

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION
INDUSTRIAL and GENERAL PERMITS DIVISION

STATEMENT OF BASIS

Title 40 PART 124—PROCEDURES FOR DECISIONMAKING, Subpart A—General Program Requirements, requires a Fact Sheet for all major permits, and for minor permits, allows in §124.7 a Statement of Basis (SOB) as an alternative. The Department is required to prepare a statement of basis for every draft permit for which a fact sheet under §124.8 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them.

Background: Several typographic errors were identified after the General Permit for Discharges from Surface Coal Mines and Related Facilities, General NPDES Permit Number MDG85, State Discharge Permit Number 19-CM was issued.

To avoid confusion the errors needed to be addressed through a minor permit modification. The errors identified for correction are as follows.

1. Part I.C.5 – “Stormwater Pollution Prevention Plan (SWPPP)” was misstated as “Stormwater Pollution Plant (SWPP)” and has been corrected.
2. Part III.A.1, Footnote d – The footnote refers to “Part III.D.2.1 and Part III.D.2.2,” neither of which exist. The reference has been corrected to read “Part III.D.2”
3. Part III.A.2. – The monitoring table reflected the following limits as minimums: 3.0 mg/L for total iron, 2.0 mg/L for manganese, and 35 mg/L for TSS. Each of these values should have been monthly average limitations (as detailed on Pages 13 and 14 of the 19-CM Fact Sheet). The limits have been corrected to reflect monthly averages.
4. Part III.A.2. – The monitoring table reflected the limit of 0°F for “temperature difference” as a minimum. This limitation should have been a maximum limitation (as detailed on Page 12 of the 19-CM Fact Sheet, as well as in footnote e to the monitoring table in the permit). The limit has been corrected to reflect a daily maximum.
5. Part III.A.2, Footnote d – The footnote refers to “Part I.E.1, Part III.F and Part III.G,” none of which exist. The reference has been corrected to read “Part I.E and Part III.D.2.”
6. Part III.E.5.b.iii – The reference to Part V.C for the substantially identical outfall exception is incorrect. The correct reference is Part V.B.6. This has been corrected.
7. Part III.E.8.h – The reference to Parts V.C.5 for monitoring requirements was too specific. Part V.C.5 refers solely to sufficiently sensitive test methods. This reference was intended to refer to all monitoring procedures, which corresponds with Part V.C. The reference has been corrected as such.
8. Part III.E.8.j – The reference to Part V.B.3 was incorrect. Part III.E.8.j discusses how to document responses to benchmark exceedances and the correct reference for this would be Part IV.
9. Part V.B.2 – The reference to Part V.C.7 when discussing “first full quarter” is incorrect. The correct reference to detail the quarters is Part V.C.8. The reference has been corrected as such.
10. Part V.B.3 – The reference to Part IV.B.5 for AIM exceptions is incorrect (as this Part does not exist). The correct reference for AIM exceptions is Part IV.B.4 and has been amended as such.
11. Part V.B.4.c – The reference to Part V.C.7 for the “Monitoring Period” is incorrect. The correct reference for monitoring periods is Part V.C.8 and has been amended as such.
12. Part VII.A – The reference to Part III.D for corrective action deadlines is incorrect. The

correct reference for such deadlines is Part IV.A.2. This correction has been made.
13. Several innocuous grammatical and spelling errors were corrected.

The changes were evaluated with concurrence from EPA Region 3 and determined to qualify as a Minor Modification.

As a result, the corrected Minor Modification "19-CM-A" was issued July 17, 2024 to correct the identified typographical errors, consistent with 40 CFR §122.63 and COMAR 26.08.04.10.

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