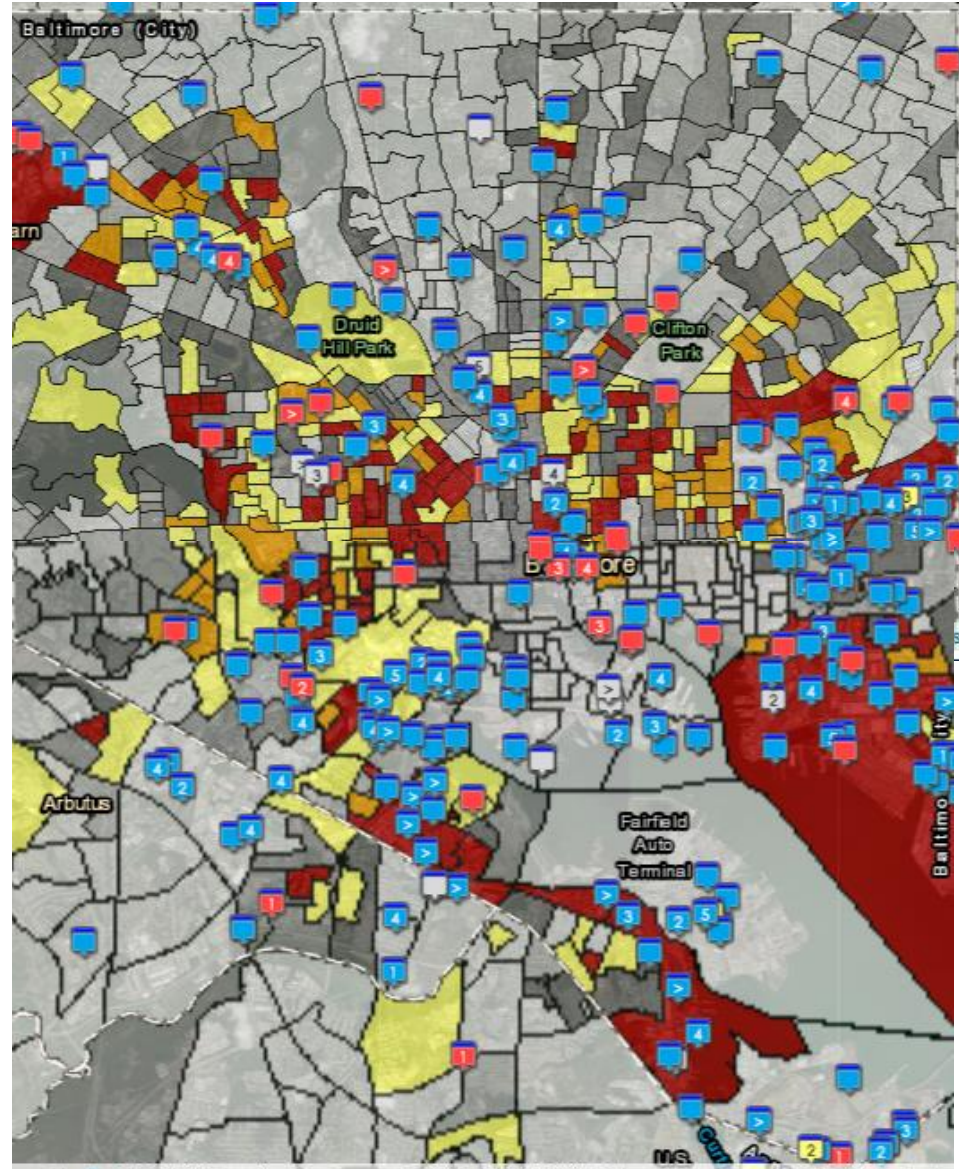




# Low Income

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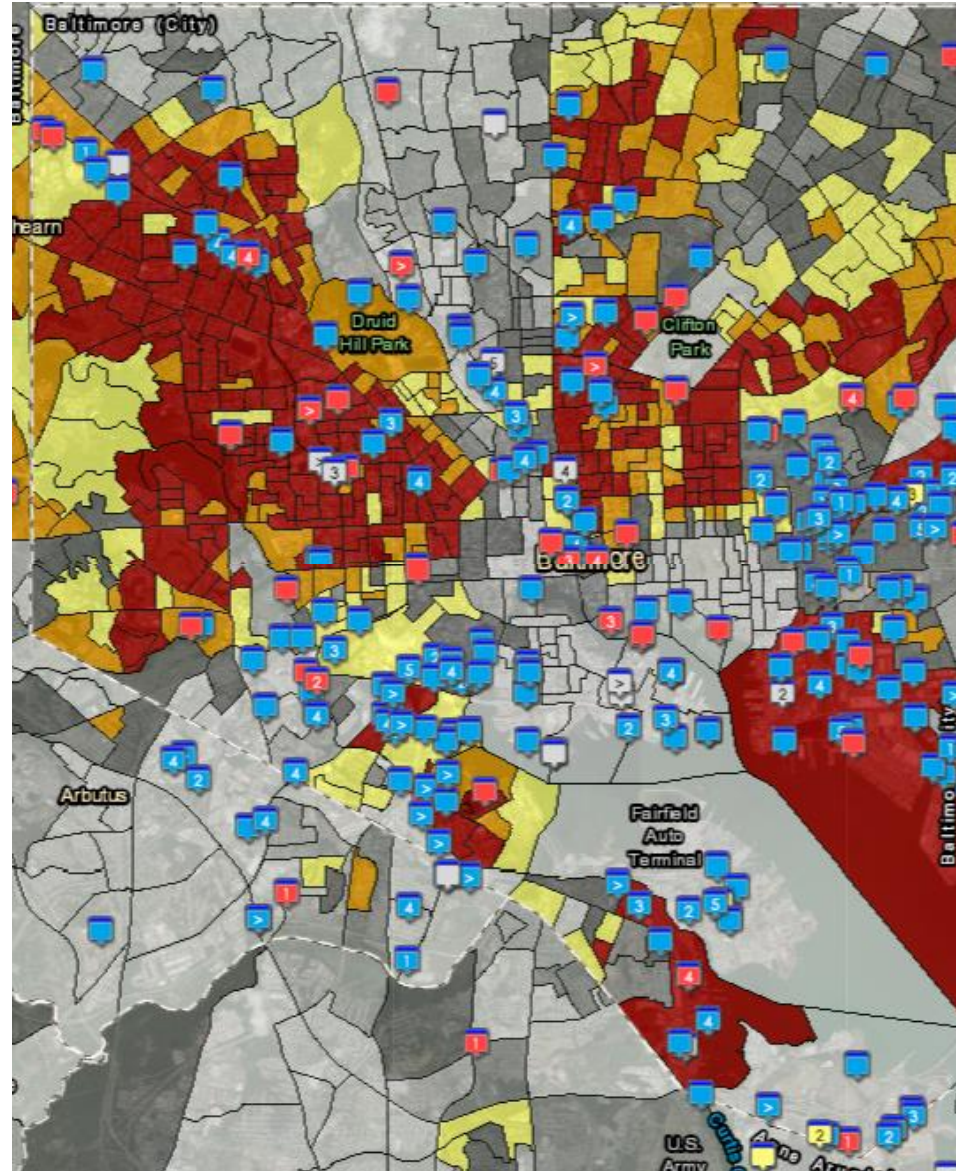
- Red: 95-100%
- Orange: 90-95%
- Yellow: 80-90%
- Dark Grey: 70-80%



# Minority

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- Red: 95-100%
- Orange: 90-95%
- Yellow: 80-90%
- Dark Grey: 70-80%







# Impacts to Communities

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1. Increased Exposure to Chemicals
2. Polluted Waterways
3. Unregulated Stormwater Flows
  - Property damage
4. Compounded Impacts
  - Climate change
  - Environmental Justice



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# What is the Clean Water Act (CWA)?

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- The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”
- First major U.S. Law to Address Water Pollution



Cuyahoga River in Cleveland, OH

# What is the Clean Water Act (CWA)?

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- The CWA:
  - Prohibits the discharge of pollutants unless permitted through the National Pollution Discharge Elimination System (NPDES)
  - Includes Federal financial assistance for water related infrastructure and pollution control programs
  - Creates a policy to develop technology and research to eliminate water pollution



# What is a water pollution permit?

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- Water pollution permits are required for anyone discharging pollutants into waterways
  - Like a driver's license - grants a *privilege* to permit holders to discharge pollutants
- Gives government agencies the ability to keep track of pollutants and enforce water quality standards
  - Without these controls, waterways would become oversaturated with pollutants leading to serious harm

# What is a water pollution permit?

- Permits Include:
  - Limits on what types and quantities of pollutants that can be discharged
  - Monitoring Requirements
  - Reporting Requirements
  - Pollution Prevention Plans and other requirements
- In Maryland water pollution permits are issued by the Maryland Department of the Environment (MDE)



## PART I. APPLICABILITY

By this permit the Maryland Department of the Environment (the Department) authorizes the discharge of stormwater associated with industrial activity to waters of the state. This authorization is only for operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department to discharge in accordance with the eligibility requirements and other conditions in this permit and consistent with your NOI, as on file with the Department. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.* and implementing regulations 40 CFR Parts 122, 123, 124, and 125. "You" and "Your" are used in this permit to refer to the permittee or the permit applicant, as the context indicates, and that party's facility or responsibilities.

### A. Geographic Coverage

This permit applies to facilities operating within the state of Maryland.

### B. Facilities Covered

To be eligible to discharge under this permit you must either (1) have been covered under previous permit 02-SW or (2) have a stormwater discharge associated with industrial activity, as defined in Appendix E, from a primary industrial activity included in Appendix A or (3) be notified by the Department that you are eligible for coverage under Sector AD: Non-Classified Facilities, as defined in Appendix A or (4) be notified by the Department that you are eligible for coverage as described in Part I.E.4.

### C. Limitations on Coverage

The following stormwater discharges are not eligible for coverage under this permit. Additional limitations on coverage for each sector covered under this permit are listed in Appendix D. You must determine which sector(s) your industrial activities are defined as in Appendix A to determine which additional limitations from Appendix D apply.

1. Stormwater discharges associated with construction activity, as defined in Appendix E and 40 CFR 122.26;

## PART V. INSPECTIONS, MONITORING, AND REPORTING

### A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You must keep a copy of the documentation from all inspections and evaluations onsite with your SWPPP per Part III.C.8.g.

#### 1. Routine Facility Inspection

At least once per quarter, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. The facility inspections must be documented with a checklist or other summary signed in accordance with Part II.C.2 of this permit, by qualified personnel, with at least one member of your stormwater pollution prevention team participating. The checklist must include a certification that the site is in compliance with the SWPPP and this permit, or a record of the deficiencies and necessary follow up actions. Refer to Part IV.C Corrective Action Deadlines and Part IV.D. Corrective Action Report for appropriate time frames.



# Maryland

## Department of the Environment

**Table 5 - Sector M Benchmarks (Automobile Salvage Yards)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab
Total Aluminum	0.75	mg/L	1/quarter	Grab
Total Iron	1.0	mg/L	1/quarter	Grab
Total Lead <sup>1</sup>	0.082	mg/L	1/quarter	Grab

<sup>1</sup> The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Appendix C.

**Table 6 - Subsector N1 Benchmarks (Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling)**

PARAMETER	Benchmark	Units	Frequency	Sample Type
Chemical Oxygen Demand (COD)	120	mg/L	1/quarter	Grab
Total Suspended Solids (TSS)	100	mg/L	1/quarter	Grab
Total Recoverable Aluminum	0.75	mg/L	1/quarter	Grab
Total Recoverable Iron	1.0	mg/L	1/quarter	Grab
Total Lead <sup>1</sup>	0.082	mg/L	1/quarter	Grab
Total Zinc <sup>1</sup>	0.12	mg/L	1/quarter	Grab
Total Copper <sup>1</sup>	0.014	mg/L	1/quarter	Grab

<sup>1</sup> The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Appendix C.

# General and Individual Permits

## General Permit

- Covers stormwater discharges from industrial sites, construction activities, and municipal stormwater systems
- Applies to all sites that qualify as within certain industry sectors and assumes that these industry sectors require similar needs to create a more efficient permitting process

## Individual Permit

- Covers stormwater and wastewater dischargers, or a combination of both, from individual facilities and are tailored to the individual site

# Steps to Renewing a General Permit

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1. Federal law requires states to regulate stormwater and other pollution through permits that must be reissued every 5 years
  - When a water pollution permit is expiring MDE drafts a new permit
2. **MDE releases a draft of the permit that triggers a public notice and comment period (90 days)**
  - **During this period, any interested parties may submit written comments or participate in public hearings to express their views on the permit**



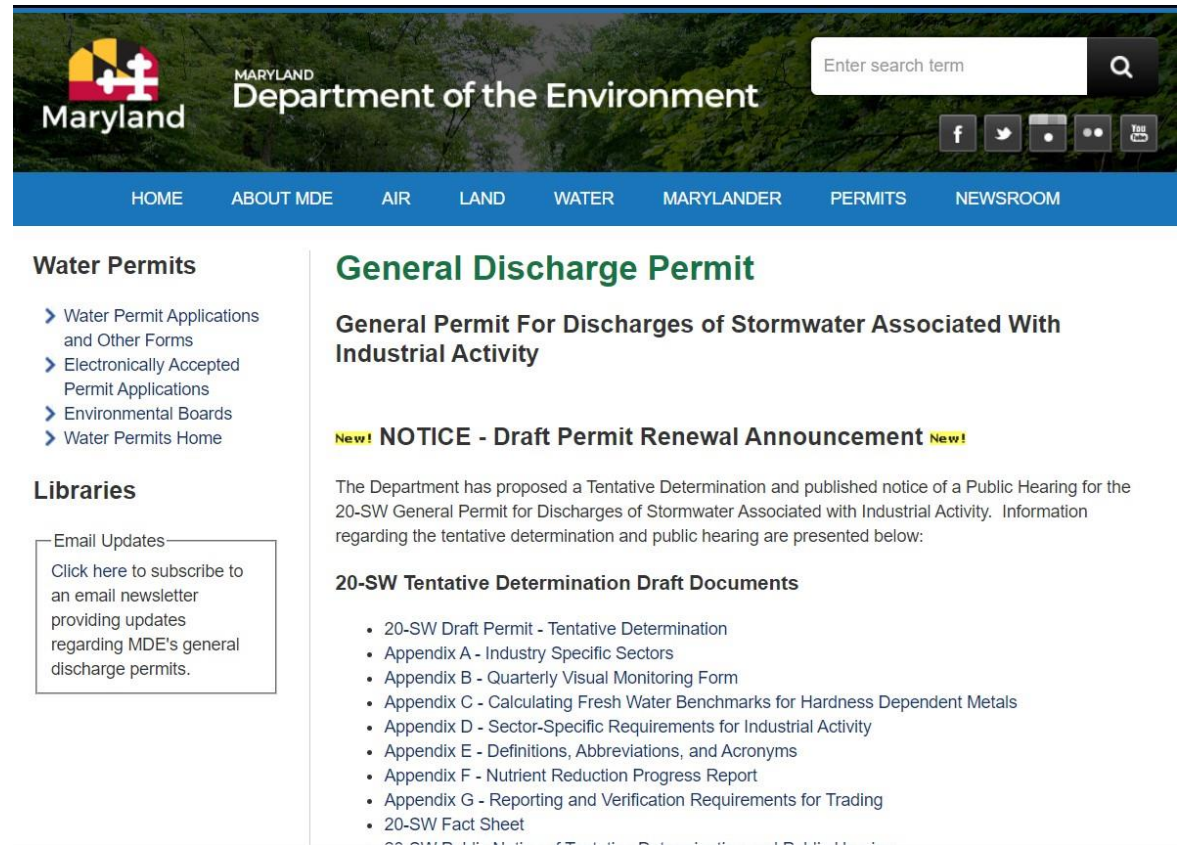
# General Permit Renewal Procedures

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3. At the end of the notice and comment period MDE reviews all comments and based on the evaluation of the comments, decides whether to issue the permit or make any changes
4. The Final Permit is issued and those who submitted comments are notified
  - Individuals and organizations who participated in the public comment process may appeal the Final Permit

# How do we stay informed about permits?

- The MDE website include information on new permits and notices on Draft Permit Renewals
- MDE also allows individuals and organizations to subscribe to an email newsletter that provides updates regarding MDE's permits



The screenshot shows the Maryland Department of the Environment (MDE) website. The header features the Maryland state logo and the text 'MARYLAND Department of the Environment'. A search bar is located in the top right corner. Below the header is a navigation menu with links: HOME, ABOUT MDE, AIR, LAND, WATER, MARYLANDER, PERMITS, and NEWSROOM. The main content area is divided into two columns. The left column is titled 'Water Permits' and contains a list of links: 'Water Permit Applications and Other Forms', 'Electronically Accepted Permit Applications', 'Environmental Boards', and 'Water Permits Home'. Below this is a section titled 'Libraries' with a link to 'Email Updates' and a description: 'Click here to subscribe to an email newsletter providing updates regarding MDE's general discharge permits.' The right column is titled 'General Discharge Permit' and contains the text 'General Permit For Discharges of Stormwater Associated With Industrial Activity'. Below this is a 'New!' notice titled 'NOTICE - Draft Permit Renewal Announcement' with a 'New!' tag. The notice text states: 'The Department has proposed a Tentative Determination and published notice of a Public Hearing for the 20-SW General Permit for Discharges of Stormwater Associated with Industrial Activity. Information regarding the tentative determination and public hearing are presented below:'. Below the notice is a section titled '20-SW Tentative Determination Draft Documents' which contains a list of links: '20-SW Draft Permit - Tentative Determination', 'Appendix A - Industry Specific Sectors', 'Appendix B - Quarterly Visual Monitoring Form', 'Appendix C - Calculating Fresh Water Benchmarks for Hardness Dependent Metals', 'Appendix D - Sector-Specific Requirements for Industrial Activity', 'Appendix E - Definitions, Abbreviations, and Acronyms', 'Appendix F - Nutrient Reduction Progress Report', 'Appendix G - Reporting and Verification Requirements for Trading', and '20-SW Fact Sheet'.

**Water Permits**

- Water Permit Applications and Other Forms
- Electronically Accepted Permit Applications
- Environmental Boards
- Water Permits Home

**Libraries**

Email Updates—  
Click here to subscribe to an email newsletter providing updates regarding MDE's general discharge permits.

**General Discharge Permit**

**General Permit For Discharges of Stormwater Associated With Industrial Activity**

**New! NOTICE - Draft Permit Renewal Announcement New!**

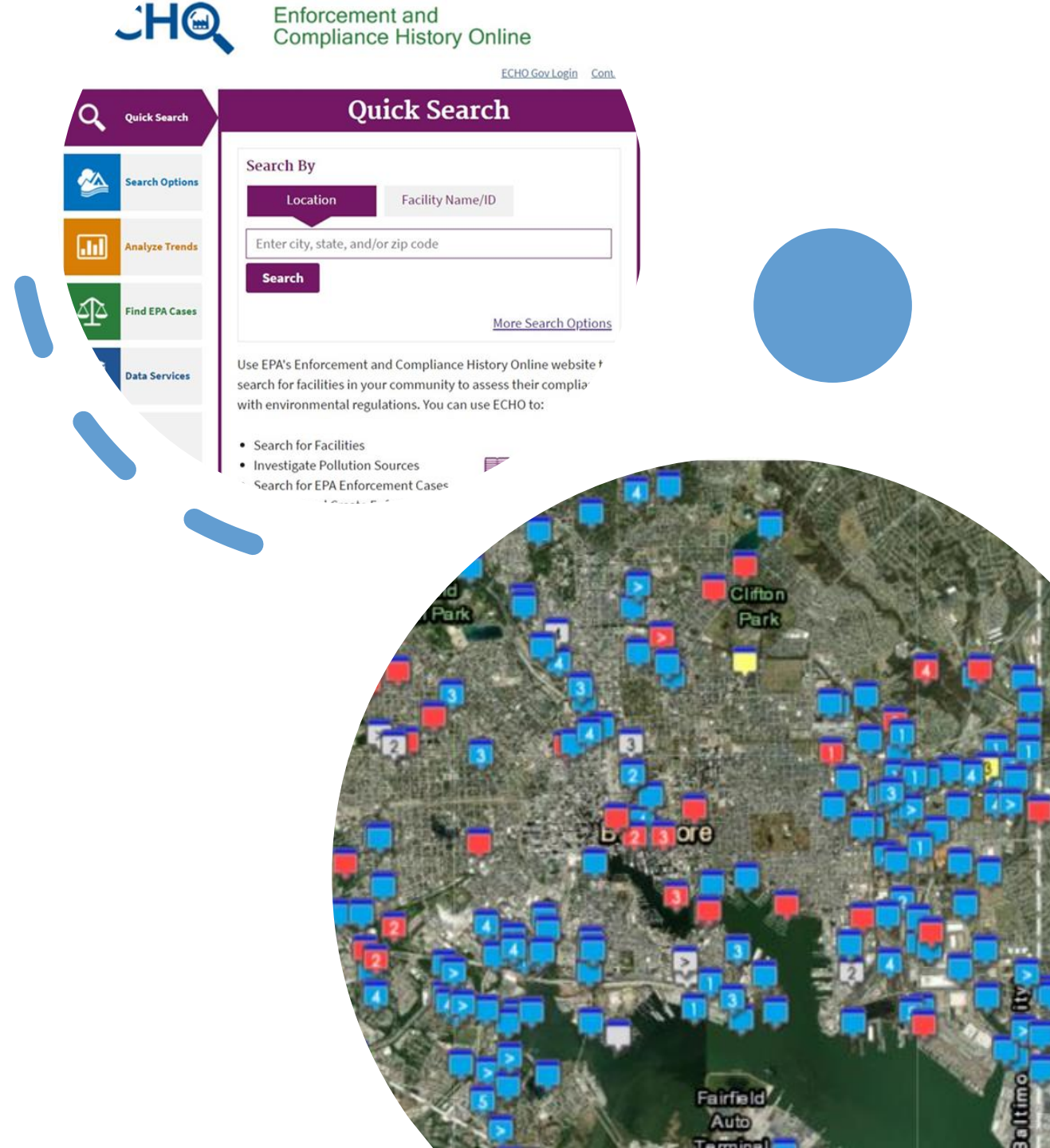
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**20-SW Tentative Determination Draft Documents**

- 20-SW Draft Permit - Tentative Determination
- Appendix A - Industry Specific Sectors
- Appendix B - Quarterly Visual Monitoring Form
- Appendix C - Calculating Fresh Water Benchmarks for Hardness Dependent Metals
- Appendix D - Sector-Specific Requirements for Industrial Activity
- Appendix E - Definitions, Abbreviations, and Acronyms
- Appendix F - Nutrient Reduction Progress Report
- Appendix G - Reporting and Verification Requirements for Trading
- 20-SW Fact Sheet

# How do we track permits once they are operating?

- Permit holders are required to keep track of pollution and report it through discharge monitoring reports
- Reports are made available through the EPA's Web Tool, Enforcement and Compliance History Online (ECHO)
- Includes pollution reports, facility information, and enforcement actions



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# Maryland General Permit For Discharges of Stormwater Associated With Industrial Activity

- Previous Discharge Permit No. 12-SWA
  - Effective January 1, 2014 - December 31, 2018
- New Draft Discharge Permit No. 20-SWA
  - Released for comment January 14, 2021
- Important Permit Sections:
  - Part II - Approval Requirements
  - Part III - Stormwater Management Requirements
  - Part IV - Corrective Actions
  - Part V - Inspections, Monitoring, and Reporting



**Maryland**  
Department of  
the Environment



# Part II - Approval Requirements

- Establishes how to obtain authorization to discharge
- Deadlines for coverage
- Notification requirements

## MARYLAND DEPARTMENT OF THE ENVIRONMENT

NOI for Permit No. 12-SW-A

Not Valid for Use without an associated Declaration of Intent (DOI).

### SECTION II (continued): Facility Information

(I) Provide the primary four-digit SIC code that best represents the principal products or activities provided by the facility, and any co-located SIC codes.

Primary SIC: <input type="text"/>	Co-located SICs: <input type="text"/>	Description of your primary industrial activity: <input type="text"/>
(J) Latitude (in degrees decimal)	Longitude (in degrees decimal)	(K) <input type="checkbox"/> Check here if you a new discharger. If not a new discharger, provide the previous registration (e.g., 02SW1234)
(L) Total property size (in acres)	(M) <input type="checkbox"/> Check if your facility is inactive and unstaffed.	
(N) Identify the 8 digit identifier(s) and name(s) of the receiving water(s).		

☐ Check here if any of the receiving water(s) are listed as high quality (Tier 2)

Identify if any of these impairments have been identified for the receiving water(s). (Category 4a, 4b, 4c, or 5 waterbodies)

- |                                     |                                               |
|-------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Bacteria   | <input type="checkbox"/> Pesticides           |
| <input type="checkbox"/> Biological | <input type="checkbox"/> pH                   |
| <input type="checkbox"/> Ions       | <input type="checkbox"/> Stream Modifications |
| <input type="checkbox"/> Metals     | <input type="checkbox"/> Sediments            |
| <input type="checkbox"/> Nutrients  | <input type="checkbox"/> Toxics               |
| <input type="checkbox"/> PCBs       | <input type="checkbox"/> Trash                |

If your facility discharges into an MS4, list the jurisdiction:

### SECTION III: Stormwater Pollution Prevention Plan (SWPPP) and Monitoring

The 12SW permit does require you evaluate and implement specific control measures and effluent limits. It requires you to perform quarterly visual monitoring, may include numeric limits in certain watersheds, and benchmark monitoring and reporting for specific industrial sectors. It requires you to update your SWPPP to encompass the new controls required and provide this in conjunction with your NOI, and then keep an updated SWPPP onsite.

(O) Stormwater Pollution Prevention Plan (SWPPP) Primary Contact

Name	<input type="text"/>	
Telephone Number	Email Address	SWPPP Provided (URL, email, etc)
<input type="text"/>	<input type="text"/>	<input type="text"/>

(P) Select all the sector's benchmark and electronic reporting that apply to your operations.

- ☐ None
- ☐ Subsector C1 (Agricultural Chemicals for SIC 2873-2879)
- ☐ Subsector C2 (Industrial Inorganic Chemicals for SIC 2812-2819)
- ☐ Subsector C3 (Soaps, Detergents, Cosmetics and Perfumes for SIC 2841 – 2844)
- ☐ Subsector L1 – Landfill or Land Application Site with refuse disposal or marginal land permit
- ☐ Subsector L2 – Landfill or Land Application Site with refuse disposal or marginal land permit, except MSWLF Areas Closed in Accordance with 40 CFR 258.60
- ☐ Sector M - Automobile Salvage Yards
- ☐ Subsector N1 - Scrap Recycling and Waste Recycling Facility not Source-Separated Recycling
- ☐ Subsector U1 - Grain Mill Products (SIC 2041-2048)
- ☐ Subsector U2 - Fats and Oils Products (SIC 2074-2079)
- ☐ Sector AA - Fabricated Metal Products

# Part III - Stormwater Management Requirements

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- Chesapeake Bay Restoration Requirements
- Control Measures and Pollution Limits
- Creation of a Stormwater Pollution Prevention Plan





# Part IV - Corrective Actions

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- Conditions that require review and revision to
  - (1) eliminate a problem and
  - (2) determine if modifications to the facility are necessary
- Corrective action deadlines and reporting requirements
- Effect of corrective action





# Part V - Inspections, Monitoring, and Reporting



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- Site inspections and evaluations
- Industry specific pollution benchmarks monitoring requirements
- Monitoring procedures
- Records retention



# Impacts to Communities

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1. Increased Exposure to Chemicals
2. Polluted Waterways
3. Unregulated Stormwater Flows
  - Property damage
4. Compounded Impacts
  - Climate change
  - Environmental Justice

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# What is a comment?

- A comment is written, or oral testimony provided to MDE that provides information regarding a draft permit or new permit
- This information can include:
  - Personal narratives
  - Technical data
  - Solutions
- Comments are required to be considered in MDE's decision-making – providing an advocacy tool for communities to change how pollution is controlled

# Why should the public write comments?

- For the Public:
  - Increases community understanding of local pollution threats
  - Gives opportunity to have the community's voices heard
  - Allows for participation by those that are directly affected
  - Fosters relationship with decision makers and creates potential for greater community engagement in the future
- For the agency (MDE):
  - Provides information for MDE that they may not have considered
  - Helps to create informed decision making
  - Serves as a check to agency power

# Comment Strategies

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- Strong comments act to identify problems faced by communities, explain the importance of a stronger permit, and present new information to MDE that helps them evaluate the permit
- Three General Types
  - Narrative Comment
  - Legal/Policy Comment
  - Technical Comment



# Example Narrative Comment:

Introduce yourself, what permit you are commenting on, and whether you are commenting on behalf of an organization.



My name is [insert name] and I am submitting the following comment on the Maryland Department of the Environment's ("MDE") Draft General Permit For Discharges of Stormwater Associated With Industrial Activity Permit No. 20-SW ("Permit").

State why you are commenting and how industrial stormwater affects you and your community.



The draft permit does not adequately protect citizens of Baltimore from the dangers and hazards associated with industrial stormwater. As a resident of Baltimore City, my community is surrounded by clusters of industrial facilities. MDE records indicate that there are 112 of these facilities operating within Baltimore City. Many of these facilities have a documented history of pollution level exceedances and noncompliance with permit terms

Suggest ways the permit should be strengthened.



The industrial stormwater permit must be strengthened to better protect Baltimore's communities by taking into consideration the disproportionate harms that affect the city including flooding and cumulative environmental impacts. The new permit must incorporate stricter deadlines for polluters to take corrective action and increased enforcement and inspection from MDE. In addition, the Chesapeake Bay Restoration programs must be strengthened to not only protect our waterways but to prevent industrial stormwater from leaving the facility and entering my property.

# How to Draft a Comment

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- Introduce yourself
- Indicate your position towards the permit
- Explain how the permit and pollution will directly impact you and your community
- Identify issues you have faced and areas where you think it should be strengthened to help you and your community
- Tips:
  - An effective comment should be clear, concise, relevant and provide specific examples of your experience
  - Provide a new perspective for MDE and keep the comment focused on what issues are most important to you



## Provided Resources:

- Comment Template:
  - An outline comment that you can use to streamline your comment with areas you can fill in to provide your feedback and contact information to know where to send it
- How to Access ECHO:
  - Instructions to access ECHO and find out for yourself what polluters are in your area
- Other resources:
  - MDE's permit page and email sign-up
  - Information to find your state and local representatives
  - PowerPoint presentation

# Important Dates

- Public Hearing: March 3<sup>rd</sup> from 5-7pm
  - Virtual meeting via GoToWebinar
  - Sign-up via [registration link](#)
- Written Comment Due Date: April 19<sup>th</sup>
  - Mail:

Attn: Paul Hlavinka, Industrial Stormwater Permits  
Division  
Maryland Department of the Environment,  
Water and Science Administration,  
1800 Washington Blvd., Ste. 455,  
Baltimore, MD 21230-1708
  - Email
    - Paul.Hlavinka@Maryland.gov

# Next Steps

- Complete the comment template and submit comment to MDE by **April 19<sup>th</sup>**
  - How has local industrial stormwater pollution potentially affected you?
- Take part in the public hearing on **March 3<sup>rd</sup>**
- Talk to your local representatives



# Contact Information

- **University of Maryland, Environmental Law Clinic**
  - Abigail Doane Rodgers ([adoane@clinic.law.umaryland.edu](mailto:adoane@clinic.law.umaryland.edu))
  - Colin Hughes ([colinhughes@clinic.law.umaryland.edu](mailto:colinhughes@clinic.law.umaryland.edu))
- **Chesapeake Legal Alliance**
  - Patrick DeArmey ([patrick@chesapeakelegal.org](mailto:patrick@chesapeakelegal.org))
- **Blue Water Baltimore**
  - Alice Volpitta ([avolpitta@bluewaterbaltimore.org](mailto:avolpitta@bluewaterbaltimore.org))
- **Community Law Center**
  - Shana Roth-Gormley ([shanar@communitylaw.org](mailto:shanar@communitylaw.org))





QUESTIONS