

**STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WATER MANAGEMENT ADMINISTRATION**

**General Permit for Discharges from  
Tanks, Pipes and Other Liquid Containment Structures  
at Facilities Other than Oil Terminals**

**RESPONSE TO COMMENTS  
(Final 02/10/2012)**

The Maryland Department of the Environment (MDE), herein referred to as "Department" has made a final determination to reissue the State/National Pollution Discharge Elimination System(NPDES) General Permit for Discharges from Tanks, Pipes and Other Liquid Containment Structures at Facilities Other than Oil Terminals, Permit **No. 11HT (NPDES No. MDG67)** to meet federal requirements and to protect water quality. A public notice on the tentative determination to reissue the permit was published on July 29, 2011 in the Maryland Register and in twenty-three newspapers throughout Maryland during the weeks of August 1<sup>st</sup> & 8<sup>th</sup>, 2011. The Department held a public hearing concerning the tentative determination on Wednesday, August 31, 2011 at 10 am in the Aqua Conference Room at the Department, 1800 Washington Blvd, Baltimore, MD 21230, and received comments on the draft permit through October 6, 2011.

Responses to comments received by the Department regarding the draft permit are provided in this document. The comments received on the draft permit and the associated responses have in some cases resulted in changes to the final permit.

The comments received from the public have not been repeated in this document in their entirety; rather in some cases paraphrasing the comments has been used in this document to express the topics contained in the comments. The Department has made its best effort to review and consider each comment received and has created this written document to address the significant comments.

Public comments are identified in bold with a bullet (▪) adjacent to each comment. The Department's responses are provided in *italics* beneath each comment.

- **Fee structure should be provided before the final issuance of the permit.**

*The Department has not included the fee structure as it can be found in the Code of Maryland Annotated Regulations (COMAR) under 26.08.04.09-1(G). The fee structure will be presented with the instructions accompanying the Notice of Intent for applicants to see the amounts required for payment.*

- **Public water systems should be exempt from paying both an initial fee and an annual fee.**

*Per COMAR 26.08.04.09-1, all publicly operated systems of the state, county and municipal governments are exempt from permit application and annual fees associated with this discharge permit, but federal systems are not exempt.*

- **Part V.F.3 (pg 21) does not make reference to Part IV.2, 3 or 4. However, monitoring and reporting is required to be conducted within these sections. Part IV 2 and 3 require monitoring to be recorded and made available to the Department upon request. This contradicts the first sentence of Part V.F.3. Is quarterly reporting required for Part IV 2 and 3?**

*Part V-Section F.3 (this is a typo it should be #1, not 3) states all monitoring required should be sent to the address listed below except for that of Part IV-Section B.1. Part IV-Section B.1 refers to biomonitoring which is reviewed at a different location at the Department than all other discharge monitoring reports. Part IV- Section B.2 requires DMRs be sent quarterly to the address identified in Part V-Section F.3. Part IV- Section B.3(d) and B.4(e) requires results from monitoring shall be kept with the permit registration letter, and made available to the Department upon request. These two sections (B.3(d) and B.4(e)) do not require submittal of DMRs on a quarterly basis. Clarification will be made to Part V-Section F in the final determination.*

- **The phrase "untreated water" occurs in Part I.B. and I.D. In addition, this phrase is used throughout the permit and is included for flushing. Please provide a definition for untreated water.**

*In the permit, the phrase has been shown as untreated 'water', as the Department has already established a definition for water. It would be assumed that untreated would mean 'water' which has not received any treatment (e.g., modified at all from its original withdrawal from surface or groundwaters). As treatment may be in many forms, the Department will not add a separate definition for 'untreated'.*

- **Part I.D should be expanded and additional information regarding qualifiers of a no permit required discharges should be included with specific examples. In the past, the Department considered water from potable water system as 'water' in the context of discharge to groundwater only. These discharges are managed so that they will soak entirely into the ground before reaching a surface water or a conveyance thereto. A discharge of less than 10,000 GPD as a monthly average does not need a permit. Specify some criteria or specification regarding management practices acceptable to MDE to ensure that the discharge is allowed to soak into the ground (e.g., soil types, ground water table elevation, etc). If some additional criteria or specifications regarding acceptable practices for ensuring that a discharge is allowed to soak entirely in to the ground prior to reaching the surface waters of the state cannot be provided.**

*The Department will not be providing specific examples as to what does not require a permit as there are so many variables that providing specific examples may be more confusing to the general public. Per COMAR 26.08.03.01 "A. Prohibited Discharges. The following discharges to the waters of this State are prohibited: (1) The discharge of any waters in excess of 10,000 gallons per day, as a monthly average, or the discharge of any wastes or waste waters regardless of volume, unless: (a) Authorized by a discharge permit, or (b) Subject to control or modification required by a schedule of compliance established by this State". As discussed above, 'water' means the liquid substance which*

*is derived from a groundwater source, a surface water source, or any combination of these sources, and which will be discharged, without change in quality, into waters of this state, with the exception of storm water runoff. COMAR also states that any discharge in excess of 10,000 gallons per day to waters of the state - surface and ground - requires a discharge permit. Potable water systems discharging treated water to ground whether injection or seepage are discharging a wastewater and are therefore subject to permit coverage. An example of a potable water which requires a permit for discharges to both ground or surface waters of the state is the Department's General Permit for Swimming Pools and Spas.*

- **Part I - Section H changed from previous permit from "non-transferable to a person" to "not transferable to a change in location". How does this impact systems?**

*Non-contiguous systems may only be covered with separate applications for coverage for each system. If there are additions to contiguous systems which require discharge monitoring reports (DMRs), a person must notify the Department 60 days prior to discharge, in writing, and this may result in a modification of a registration under the permit.*

- **Part V - Section F: Do I submit a form summarizing all discharges or one per discharge?**

*The permit has been changed to reflect that unless otherwise specified in the permit, each outfall shall be summarized each quarter on a separate DMR. So, if there are three outfalls then three DMRs shall be submitted.*