

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 26.08.03.01 and 26.08.04.01

Corresponding Federal Standard:

The corresponding standard is that the discharge of pollutants from a point source requires a discharge permit (and not simply the discharge of water or a certain volume of discharge).

Discussion/Justification:

40 CFR 122.1(a)(5)(b)(1)
Under this federal standard only point source discharges of pollutants require a permit.

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

DBED does not have the subject matter expertise in this matter but believes that MDE does and trusts their assertion that the regulations are not more stringent than corresponding federal standards.

Name: Sandy Popp

Date: 6/3/2015

_ -Submit to Governor's Office
Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee 06/11/2015	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**Title 26
 DEPARTMENT OF THE ENVIRONMENT**

Subtitle 08 WATER POLLUTION

26.08.03 .01 & 26.08.04.01

Authority: Environment Article, §§1-601—1-606, 9-313—9-316, 9-319—9-328, and 9-330; Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary proposes to The Secretary of The Maryland Department of Environment proposes to amend:
 (1) Regulation .01 under COMAR 26.08.03 Discharge Limitations; and
 (2) Regulation .01 under COMAR 26.08.04 Permits.

1. Desired date of publication in Maryland Register: 6/26/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
26	08	03	01 and 26.08.04.01

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator	Telephone Number
Renee D Matthews	410-537-3567

Mailing Address

1800 Washington Blvd

City	State	Zip Code
Baltimore	MD	21230

Email
 rmatthews@mde.state.md.us

Statement of Purpose

The purpose of this action is to modify two existing

5. Name of Person to Call About this Document

Ed Stone

Telephone No.

410-537-3599

Email Address

ed.stone@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 04/30/15.
- 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 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.

regulations that automatically require a State discharge permit for discharges of water greater than 10,000 gallons per day regardless of whether there is a discharge of pollutants. The existing requirement is more stringent than federal requirements for discharges to waters of the United States. Consequently, the revised regulations will allow determination of whether a discharge permit is required in a manner that will no longer impose an arbitrary flow volume as a basis for making a permit determination.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

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 Nancy Young, Assistant Attorney General, (telephone #410-537-3042) on 05/05/15. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Ben Grumbles

Title

Secretary

Telephone No.

410-537-4187

Date

05/18/15

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Edwal Stone, Administrator, Maryland Department of the Environment, 1800 Washington Blvd, or call 410-537-3599 TTY:800-735-2258, or email to ed.stone@maryland.gov, or fax to 410-537-410-537-3163. Comments will be accepted through July 27, 2015. 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

26.08.03 Discharge Limitation

Authority: Environment Article, §§9-313—9-316, 9-319, 9-320—9-325and 9-328, Annotated Code of Maryland

26.08.04 Permits

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

01 Effluent Limitations.

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;

(2)—(10) (text unchanged)

B.—C. (text unchanged)

26.08.04.01

.01 Discharge Permits Required.

A. (text unchanged)

B. Activities for Which Discharge Permits Are Required. A person may not commit any of the following acts except as authorized by a discharge permit issued by the Department:

(1) [Discharge into the waters of the State any waters in excess of 10,000 gallons per day, as a monthly average, whether the waters are derived from a ground water source, or from a surface water source, or from any other source, with the exception of storm water runoff that is not regulated under the Federal Act.

(2)]Except as provided in COMAR 26.08.02.09A(3) and Regulation .08 of this chapter, discharge into the waters of this State any waste or wastewater regardless of volume.

[(3)](2)—[5](4) (text unchanged)