

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/08/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

26 08 04 09 (J) and 26.08.01.01 (36-1)

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator

Renee D Matthews

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410-537-3567

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5. Name of Person to Call About this Document

Paul Hlavinka

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 06/23/15.
- 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.

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 N. DeSantis, Assistant Attorney General, (telephone #410-537-3352) on June 24, 2015. 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

07/02/15

Title 26
DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.04 .09 (J) and 26.08.01.01(36-1)

Authority: §§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 modify Regulation 26.08.04.09(J), for General Discharge Permit for Mineral Mines, Quarries, Borrow Pits, and Concrete and Asphalt Plants and 26.08.01.01, include a new definition for hydrodemolition.

Statement of Purpose

The purpose of this action is to 1) reduce confusion on who is covered; 2) provide better coverage under one permit for activities currently requiring two general permits (or in some cases by an individual permit); and 3) expand coverage to address a technology called hydrodemolition.

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 operators with consistent requirements that can be budgeted and planned for, whereas the current method of developing individual permits for each instance creates uncertainty in their planning process and potential delays in acquiring 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	N/A
C. On local governments:	NONE	N/A

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	N/A
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.

B. No impact

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+.

E. No Impact

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, MDE/Wastewater Permits Program, 1800 Washington Blvd, or call 410-537-3599 TTY:800-735-2258, or email to michael.richardson@maryland.gov, or fax to 410-537-3163. Comments will be accepted through September 7, 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

Chapter 04 Permits

Subchapter 09 General Discharge Permits

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.

A. — I. (text unchanged)

J. General Discharge Permit for Mineral Mines, Quarries, Borrow Pits, and Concrete and Asphalt Plants.

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

(a) Discharges from coal mines and associated facilities as regulated under 40 CFR 434; and

(b) Discharges from industrial sand facilities *that utilize HF flotation* as regulated by 40 CFR §436.40.

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

(a) Infiltrated ground water pumped from mines to surface waters;

(b) Wastewater from material processing to surface or ground waters;

(c) Storm[]water runoff to surface waters from mine sites (facilities classified within Standard Industrial Classifications 10 and 14), concrete plants (facilities classified within Standard Industrial Classification 32), and asphalt plants (facilities classified within Standard Industrial Classification 29)[**to surface waters**];

(d) Stormwater runoff to surface waters from industrial activities co-located or appurtenant to a permitted activity specified in (c);

- ([d] e) Wastewater from washing mixer trucks and concrete mixing equipment to surface or ground waters;
- [and]
- ([e] f) Miscellaneous wastewater from spillage at ready-mix plants to surface or ground waters; *and*
- (g) Wastewater from hydrodemolition to ground waters.
- K. — P. (text unchanged)

COMAR 26.08.01.01

.01 Definitions.

A. General.

- (1) — (36) (text unchanged)
- (36-1) "Hydrodemolition" means a concrete removal technique which utilizes high-pressure water to remove deteriorated and sound concrete as well as asphalt and grout.
- (37) — (103) (text unchanged)