
LESSEE ADVISORY

March 2023

Storm Water Pollution Prevention Plan (SWPPP) for Tenants

I. Statement of Purpose

This Lessee Advisory is intended to notify lessees of Maryland Department of Transportation Maryland Port Administration (MPA) properties at single tenant terminals of new requirements pursuant to the application of a General Discharge Permit for Stormwater Discharges Associated with Industrial Activities and pending rule changes for Storm Water Pollution Prevention Plans (SWPPP) under the aforementioned Permit.

II. Background

As outlined in all MPA lease agreements, lessees of MPA property are required to comply with all Federal, State and Local laws and regulations.

A SWPPP is required as part of many Discharge Permits as regulated by the National Pollutant Discharge Elimination System (NPDES). A SWPPP is required for sites which have the potential to discharge pollutants to the waters of the United States. The SWPPP is a guidance document, which identifies potential problem areas, as well as addresses the Best Management Practices (BMPs) implemented within a site to minimize or eliminate the potential for such discharges.

Currently, MPA is operating under the Maryland Department of the Environment (MDE) General Discharge Permit for Stormwater Discharges Associated with Industrial Activities Permit Number 12-SW. This permit has expired as of December 31, 2018 but has been administratively extended by the MDE until the new permit is issued.

The Maryland Port Administration recognizes that our lessees perform a wide array of activities and, therefore, need the sovereignty to make decisions, which allow their operations to function effectively. All lessees who conduct activities on MPA property, which have the potential to create contaminated stormwater discharges, must apply for coverage under the General Discharge Permit, which is issued by the Maryland Department of the Environment.

To obtain coverage under a permit, Maryland Department of the Environment requires that applicants submit a Notice of Intent (NOI) at least 60 days prior to the required date of issuance.

III. Advisory Statement

This advisory establishes the MPA policy regarding the requirement for lessees to apply for coverage under the General Discharge Permit for Stormwater Associated with Industrial Activities and follow all conditions contained within the permit, specifically the development and implementation of a SWPPP.

IV. Standards

A. MPA lessees who conduct industrial activities on MPA property must apply for coverage under the MDE NPDES General Discharge Permit for Stormwater Associated with Industrial Activities or similar at the direction of MDE.

B. MPA lessees must submit a NOI to MDE declaring their intention for coverage under the aforementioned permit or apply for a No Exposure Certification (NEC). The lessee must pay all fees associated with the submittal of the NOI.

C. Upon issuance of the General Discharge Permit, the lessee will be required to comply with all aspects of the permit.

D. Part IV Condition B of the Permit requires the development and implementation of a SWPPP. It will be the responsibility of the lessee to develop a SWPPP that meets the criteria set forth under this portion of the Permit.

1. Specific information regarding the Permit, including the NOI forms and the most current version of the Permit, can be found on the MDE website by accessing the following link:

<https://mde.maryland.gov/programs/permits/watermanagementpermits/pages/stormwater.aspx>

E. Upon completion of the SWPPP, lessees will be required to submit a letter to the MPA Office of Maritime Commercial Management citing receipt of the General Discharge Permit number or NEC number and compliance with all aspects of the Permit, within 60 days of implementation.

F. Upon request from MPA, lessees will be required to provide a copy of their SWPPP for review.

V. Conclusions and Recommendations

Some lessees may already have coverage under the General Discharge Permit. These lessees will be required to retain coverage under their General Discharge Permit. Lessees with existing SWPPPs should evaluate their plans to be sure that the plans meet the regulations specified in the General Discharge Permit. All lessees should evaluate their operations to determine the need for compliance under the General Discharge Permit for Stormwater Associated with Industrial Activities and for the implementation of BMPs. Based on this evaluation, all lessees must take appropriate steps to ensure compliance.

VI. References

A. Maryland Department of the Environment – 2000 Maryland Stormwater Design Manual. Volumes I and II (Revised 2009)

B. US Environmental Protection Agency – 1992 Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices

C. US Environmental Protection Agency – 1992 Summary Guidance for Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices.