

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/11/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/16/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

26 08 04 09

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator

Renee D Matthews

Telephone Number

410-537-3567

Mailing Address

1800 Washington Blvd

City State Zip Code
Baltimore MD 21230

Email

rmatthews@mde.state.md.us

5. Name of Person to Call About this Document

Paul Hlavinka

Telephone No.

410-537-3631

Email Address

Paul.Hlavinka@maryland.gov

6. Check applicable items:

New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 03/10/14.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Paul DeSantis, Assistant Attorney General, (telephone #410-537-3352) on March 10, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Robert M. Summers, Ph.D.

Title

Secretary

Date

March 31, 2014

Telephone No.

410-537-3084

DEPARTMENT OF THE ENVIRONMENT

Subtitle 08

26.08.04

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330; Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of the Environment proposes to modifying Regulation 26.08.04.09(K) and 26.08.04.09-1(G). General Discharge Permit for Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil Terminals, to include Aquifer Testing, Construction Dewatering, Foundation Drainage and Groundwater Remediation Sites.

Statement of Purpose

The purpose of this action is to update COMAR 26.08.04.09 (K) to include additional related discharge categories of dewatering (such as aquifer testing, construction dewatering, and foundation drainage) and Groundwater Remediation in order to protect the waters of the State, improve customer service, and increase efficiency.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed regulation provides developers and utilities with consistent requirements that can be budgeted and planned for, whereas the current method of developing individual permits for each instance creates in their planning process and potential delays in permit coverage. The change will also allow these activities to be more effectively regulated, the Department to issue permits with consistent content and on a timely basis, both of which will improve enforceability and compliance.

II. Types of Economic Impact.

	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude

Cost (-)

- D. On regulated industries or trade groups: (+) Minimal
E. On other industries or trade groups: NONE
F. Direct and indirect effects on public: (+) Minimal

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The agency will be able to be more efficient as it will spend less time customizing permit requirements for each individual project. Environmental risks are reduced due to the fact that the permit requirements are more conservative as the permit must be protective for the entire category of dischargers.

D. The new certainty allows applicants to understand upfront the requirements for doing business in the State. The permittee may face more stringent requirements than an individual permit but the overall outcome is considered to be B+.

F. This provides the public with a consistent set of requirements in a single document to review and understand and comment on.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Richardson, Division Chief, Maryland Department of the Environment-Wastewater Permits Program, 1800 Washington Boulevard, or call 410-537-3654, or email to Michael.Richardson@maryland.gov, or fax to 410-537-3163. Comments will be accepted through June 16, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 0

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

Chapter 04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330; Annotated Code of Maryland

.09 General Discharge Permits.

K. General Discharge Permit for *Dewatering, Hydrostatic Testing, and Groundwater Remediation* [Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil Terminals].

(1) Exceptions. This permit may not cover the following discharges:

(a) Discharges of any type from oil terminals that are otherwise eligible for the General Discharge Permit for Storm Water and Hydrostatic Test Water From Oil Terminals to Surface or Ground Waters of the State;

(b) Tank bottom wastewater discharges to ground waters of the State;

(c) Wastewater from the washing of chemical and petroleum storage tanks, pipes, and pipelines; and

(d) Wastewater discharges to ground water that, before treatment, contain concentrations of benzene, lead, or other substances in excess of toxicity characteristic leaching procedure (TCLP) concentrations as defined in COMAR 26.13.02.14.

(2) Eligible Discharges. This general permit covers all new and existing discharges of:

(a) Treated tank bottom wastewater from storage tanks used only for gasoline, kerosene, fuel oil, no. 6 oil, or aviation fuel to surface waters;

(b) Wastewater from the flushing or hydrostatic testing of pipes, pipelines, or tanks, or wastewater from pipeline infiltration;

(c) Water in excess of 10,000 gallons per day as a monthly average from the overflow, flushing, or dewatering of reservoirs, tanks, or pipelines used for the storage or delivery of untreated water;

(d) Wastewater from cleaning or dewatering of vessels or structures used to store or convey potable water;

(e) Storm water discharges from storage tank containment structures; [and]

(f) Emergency discharges of potable water; [.]

(g) *Extracted water from an aquifer test;*

(h) *Wastewater from construction dewatering;*

(i) *Foundation drainage which has been treated for any contaminants; and*

(j) *Air stripping, activated carbon adsorption and/or equivalently treated wastewater from groundwater remediation sites not covered by the General Discharge Permit of Treated Ground Water from Oil Contaminated Ground Water Sources to Surface or Ground Waters of the State.*

.09-1 Fees for General Discharge Permits.

G. Fees for Discharges from *Dewatering, Hydrostatic Testing, and Groundwater Remediation* [Tanks, Pipes, and Other Liquid Containment Structures at Facilities Other Than Oil Terminals].

(1) Exemptions. Discharges from tanks, pipes, and other liquid containment structures associated with drinking water supplies are exempt from the permit fee.

(2) Permit Fee.

(a) The permittee shall pay a permit fee with the NOI form and each additional year the permit is held.

(b) The discharge permit fee is based on the total volume of effluent discharged from the facility. The permit fees for the first and subsequent years are:

Average Daily Discharge Volume (Gallons Per Day)	<i>One Year Fee</i>	<i>Fee Each Additional Year</i>
Less than 1,000	\$175	\$100
1,000—5,000	\$250	\$100
5,000—50,000	\$325	\$100
50,001—100,000	\$500	\$400
100,001—250,000	\$950	\$400
250,001—1,000,000	\$2000	\$400
Greater than 1,000,000	\$4000	\$1000

(c) The Department will bill the permittee annually, and the fee shall be paid each year by the anniversary date of the permit.