

Larry D. Smith Regulatory Assurance Manager

Calvert Cliffs Nuclear Power Plant 1650 Calvert Cliffs Parkway Lusby, MD 20657

410 495 5219 Office 410-610-9729 Mobile www.exeloncorp.com

larry.smith2@exeloncorp.com

August 31, 2016

U. S. Nuclear Regulatory Commission ATTN: Document Control Desk Washington, DC 20555

> Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 Renewed Facility Operating License Nos. DPR-53 and DPR-69 NRC Docket Nos. 50-317 and 50-318

Subject: National Pollution Discharge Elimination System Permit Issuance

Reference: 1. Calvert Cliffs Unit Nos. 1 and 2 Appendix B Technical Specification 3.2.3

As required by Reference 1, the approved National Pollution Discharge Elimination System Permit issued by the State of Maryland is attached.

There are no regulatory commitments contained in this correspondence.

Should you have questions regarding this matter, please contact me at (410) 495-5219.

Respectfully,

Larry D. Smith Regulatory Assurance Manager

LDS/PSF/bjm

Enclosure: (1) National Pollution Discharge Elimination System Permit

cc: NRC Project Manager, Calvert Cliffs NRC Regional Administrator, Region I NRC Resident Inspector, Calvert Cliffs S. Gray, MD-DNR

CDDI

ENCLOSURE (1)

National Pollution Discharge Elimination System Permit



Maryland Department of the Environment Larry Hogan Governor

Boyd Rutherford Lieutenant Governor

Ben Grumbles Secretary

STATE DISCHARGE PERMIT NUMBER	15-DP-0187	NPDES PERMIT NUMBER	MD0002399
EFFECTIVE DATE	September 1, 2016	EXPIRATION DATE	August 31, 2021
MODIFICATION DATE:	N/A	REAPPLICATION DATE	August 31, 2020

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

Calvert Cliffs Nuclear Power Plant, LLC 1650 Calvert Cliffs Parkway Lusby, Maryland 20657

TO DISCHARGE FROM

LOCATED ATa nuclear steam-electric generating facilityVIA OUTFALLS1650 Calvert Cliffs Parkway, Lusby, Calvert County, Maryland 20657O01, 003, and 004 as identified and described below and from facility areas identified
in the Stormwater Pollution Prevention Plan (SWPPP) referenced herein;TOthe Chesapeake Bay, a designated Use II water body under COMAR 26.08.02.02

the Chesapeake Bay, a designated Use II water body under COMAR 26.08.02.02 protected for water contact recreation, fishing, aquatic life, wildlife, and shellfish harvesting in accordance with the following special and general conditions and maps made a part hereof.

A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge once-through non-contact cooling water, treated sanitary wastewater (Monitoring Point 101A), water from plant sumps and stormwater (Monitoring Point 102A), boiler blowdown water (Monitoring Point 103A), condensate from hotwells (Monitoring Point 106A); and demineralizer backwash/reverse osmosis ion exchange waste (Monitoring Point 104A) via Outfall 001 (Maryland Coordinates 1472.0 E and 280.9 N).

Discharges authorized under this section shall be limited and monitored by the permittee as specified below, at the surge pit at the end of Discharge Road near the northeast corner of the plant.

	QUANTITY OR LOADING			QUA	LITY OR CON	CENTRATION	FREQUENCY			
PARAMETER	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY A VERAGE	DAILY MAXIMUM	UNITS	OF ANALYSIS	SAMPLE TYPE	NOTES
Flow	Report	Report	MGD						Measured	
Temperature (Effluent)						Report	°F	1/Hour	i-s	(1)
Temperature Increase		,				12	٩F	1/Hour	Calculated	(2)(3)
Total Residual Oxidants (TRO)					0.0075	0.013	mg/L	1/Week	Grab	(4)

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 from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 3,500 million gallons per day (MGD). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

The radioactive component of this discharge is regulated by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act, not the Department or EPA under the Clean Water Act.

A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Continued from previous page

Notes:

- (1) Effluent temperature is calculated as the flow-weighted average of individual instantaneous discharge measurements taken once per hour at the concrete surge pit. Four conduits converge at this point (two from each unit) and two temperature probes are located within the discharge for each conduit. Records of individual temperature measurements shall be maintained on site and made available to Department personnel upon request.
- (2) "Temperature Increase" is calculated as the difference between effluent temperature and intake temperature.
- (3) Intake temperature is sampled by electrodes located on the front of the condenser tubes. Results from intake temperature measurements shall be maintained on site and made available to Department personnel upon request.
- (4) Monitoring for total residual oxidants (TRO) is required only during the use of products containing chlorine and/or bromine. The permittee shall indicate when such compounds are not in use on each monthly discharge monitoring report (DMR). In NetDMR, the permittee shall report "NODI 9" for TRO during months when chlorine/bromine is not in use. If disuse is not indicated it will be assumed that chlorine or bromine is being used and monitoring will be required. Residual chlorine/bromine may not be discharged from any unit for more than two hours per day unless the permittee demonstrates to the Department that additional chlorine/bromine use is necessary for macroinvertebrate control. The minimum quantification level for TRO is 0.10 mg/L. The permittee may report all results below the minimum as "NODI B" in NetDMR or "<0.10 mg/L" on paper discharge monitoring reports. All results below 0.10 mg/L shall be considered in compliance.</p>

A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge effluent from a sewage treatment plant eventually flowing through Outfall 001 via Monitoring Point 101A (Maryland Coordinates 1472.0 E and 280.9 N).

Discharges from the treatment plant's dechlorination chamber authorized under this permit shall be limited and monitored by the permittee as specified below.

	ITY OR LOAD	Y OR LOADING		QUALITY OR CONCENTRATION			FREQUENCY			
PARAMETER	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	OF ANALYSIS	SAMPLE TYPE	NOTES
Flow	Report	Report	MGD						Measured	
Biochemical Oxygen Demand (BOD ₅)					30	45	mg/L	1/Month	8-hr Composite	
Total Suspended Solids (TSS)					30	45	mg/L	1/Month	8-hr Composite	
Fecal Coliform					14		MPN/ 100 mL	1/Month	Grab	
Enterrococci					35	104	MPN/ 100 mL	1/Month	Grab	
Total Residual Chlorine					0.0075	0.013	mg/L	1/Month	Grab	(1)
Total Nitrogen (as N)					Report	Report	mg/L	1/Month	Calcuated	(2)
Ammonia (as N)					Report	Report	mg/L	1/Month	8-hr Composite	(2)

A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Continued from previous page

	QUANITTY OR LOADING			QUÀ	LITY OR CON	CENTRATION	FREQUENCY			
PARAMETER	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	OF ANALYSIS	SAMPLE TYPÉ	NOTES
Nitrate-Nitrite (as N)					Report	Report	mg/L	1/Month	8-hr Composite	(2)
Organic Nitrogen (as N)					Report	Report	mg/L	l/Month	8-hr Composite	(2)
Total Phosphorus (as P)					Report	Report	mg/L	1/Month	8-hr Composite	

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 from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 20,000 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

Notes:

(1) The minimum quantification level for total residual chlorine (TRC) is 0.10 mg/L. The permittee may report all results below the minimum as "NODI B" in NetDMR or as "<0.10 mg/L" on paper discharge monitoring reports. All results below 0.10 mg/L shall be considered in compliance.

(2) Testing for all forms of nitrogen must be performed on the same sample.

A.3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge low volume wastewater and stormwater eventually flowing through Outfall 001 via Monitoring Points 102A, 103A, 104A, 106A (described below).

Discharges of low volume wastewater and stormwater authorized under this section shall be limited and monitored by the permittee as follows:

· .	QUANTITY OR LOADING			QUA	LITY OR CON	CENTRATION	FREQUENCY	تر هی . بر هی . اخور د	1 . 	
PARAMETER	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	OF ANALYSIS	SAMPLE TYPE	NOTES
Flow	Report	Report	MGD					See Notes	Measured	(1)(2)
Total Suspended Solids (TSS)					30	100	mg/L	See Notes	Grab	(1)(2)
Oil & Grease					15	20	mg/L	See Notes	Grab	(1)(2)
рН				6.0		9.0	s.u.	See Notes	Grab	(1)(2) (3)

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 from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 400,000 gallons per day (gpd) at MP 102A or 100,000 gallons per day (gpd) at MP 103A, MP 104A, or MP 106A. The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

The radioactive component of this discharge is regulated by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act, not the Department or EPA under the Clean Water Act.

Monitoring Points (Maryland Coordinates), discharge contents, and monitoring locations

Monitoring Point 102A (1472.0 E, 280.9 N) - Effluent from plant sumps and stormwater, monitored at pipe outlet adjacent to the sewage plant access road

A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Continued from previous page

Monitoring Point 103A (1472.1 E, 280.4 N) - Boiler blowdown water, monitored at the Unit 1 auxiliary blowdown tank Monitoring Point 104A (1472.0 E, 280.6 N) - Demineralizer backwash and reverse osmosis/ion exchange waste, monitored in discharges from the neutralization tank

Monitoring Point 106A (1472.3 E, 280.2 N) – Condensate from hotwells, monitored at the plant sample sink

Notes:

(1) Frequency of Analysis by Monitoring Point

Monitoring Point 102A - the frequency of analysis for all parameters shall be once per month.

Monitoring Point 104A - the frequency of analysis for pH shall be once per discharge; the frequency of analysis for flow, total suspended solids (TSS), and oil & grease shall be once per month.

Monitoring Points 103A and 106A - the frequency of analysis for all parameters shall be once per year.

(2) Limitations and monitoring requirements for Monitoring Point 102A apply during dry weather conditions.

(3) If pH of the receiving water is outside the accepted range, compliance with pH limits may be demonstrated alternatively if the pH level at Outfall 001 is between 6.5 and 8.5 or equivalent to ambient conditions. Ambient conditions may be demonstrated by sampling and testing the pH of intake water. If the pH of ambient water is needed to demonstrate compliance, intake water test results must be submitted with the monthly DMR.

I. <u>SPECIAL CONDITIONS</u>

B. <u>DEFINITIONS</u>

- 1. "Biochemical Oxygen Demand (BOD)" means the amount of oxygen consumed in a standard BOD₅ test without the use of a nitrification inhibitor at 20 degree centigrade on an unfiltered sample.
- 2. Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
- 3. "Clean Water Act" means the Federal Water Pollution Control Act Amendments of 1972," 33 U.S.C. 1251, 86 Stat. 866, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, and all other amendments to that act.
- 4. "CFR" means the Code of Federal Regulations.
- 5. "COMAR" means the Code of Maryland Regulations.
- 6. "Composite sample" means a combination of individual samples obtained at a minimum of hourly intervals over a specified time period, where the volume of each individual sample (or the sampling interval when using constant volume samples) is proportional to discharge flow rates recorded during the sampling period.
- 7. "Daily determination of concentration" means an analysis performed on an effluent sample representative of flow for that calendar day, with concentration expressed in mg/l or other appropriate unit of measurement as an outcome.
- 8. "Daily maximum effluent concentration" means the highest reading of any daily determination of concentration.
- 9. "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.
- 10 "Daily maximum temperature" means the highest temperature observed during a 24-hour period, or if flows are of a shorter duration during the operating day.
- 11. "Department" means the Maryland Department of the Environment (MDE).
- 12. "Dry weather" means a period that begins when there is no longer any precipitation runoff flowing into the facility's storm drains, and ends with any precipitation event that produces runoff.
- 13. "Estimated flow" means a calculated volume or discharge rate based on a technical evaluation of sources contributing to the discharge, including but not limited to pump capabilities, water meters, and batch discharge volumes.
- 14. "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 or total residual oxidants must be analyzed within 15 minutes from the time of collection.

- 15. "i-s" Immersion Stabilization means a calibrated device used to measure temperature. It is immersed in the effluent stream until the temperature reading is stabilized.
- 16. "LC₅₀" means an effluent concentration at which 50% of test organisms die during the test.
- 17. "Measured flow" means any method of liquid volume measurement for which accuracy has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- 18. "Minimum value" means the lowest value measured during a 24-hour period.
- 19. "Monthly, quarterly, semi-annual, or annual average effluent concentration" means the value calculated by computing the arithmetic mean of all daily determinations of concentration made during any respective calendar-month, 3-month, 6-month, or 12-month period.
- 20. "National Pollutant Discharge Elimination System (NPDES)" means the national system for issuing permits established under §402 of the Clean Water Act (1972).
- 21. "NetDMR" means a nationally-available electronic reporting tool, initially designed by states and later adapted for national use by EPA, which can be used by NPDES-regulated facilities to submit discharge monitoring reports (DMRs) electronically to EPA through a secure Internet application over the National Environmental Information Exchange Network (NEIEN). EPA can then share this information with authorized states, tribes, and territories.
- 22. "Nitrogen, Total" means the sum of organic nitrogen, ammonia nitrogen, nitrate, and nitrite where all values are reported as nitrogen (as N).
- 23. "Oil and Grease" refers to test results obtained by using EPA Method 1664 (or any EPA approved revisions to this method for Clean Water Act monitoring programs).
- 24. "Outfall" means the location where effluent is discharged into receiving waters.
- 25. "Permittee" means an individual or organization holding a discharge permit issued by the Department.
- 26. "Recorded" (i.e. recorded flow, pH, or temperature, etc.) means any method of providing a permanent continuous record, including but not limited to circular and strip charts.
- 27. "Sampling Point" means the effluent sampling location in the outfall line(s) downstream from the last addition point, or as otherwise specified.
- 28. "Total Suspended Solids (TSS)" means the residue retained on a filter from an analysis done in accordance with <u>ASTM D5907-09</u>, Standard Method for Filterable and Nonfilterable Matter in Water (2009) or other approved method.
- 29. "Upset" means an exceptional incident where unintentional and temporary noncompliance with technology-based effluent limitations occurs due to factors beyond the reasonable control of the permittee. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. <u>TOXIC POLLUTANT REPORTING</u>

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

D. <u>REMOVED SUBSTANCES</u>

- 1. Within 30 days after notification the permittee shall provide the Department with information on the disposal of any removed substances as defined under General Condition B.7 in section II of this permit. Requested information may include but may not be limited to the following:
 - (a) A map clearly showing all areas used for disposal of removed substances.
 - (b) A description of physical, chemical, and biological characteristics of any removed substances as well as their quantities and methods of disposal.
 - (c) The identity of any contractor or subcontractor, their mailing address, and information specified in a and b above if disposal is handled by persons other than the permittee.
- 2. The Department's notification may also require the permittee to provide the above information prior to use of new or additional disposal areas, contractors, or subcontractors.

E. <u>ANALYTICAL LABORATORY</u>

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

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

F. WASTEWATER OPERATOR CERTIFICATION

As of the effective date of this permit the treatment facilities covered under this permit shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. Certification shall be for operation of a Class 1 industrial wastewater works and a Class 3 municipal wastewater works, unless the Board determines that a different classification is appropriate. At no time during the effective period of this permit shall the treatment facilities be operated for more than two months without a certified operator.

G. FLOW MONITORING

In lieu of providing measured flow (defined in section B above) from Outfall 001 and monitoring points 101A through 106A, the permittee may estimate flows and submit the following information when submitting the initial DMR and/or upon any change in methodology:

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1. A description of the methodology used to estimate flows from each outfall where flow measurement equipment is not present.

- 2. Documentation appropriate to the methodology utilized which provides information 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 must also be provided.
- 3. A description of factors (e.g., batch discharges, intermittent operation, etc.) which caused 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 invoice the permittee based on annual average discharge flow. Permit fees are payable to the Department in advance by July 1 of each fiscal year (July 1 through June 30).

Permittee shall provide notification of a flow revision to the Department's Industrial and General Permits Division by May 1 of each year to update the annual average discharge flow value used for the next billing period, <u>if</u> the flow volume used to calculate the most recent annual permit fee (or application fee if the permit was renewed within the past year) differs significantly from either of the following flow determinations:

- 1. Average flow data reported on the permittee's DMRs for the current fiscal year; or
- 2. Estimated flow volume for the next billing period based on recent changes at the facility.

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

I. <u>REAPPLICATION FOR A PERMIT</u>

The Department is implementing a revised schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the new 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 no later than 12 months prior to the expiration date on the first page of this permit, or notify the Department of the permitte's intent to cease discharging by the expiration date. In the event that a timely and sufficient reapplication has been submitted and through no fault of the permittee the Department is unable to issue a new permit before the expiration date, the terms and conditions of the current permit are automatically continued and remain in full force and effect.

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

This permit is consistent with the terms and conditions of the Chesapeake Bay Total Maximum Daily Load (TMDL) for Sediments, Nitrogen and Phosphorus issued on December 29, 2010. To prevent water quality degradation of receiving waters and ultimately the Chesapeake Bay, this permit limits discharges of total suspended solids and requires monitoring without limits for total nitrogen and total phosphorus based on facility operations and/or discharge characteristics.

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 future requirements associated with the Chesapeake Bay TMDL. At that time the permittee may become subject to a Department-issued General Permit for the discharge of such pollutants.

K. BIOMONITORING PROGRAM

- 1. Within three months of the effective date of this permit the permittee shall submit to the Department for approval, a study plan using biomonitoring to evaluate wastewater toxicity at Outfall 001. The study plan should include a discussion of the following:
 - (a) Wastewater and production variability
 - (b) Sampling and sample handling
 - (c) Source and 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 <u>definitive</u> acute testing events conducted three months apart. 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 minnows and a 48-hour static renewal test using a daphnid species.
 - (b) The permittee may substitute sheepshead minnows (Cyprinodon variegatus), silversides (Menidia beryllina, Menidia menidia, and Menidia peninsulae) or mysid shrimp (Americamysis bahia, and Mysidopsis bahia) in the above tests. Testing must include one vertebrate species and one invertebrate species.
 - (c) Test results shall be expressed as the LC_{50}
- 3. Samples used for biomonitoring shall be collected at the same time and location as samples analyzed for the effluent limitations and monitoring requirements at this outfall. Chlorinated effluent samples shall be collected after dechlorination. The permittee shall collect 24-hour flow-proportioned composite samples unless the Department has given prior approval for use of an alternative sampling method.
- 4. Testing shall be conducted in accordance with procedures described in <u>Methods for Measuring</u> 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 <u>Reporting Requirements for Effluent</u> <u>Biomonitoring Data</u>, Maryland Department of the Environment, Water Management Administration, March 21, 2003.
- 7. If testing is not performed in accordance with a MDE-approved study plan additional testing may be required by the Department.

- 8. If test results from any two consecutive valid toxicity tests conducted within any 12-month period show acute toxicity (LC_{50} equal to or less than 100%), permittee shall repeat the test within 30 days to confirm the acute toxicity finding. 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 Toxicity Reduction Evaluation (TRE). If the permittee repeats the toxicity testing and results of the repeat test do not confirm acute toxicity, the Department will require the permittee to repeat the toxicity testing described above to reconfirm the no acute toxicity finding. After reconfirmation the permittee must complete any remaining testing required under the approved study plan.
- 9. If the permittee completes a TRE in accordance with this section and unacceptable toxicity is confirmed, a Whole Effluent Toxicity (WET) permit limit and compliance schedule will be required.
- 10. To address federal NPDES requirements for WET testing and limits set forth in 40 CFR 122.44(d)(1)(iv) and (v), the Department shall implement permit limits in a new or renewal permit when a WET test result shows reasonable potential for toxicity; unless it is demonstrated that the source of toxicity has been eliminated, inappropriate test procedures were utilized, or the source has been controlled by a chemical specific permit limitation. Where reasonable potential is assumed based on a single test result the permit shall include a WET limit <u>effective</u> within three years unless the effluent shows no toxicity in six follow-up quarterly tests. The permit may be modified to remove the WET limit if six follow-up quarterly tests show no toxicity.
- 11. If plant processes or operations change causing a significant change in the nature of the wastewater the Department may require the permittee to conduct a new set of tests.
- 12. Permittee shall submit all biomonitoring related materials to:

Maryland Department of the Environment Water Management Administration Compliance Program 1800 Washington Blvd., Suite 420 Baltimore, MD 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 necessary control measures, and confirm the reduction in toxicity.

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

- 2. The plan should follow the framework presented in <u>Generalized Methodology for Conducting</u> <u>Industrial Toxicity Reduction Evaluations</u> (EPA/600/2-88/070, April 1989).
- 3. Beginning 60 days following the date of the Department's acceptance of a TRE study plan and every 60 days thereafter until toxicity reduction is confirmed, the permittee shall submit progress reports including all relevant test data to the Department.
- 4. Within 60 days following completion of the toxicity identification (source identification) phase of a TRE, the permittee shall submit a schedule to the Department for approval which sets forth a plan for implementing any necessary control measures to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. Implementation of the identified measures shall begin immediately upon submission of the study plan.
- 5. Within 60 days after completing the implementation of control measures to eliminate or reduce toxicity, the permittee shall submit a study plan to the Department for approval to confirm the elimination or reduction of toxicity 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. <u>MIXING ZONES AND POLLUTION PREVENTION</u> - [Reserved]

N. <u>PROTECTION OF WATER QUALITY</u>

It is a violation of this permit to discharge any substance not otherwise listed under this permit's "Effluent Limitations and Monitoring Requirements" Special Conditions at levels which would cause or contribute to any exceedance of numerical water quality standards set forth in COMAR 26.08.02.03, unless the levels and the substance were disclosed in writing in the permit application prior to issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of water quality standards in COMAR 26.08.02.03, including but not limited to 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 any unlawful discharges.

O. <u>BIOCIDES</u>

The permittee is authorized to use chlorine and/or bromine as a biocide in once-through cooling water. Prior to using any other biocides the permittee must obtain approval from the Department by providing bioassay test results or aquatic toxicity data, including effluent concentration levels of the product demonstrating that use of the proposed biocide will not cause toxic discharges.

P. POLYCHLORINATED BIPHENYLS

The permittee is prohibited from discharging polychlorinated biphenyl compounds (PCBs) to waters of the State. Any transformer sump discharge containing drainage from a transformer that utilizes PCBs must be sampled and tested for PCBs. Test results shall be submitted to the Department along with the next monthly DMR.

Q. OTHER OUTFALLS

The permittee is authorized to discharge intake screen backwash and stormwater from Outfall 003 (Maryland Coordinates 1472.3 E and 281.0 N) and Outfall 004 (Maryland Coordinates 1473.1 E and 280.3 N).

R. IMPINGEMENT REPORTING

Permittee shall submit written notification to the Department within 24 hours of any impingement occurring on the water intake apparatus (traveling screens, bar screens, etc.) substantial enough to cause a modification to plant operations. Within 30 days of each occurrence the permittee shall submit a written report to:

Maryland Department of the Environment Industrial and General Permits Division 1800 Washington Blvd., Suite 455 Baltimore, Maryland 21230

<u>and</u>

Department of Natural Resources Environmental Review Unit Tawes State Office Building, 580 Taylor Avenue Annapolis, Maryland 21401-2397

The report shall describe the cause of the impingement, actions taken at the plant in response, and precautions taken to avoid similar impingements in the future. Modifications to plant operations due to the impingement of leaves or ice need not be reported.

S. <u>REQUIREMENTS FOR COOLING WATER INTAKE STRUCTURES</u>

In accordance with §316(b) of the Clean Water Act and its implementing regulation for existing power generation facilities (316(b) rule), (79 FR 48300, August 2014); the location, design, construction, and capacity of the facility's cooling water intake structure(s) shall reflect the "best technology available (BTA) for minimizing adverse environmental impact" from entrainment and impingement.

Entrainment Requirements:

Since the average actual intake flow for this facility is greater than 125 MGD, pursuant to the 316(b) rule the permittee must complete an Entrainment Characterization Study consisting of a minimum of two years of entrainment data collected within the past ten years (40 CFR 122.21(r)(9)), a Comprehensive Technical Feasibility and Cost Evaluation Study (40 CFR 122.21(r)(10)), a Benefits Evaluation Study (40 CFR 122.21(r)(11)), and a Non-water Quality Environmental and Other Impacts Assessment (40 CFR 122.21(r)(12)).

Within six months of the effective date of this permit, the permittee shall submit a plan for collecting the information required by 40 CFR 122.21(r)(9) through (12). The plan must identify all sources of data that will be submitted to the Department, justify the relevance, and describe the methods used to collect new data. Any previously conducted studies which the permittee wishes to utilize as part of the analysis must be identified and include justification for their continued applicability to current conditions. As soon as practicable the Department shall either approve the plan or provide written comments regarding necessary changes.

Studies required under 40 CFR 122.21(r) sections (10) through (12) must be subject to an external peer review. At least 90 days prior to the review the permittee must identify the peer reviewer(s) to the Department. As soon as possible thereafter the Department will either notify the permittee that the selected reviewer(s) are sufficient or that additional or different reviewers are required.

Following external peer review the permittee shall submit each of the studies to the Department. Based on its review and best professional judgment the Department will determine if any changes to the intake structure(s) are required to meet BTA requirements, taking into consideration:

- Numbers and types of entrained organisms
- Impact of any changes on particulate emissions or other pollutants
- Land availability for potential entrainment technology
- Remaining useful life of the facility
- Social benefits and costs of available entrainment technologies
- Entrainment impacts on the water body
- Thermal discharge impacts
- Credit for reductions in flow from retired units
- Impacts on energy reliability
- Impacts on water consumption; and
- Availability of other waters for reuse as cooling water

Impingement Requirements:

Permittees of all facilities with a design intake flow greater than 2 MGD are required to demonstrate they use one of the following seven alternative technologies accepted by EPA as BTA to minimize impingement mortality:

- (a) A closed-cycle recirculating system which includes cooling towers and impoundments.
- (b) A cooling water intake structure with a maximum design velocity of 0.5 feet per second.
- (c) A cooling water intake structure operated at a velocity of 0.5 feet per second or les
- (d) An existing offshore velocity cap
- (e) A modified traveling screen which meets the requirements of 40 CFR 125.92(s) and is determined by the State to represent BTA
- (f) A combination of technologies, measures and practices operated in a manner that the State determines is representative of BTA
- (g) A structure which achieves an impingement mortality standard no greater than 24%

Alternatives (a), (b), and (d) are pre-approved technologies that only require the submission of evidence that they are being used at the facility to demonstrate compliance with the BTA standard. If alternative (a) is chosen the permittee is required to provide data to the Department showing the purpose of any impoundment, when it was constructed, and how water is replenished.

To demonstrate compliance with the BTA standard using alternative (c) the permittee must submit data and calculations to the Department showing the intake velocity is always 0.5 feet per second or less.

To demonstrate compliance with the BTA standard using alternative (e) the permittee must conduct a site-specific impingement technology performance optimization study that includes two years of biological sampling demonstrating screen operation is optimized to minimize impingement mortality. If screens have yet to be installed the study may be postponed for up to 6 months after State approval of the technology to allow for installation of the screens. Results of the optimization study must be submitted to the Department no later than 36 months after the screens are installed.

To demonstrate compliance with the BTA standard using alternative (f) the permittee must conduct a site-specific impingement study that includes two years of biological data collection demonstrating operation of current technologies, operational measures, and best management practices are optimized to minimize impingement mortality. If demonstrating compliance under this alternative relies on a credit for reductions in impingement already achieved, an estimate of the reductions and all relevant supporting documentation must be submitted to the Department with the impingement study.

To demonstrate compliance with the BTA standard using alternative (g) the permittee must achieve a 12-month impingement mortality performance for all life stages of fish and shellfish of no more than 24 percent, including latent mortality for all non-fragile species collected or retained in a sieve with a maximum opening dimension of 0.56 inches and kept for a holding period of 18 to 96 hours. The 12-month impingement mortality average is calculated as the sum of total impingement mortality divided by the sum of total impingement over the previous 12 months. Biological monitoring under this alternative must be completed monthly at a minimum.

316(b) Assessment Submission Requirements:

No later than 42 months after the effective date of this permit the permittee must submit an interim 316(b) assessment to the Department consisting of the entrainment analyses required under 40 CFR 122.21(r)(9) through (12), identifying the technology chosen for compliance with the BTA standard for impingement, and including any supporting documentation for the selected technology as described above. Once a determination on compliance with entrainment requirements is reached the permittee will be notified by the Department, and if the permittee has not already done so must implement its chosen impingement technology as directed by the Department at that time.

The next renewal application for this permit must include the information required under 40 CFR 122.21(r), including descriptions of the:

- Source waterbody
- Cooling water intake structure(s)
- Biological community(ies) in the vicinity of the cooling water intake structure(s)
- Cooling water system, including the performance of impingement and entrainment technologies, and operational measures; and
- Operational status of the facility and its intake structure(s).

The renewal application must also include the results of any studies required to obtain the above information and any updates to the entrainment data or chosen technology.

All data submissions shall be addressed to:

Maryland Department of the Environment

Industrial and General Permits Division 1800 Washington Blvd., Suite 455 Baltimore, Maryland 21230

Determination of Compliance

Upon submission of all required data the Department will conduct a review and notify the permittee if they are compliant with CWA 316(b) regulations.

Pursuant to 40 CFR 122.62 if the State determines implemented technologies and other measures do not reflect BTA, the Department may reopen and modify this permit to include a CWA 316(b) compliance schedule to allow the facility to design, construct, or otherwise implement any additional technologies or operational measures the Department determines are necessary to satisfy BTA requirements. Additionally the Department may reopen and modify this permit to comply with any future regulations, standards, or judicial decisions relating to Section 316(b) of the CWA or its implementing regulation.

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

T. <u>NITROGEN AND PHOSPHORUS</u>

The permittee is prohibited from introducing any new potential sources of nitrogen or phosphorus from the facility without written approval from the Department.

The permittee shall maintain records documenting the use of nutrient-containing additives to facilitate a mass balance analysis of nitrogen and phosphorus in discharges from the facility. The permittee must identify all sources of nitrogen and phosphorus and provide an estimate of annual loads for each parameter upon request by Department personnel.

As an addendum to the next renewal application the permittee must submit an overall nutrient assessment which summarizes the annual usage of nitrogen and phosphorus at the facility and identifies any changes in nutrient levels in the discharge. The assessment shall include an updated mass balance analysis of nitrogen and phosphorus levels in discharges, the reasoning for continued use of nutrient-containing additives, and an analysis of any methods for potentially reducing the nutrient load from the facility. If no reductions are proposed the permittee must provide justification as to why reductions are not feasible.

U. <u>SELENIUM STUDY</u>

Within six months of the effective date of this permit the permittee shall submit to the Department, a plan to study selenium in discharges from the facility. The study must include sampling and testing of effluent from Outfall 001 and the intake stream as well as an analysis of any potential sources which could contribute to selenium levels at the outfall. The results of the study shall be submitted in a report to the Department within 24 months of the effective date of this permit. The Department reserves the right to reopen and modify this permit as a major modification based on results of the study.

V. DISSOLVED OXYGEN MONITORING REQUIREMENTS

During times when a dechlorination agent, such as sodium bisulfite, is in use, the permittee shall perform daily grab samples to monitoring for dissolved oxygen at the intake and at Outfall 001. Records of the monitoring data shall be maintained on site and made available to Department personnel

upon request. The permittee shall operate the dechlorination system in a manner which minimizes the reduction of dissolved oxygen between the intake and Outfall 001, including the injection of sodium bisulfate only at rates required to remove added chlorine or bromine. Any occurrence where the level of dissolved oxygen falls below 3.2 mg/L (or ambient conditions, if that is lower than 3.2 mg/L) shall be reported to the Department's Compliance Program by calling (410) 537-3510 within 72 hours. If DO levels are below 3.2 mg/L or the intake level for two consecutive days, the addition of all dechlorination agents must cease. Use of dechlorination agents may be resumed once the cooling water stream is above 3.2 mg/L (or ambient) for three consecutive days.

W. ADDITIONAL CONDITIONS FOR STORMWATER

The following sources of stormwater shall be addressed in the Stormwater Pollution Prevention Plan (SWPPP).

- 1. *Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.
- 2. *Delivery Vehicles.* Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
- 3. *Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 4. Chemical Loading and Unloading. Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
- 5. *Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 6. *Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
- 7. Large Bulk Fuel Storage Tanks. Minimize contamination of surface runoff from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

- 8. *Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.
- 9. *Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oilbearing equipment in switchyard areas. Consider using level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.
- 10. *Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles as soon as identified that are without load covering or adequate gate sealing, or with leaking containers or beds and prior to allowing them to transfer material.
- 11. *Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
- 12. Areas Adjacent to Disposal Ponds or Landfills. Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- 13. Landfills, Scrap yards, Surface Impoundments, General Refuse Sites. Minimize the potential for contamination of runoff from these areas.

X. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

- No later than 6 months after this permit's effective date the permittee shall apply for coverage under a *General Permit for Discharges from Stormwater Associated with Industrial Activities* (State Permit No. 12-SW, NPDES Permit No. MDR0000) in accordance with Section II.A of the 12-SW Permit. The Notice of Intent (NOI) submitted with the 12-SW permit application shall address all stormwater associated with industrial activity at the facility, including but not limited to any stormwater discharges via the outfalls authorized under this permit, including Outfalls 001, 003, and 004. The 12-SW permit, Notice of Intent and associated guidance documents are available at <u>http://bit.ly/MDE_industrial_stormwater</u>.
- 2. As of the effective date of this permit the permittee shall begin preparing a stormwater pollution prevention plan (SWPPP) in accordance with requirements set forth in Part III sections C and D of the 12-SW permit. Until the facility is covered under a 12-SW permit the permittee shall continue to maintain and implement an up-to-date SWPPP in accordance with the previous permit. Once a 12-SW SWPPP has been completed the permittee shall switch to complying with the new SWPPP as soon as feasible. The 12-SW SWPPP must be completed and implemented no later than 6 months after the effective date of this permit.
- 3. Discharges of industrial stormwater are authorized under this permit from Outfalls: 001, 003, and 004. Violations of the limitations and monitoring requirements specified in sections I.A.1-2 and I.Q above are only violations of this permit and are not considered violations of the 12-SW permit. Violations of conditions in the 12-SW permit are not considered violations of this permit.

II. <u>GENERAL CONDITIONS</u>

A. MONITORING AND REPORTING

1. <u>REPRESENTATIVE SAMPLING</u>

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. <u>REPORTING-MONITORING RESULTS SUBMITTED MONTHLY</u>

Monitoring results obtained during each calendar month shall be summarized and submitted electronically using NetDMR once the permittee is granted access to this tool. Results shall be submitted to the Department via NetDMR no later than the 28th of the month following the end of the reporting month. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. At the earliest from the effective date of this permit, the permittee must apply for access to NetDMR at <u>www.epa.gov/netdmr</u> and register for a NetDMR Webinar. Before the permittee can submit official DMRs using NetDMR the permittee must attend a training Webinar and successfully set-up and submit test monitoring results electronically.
- b. Hard copies of monitoring results obtained before the permittee is granted access to NetDMR or before December 21, 2016, whichever comes first, shall be submitted postmarked no later than the 28th of the month following the end of the reporting month. Signed copies of the results shall be submitted both to the Department and the United States Environmental Protection Agency at the following addresses:

Attn: Discharge Monitoring Reports
U.S. EPA, Region III
Office of Compliance and Enforcement
NPDES Branch (3WP31)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

c. The permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for five (5) years from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed waiver request and such request is approved by the Department. All waiver requests and subsequent hardcopy DMRs shall be sent to the following address with "Attn: DMRs":

Attention: NetDMR Waiver Request Maryland Department of the Environment WMA – Compliance Program 1800 Washington Blvd., Suite 425 Baltimore, MD 21230

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. <u>RECORDS RETENTION</u>

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. <u>CHANGE IN DISCHARGE</u>

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 calendar 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. <u>ADVERSE IMPACT</u>

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. <u>BYPASSIN</u>G

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. <u>REMOVED SUBSTANCES</u>

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. <u>POWER FAILURE</u>

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. <u>RESPONSIBILITIES</u>

1. <u>RIGHT OF ENTRY</u>

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. <u>REAPPLICATION FOR A PERMIT</u> –[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.
- e. upon a final, unreviewable determination that the permittee lacks, or is in violation, of any federal, state, or local approval necessary to conduct the activities by this permit.

7. <u>TOXIC POLLUTANTS</u>

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. <u>CIVIL AND CRIMINAL LIABILITY</u>

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. <u>SEVERABILITY</u>

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. <u>CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS</u>

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 \$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. <u>DUTY TO PROVIDE INFORMATION</u>

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. <u>SIGNATORY REQUIREMENTS</u>

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

19. <u>REOPENER CLAUSE FOR PERMITS</u>

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. <u>AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM</u> (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.

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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.

Lynn Bull, Director Water Management Administration

Page 30 of 30

