Permitting for Environmental Results (PER)

NPDES Profile: Maryland

PROGRAM RESPONSIBILITY

State of Maryland: NPDES authority for base program, general permitting, federal facilities, pretreatment
EPA Region 3: NPDES authority for biosolids

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Robert Summers, Maryland Department of the Environment, at (410) 537-3567 or Mary Letzkus, EPA Region 3, at (215) 814-2087.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Maryland:

The Maryland Department of the Environment (MDE) was originally authorized to administer the NPDES program in September 1974. MDE received authorization for federal facilities in November 1987, for the pretreatment program in September 1985, and for general permits in September 1991. MDE continues to operate the NPDES program as authorized by EPA Region 3 and as outlined in an updated memorandum of agreement effective May 18, 1989. Biosolids is the only area in the NPDES program for which Maryland does not have authorization. Funding sources for the MDE NPDES program include State appropriations, permit application fees, and State grants from EPA under section 106 of the Clean Water Act (CWA).

In fiscal year (FY) 2003 (July 1, 2002, through June 30, 2003) approximately 101 full-time employees administered the NPDES program in Maryland. This included issuing individual permits to industrial facilities (with the exception of oil terminals and petroleum-related groundwater remediation), publicly owned treatment works (POTWs), and private sewage treatment plants; issuing general permits; and issuing permits to municipal separate storm water systems (MS4s) and construction activity through a general permit, as well as enforcement and compliance, monitoring, technical and legal assistance, and data management and data entry into EPA's Permit Compliance System (PCS). EPA awarded a Performance Partnership Grant to MDE effective with the FY2004 grant. A substantial portion of the Performance Partnership Grant work program is devoted to permit reissuance, compliance, inspection, and enforcement. This grant is designated specifically for water programs and cannot be used for other media at this time.

MDE's Water Management Administration (WMA) administers the NPDES point source permitting program using a decentralized management system composed of several programs with specialized sections to administer the NPDES program. These sections include the Wastewater Permit Program; the Sediment, Stormwater, and Dam Safety Program; and the Compliance Program. MDE's Technical and Regulatory Services Administration (TARSA) administers the water quality assessment and standards program. TARSA develops total maximum daily loads (TMDLs) and new water quality standards, and performs the State's triennial review. The Wastewater Permit Program assists TARSA with the triennial review and development of new water quality standards.

The Wastewater Permit Program includes the Industrial Discharge Permit Division, which issues all individual industrial permits; the Municipal Discharge Permit Division, which issues all individual POTW and private sewage treatment plant permits; and the General Permit Section, which currently issues eight general permits and processes notices of intent. MDE's general permits cover storm water associated with industrial activity; marinas; seafood processors; tanks and hydrostatic testing; mineral mines; coal mines; concentrated animal feeding operations; and swimming pools.

The Sediment, Stormwater, and Dam Safety Program issues individual Phase I MS4 municipal storm water permits and the general permit for Phase II municipal storm water, including processing of notices of intent.

The Compliance Program issues the general permit for construction activity, including processing of notices of intent, coordinates all enforcement and compliance activities associated with NPDES individual permits and general permits, and administers the PCS management system for WMA.

In Maryland, 95 major facilities and 492 minor facilities have individual NPDES permits. There are 1,529 minor facilities covered by general permits. The Management Report, measures #1 and #2, indicates 94 major permits and 488 minor permits respectively, while the above text and table 2 indicate 95 and 492. The difference is that the numbers in the text and table 2 are as of December 2003, while the Management Report data for these measures are as of June 30, 2004. MDE's budget for administering the NPDES program in FY2003 was $6,435,470. CWA section 106 funding for Maryland in FY2002 and FY2003 was $2,490,800 and $2,472,800, respectively.

MDE employees attend available EPA training whenever possible. They may also attend training courses provided by the Maryland Center for Environmental Technology. MDE, WMA, and the Compliance Program have regular in-house training sessions, including topics related to NPDES inspections. The Compliance Program is developing an updated standard operating procedure (SOP) manual with copies of policies, guidelines, and references pertinent to the Compliance Program. The manual that will be made available to the staff at MDE's main and field offices.

EPA Region 3:

For the biosolids program, EPA Region 3 has one staff person, the Biosolids Coordinator, devoted to all Region 3 States. No Region 3 State has authorization for the biosolids program. EPA is considering funding opportunities to provide incentives to States to pursue program delegation and increase the resources assigned to the program. This could increase efficiency in the implementation of the program and eliminate the dual (State and federal) biosolids program implementation.

2. State Program Assistance

The State of Maryland:

MDE has shown little or no interest in seeking program authorization for biosolids; however, MDE has its own program for the use or disposal of biosolids. Impediments to State program authorization are a lack of personnel resources for biosolids permitting and inspections and the need to develop a database for tracking aspects of the biosolids program.

3. EPA Activities in Indian Country

Not applicable because there are no federally recognized Tribes in Maryland.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Maryland:

MDE's public participation policy, established by title 1, subtitle 6 of Maryland's Environment Article (called "Public Participation in Permitting Process"), provides opportunities to the public to participate at each significant phase of the permitting process, from the initial receipt of an application until MDE makes a final decision on the issuance of the permit. The Code of Maryland Regulations (COMAR) under title 26, Environment (COMAR 26.08.04.01-1) has adopted this process and delineates the public participation implementation responsibilities of MDE and the permit applicants. While the term "public" is not defined in MDE regulations, it is understood to mean all the people (citizens) of the State. This policy also provides aggrieved parties the opportunity to contest the final permit decision pursuant to the Administrative Procedures Act.

Maryland's Freedom of Information Act allows the public access to NPDES permit information at any stage of the permitting process, subject to limitations in the act pertaining to, among other things, pre-decisional recommendations and proprietary information. In addition, as prescribed by MDE permitting regulations, the public notices state that draft permits, applications (including notices of intent), and supporting information must be made available to the public.

Maryland's procedures to elicit public participation include publishing public notices in newspapers to provide information regarding the permit and to outline procedures for submitting public comments and requests for meetings, and holding public meetings and administrative hearings. Public notices also indicate where and when information such as draft permits, application, and supporting information are

available for public review, as well as how to obtain a copy of the information. MDE maintains a Web site that offers public information. The site can be accessed at http://www.mde.state.md.us/Water/water_programs/index.asp.

When an application for a new permit, permit renewal, or modification of an existing permit is submitted to MDE, a notice of opportunity for an informational meeting is published. This notice provides extensive information on the application and explains how to request an informational meeting. At this stage of the permitting process, MDE compiles and maintains an "interested parties list" used to inform citizens and organizations interested in a particular permit of decisions in processing the permit. The next public participation step is the notice of tentative determination, when MDE decides to issue or deny an issuance of a permit. When the tentative determination is in favor of issuing a permit, the notice includes an explanation of the proposed permit conditions. A notice of the tentative determination is placed in newspapers local to the facility requesting the permit and is provided to all persons on the interested parties list. A public hearing is the primary forum for obtaining comments on a tentative determination from the public. At the meeting, the comments are recorded and a written transcript is prepared. Per MDE's policy, a written response document is prepared that addresses all significant comments that were made at the hearing or received in writing. The response document is distributed to people on the interested parties list when a final determination is made. A final determination is made after considering all the testimony and comments. At that point, a notice stating the final decision and providing an explanation of the decision, including any significant changes that were made to the permit as a result of comments, is published in local newspapers and distributed to the interested parties list. Because this is the final step in the permitting process, this notice also includes the procedure for requesting a contested case hearing. All public notices in the public participation process described above are published twice (in consecutive weeks).

The MDE Web site includes a special link for citizen information, including a link for requesting information directly online. MDE provides links to EPA's national and Regional Web sites, which have comprehensive tools for watershed research and PCS reports, so the public can obtain compliance information.

EPA Region 3:

As part of EPA's initiative to place NPDES permits on the Web through Envirofacts, major permits issued since November 1, 2002, including several permits and fact sheets issued by the State, are available through EPA's Web site. Instructions for accessing these documents are available at http://www.epa.gov/npdes/permitdocuments. As of May 17, 2004, 14 major permits issued by the State since November 1, 2002, have been posted on the Web site. The remaining 11 are in the process of being added to the Web site.

6. Permit Issuance Management Strategy

The State of Maryland:

Since 2002 Maryland has been above the national average in current permits for both major facilities with individual permits and minor facilities covered by individual permits or general permits. Maryland has made excellent progress in reducing its major permits backlog. At the end of calendar year 2003, the

rate of backlog for major permits stood at 8.4%, or 91.6% current.[1] No major permits have been backlogged more than 10 years.

While the minor facilities with individual permits have been current at a rate below the national average, Maryland has increased its rate of current permits for these individual minor permits by 17.5% since 2000. In 2003 the percentage of minor facilities covered by current individual permits or general permits was 92.7%, well above the national average.[2]

An important part of Maryland's backlog reduction strategy is based on resolving permit litigation, which characterizes the oldest backlogged permits. Negotiations for implementation of Enhanced Nutrient Removal are in final stages, with a tentative determination scheduled to be published in 2004. This would update the oldest administratively extended permit in Maryland. More recent backlogged permits are being reissued case by case. During Maryland's first statewide watershed cycle, permits were administratively extended to coincide with the watershed cycling timeline. At that early point in the process of implementing the watershed cycle, some permits were thus intentionally extended as short-term backlogged permits. In addition, individual permittees are currently notified to submit renewal applications at least 12 months prior to the permit expiration date to prevent backlogged permits in the future.

Table 1: Percentage of Facilities Covered by Current Permits in Maryland
(State-Issued Permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	6/2004	Nat'l Avg.
Major Facilities	75.5%	74%	69.4%	76%	85.4%	83%	91.6%	92.6%	84%
Minor Facilities Covered by Individual Permits	54%	69%	50.5%	73%	58.7%	79%	71.5%	73.4%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	N/A	N/A	N/A	N/A	70.6%	85%	92.7%	94.3%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

[1] The Management Report, measure #19, indicates that 92.6% of major permits are current, while the above text and Table 1 indicate 91.6% of major permits as current. The difference is that the number in the text and Table 1 is as of December 2003, while the Management Report data for this measure is as of June 30, 2004.

[2] The Management Report, measure #20, indicates that 94.3% of minor facilities covered by individual or general permits are current, while the above text and Table 1 indicate 92.7% current. The difference is that the number in the text and Table 1 is as of December 2003, while the Management Report data for this measure are as of June 30, 2004.

7. Data Management

The State of Maryland:

MDE uses PCS as its primary tool for tracking NPDES permit information and Discharge Monitoring Report (DMR) results. Other systems, however, are also used to help track stormwater information, DMR receipt, the status of enforcement action milestones, penalties, combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), and bypasses. The data are not electronically exchanged. Rather, manual (duplicate) entries are made for each system, such as data input for enforcement actions. To avoid inconsistent results between the PCS and MDE data systems, MDE performs regular (usually monthly) reviews of reports from all systems by comparing them and verifies that the information is complete, up-to-date, and accurate.

MDE's rate for entering DMRs into PCS is 97%, which is above the national average. MDE maintains accurate and complete latitude/longitude data in its database, the Maryland State Coordinate System, but only 16.6% of pipes at facilities covered by individual permits have latitude/longitude data in PCS. The latitude/longitude data are obtained from the permit applications. Although MDE enters all Water Enforcement National Data Base (WENDB) data elements into PCS, including latitude/longitude data for facilities and pipes, the statistics for the latitude/longitude data do not seem reflective of MDE's efforts to include all the latitude/longitude data. MDE is working to remedy this issue.

When the Integrated Compliance Information System (ICIS-NPDES) is online, MDE expects to use it for entering the data that it currently enters into State databases.

EPA Region 3:

Pretreatment: Data are managed through PCS and several Regional data systems. All WENDB data elements for pretreatment are entered for each annual report, POTW audit, or pretreatment compliance inspection (PCI). Where there is significant change in the statistics prior to the next annual report, audit, or PCI, the data are generally updated, although the determination to update the data is made case by case. In addition, the Region has created separate pretreatment facilities in PCS with permit numbers that have a "P" as the third character in order to track influent and effluent monitoring data that are collected as part of the pretreatment program. These data are used to evaluate the effectiveness of the individual programs.

The Region has also created several spreadsheets and databases to help manage data in the pretreatment program. One spreadsheet is used to track the 19 pretreatment measures that are evaluated for each approved program. This spreadsheet provides a Regional summary as well. Completed spreadsheets are available for data from 1997 through 2002, with data for the 2003 spreadsheet currently being compiled. A database has been developed that lists the names of all of the significant users within the approved programs, along with the facility address and applicable categorical standard. A second database tracks the status of local limits submissions, including whether they have been reviewed, accepted by EPA, adopted by the POTW, and approved by EPA.

Biosolids: Minor POTWs required to have a pretreatment program and all major POTWs must report to EPA each year on February 19. The information that must be reported includes the following:

1. Annual production and use information

2. Pollutant concentrations for metals
3. Level of pathogen (Class A or B) reduction and alternatives, if applicable
4. Vector attraction reduction alternative, if applicable.

All of the above data have been entered into PCS.

Table 2: NPDES Universe in Maryland
(As of December 31, 2003)

FY2002	Major Facilities	Minor Facilities with Individual Permits	Minor Facilities with General Permits	SIUs (including CIUs)	CAFOs
No. of Sources	95	492	1,529	219	78
% of National Universe	1.4%	1.1%	3.5%	1.0%	0.4%

Note: SIUs = significant industrial users; CIUs = categorical industrial users; CAFOs = concentrated animal feeding operations.

Section II. Program Implementation

1. Permit Quality

The State of Maryland:

Maryland has developed a permit quality review system that consists of internal reviews and audits by senior permit writers with more than 10 years of permit writing experience. Fact sheets are used for both major and minor permits to explain the rationale used to develop the permit requirements. Permit limits reflect the more stringent requirements water quality-based effluent limitations (WQBELs) or technology-based effluent limitations. EPA Region 3 reviews all major draft permits and minor permits discharging in stream segments with EPA-approved TMDLs. Finally, an additional quality review is performed during a detailed compliance audit of all major permits and significant minor permits. The compliance audit staff has more than 20 years of experience auditing NPDES permits. Staff members provide Permit Division Chiefs with notification when any deficiencies are found in the permit itself. The State takes corrective actions through either a minor or major permit modification, depending on the specific issue.

Narrative criteria related to floating substances are explicitly included in each permit as standard language. Also, the narrative criteria relating to lethality and toxicity are implemented through Maryland's written biomonitoring procedures. Implementation of other narrative criteria relies primarily on the best professional judgment of the State's permit writers or on input during the public participation process. Analysis of the reasonable potential of a discharge to cause or contribute to a violation of water quality standards is performed for each permit by comparing the wasteload allocation with the effluent values. If the effluent values exceed the wasteload allocation, WQBELs are imposed in the permit. The effluent limits are based on the wasteload allocation values used in the reasonable potential analysis. Maryland does not routinely use EPA's Technical Support Document's statistical method to calculate the reasonable potential value or the WQBELs. Maryland uses zero as the background concentration for the reasonable potential analyses unless in-stream data are available. Finally, each permit to which a pending TMDL might apply includes a specific TMDL reopener clause to ensure that TMDL wasteload allocations are incorporated into the permits.

Since 1987, Maryland has implemented an aggressive whole effluent toxicity (WET) program requiring all major industrial and municipal dischargers to monitor their effluents for WET. Also, significant minor dischargers and other minor dischargers with a potential for aquatic toxicity have also been required to conduct WET testing. MDE has a narrative standard for toxicity that requires no acute toxicity in 100% of effluent. This standard is applied as a technology-based requirement and is protective of narrative toxic standards. Maryland's WET program's primary focus has been on conducting toxicity reduction evaluations when effluents exhibit toxicity. Because permittees have been cooperative with the MDE, Maryland has been very effective in identifying and correcting the cause of effluent toxicity.

Currently, only about 1% of Maryland dischargers are experiencing effluent toxicity problems at any given time. When permittees have had recurrent toxicity, WET limits have been placed in the NPDES permits. For chronic WET, Maryland requires that IC25s (IC25 is a point estimate of the toxicant

concentration that would cause a 25% reduction in a non-lethal biological measurement) from valid tests be greater than the in-stream waste concentration based on the 30Q5 (lowest 30-day flow based on a 5-year return interval) of the receiving stream. Maryland is even more conservative for acute WET and requires that the LC50 (lethal concentration 50, the concentration that kills 50% of test animals in a given time) be greater than 100% of the effluent at the end of the discharge pipe. In 1995, EPA Region 3 reviewed Maryland's WET program and found that it met EPA's requirements.

EPA Region 3:

In 1996, an EPA consultant evaluated all of the NPDES permitting programs in Region 3 States for consistency in program implementation across the States. EPA Region 3, in cooperation with its States, developed and implemented an NPDES draft permit checklist for municipal and industrial major sources. The checklist was developed as a management tool for the States and EPA to reduce resources spent on permit oversight and to ensure consistency. The checklist includes a State certification that draft permits meet all regulatory requirements and adds an additional level of quality to the State's internal review and audit program. Maryland has used the EPA Region 3 permit checklist to ensure that permits contain the core elements of the NPDES program.

For the past 18 years, EPA Region 3 and its States have held an annual States' NPDES Meeting to discuss NPDES permit issues. In May 2003, about 80 State participants joined representatives from other federal agencies, river basin commissions, and EPA Headquarters and Region 3 to discuss the latest policy, procedures, and expectations in the NPDES compliance, permits, and TMDL programs. The meeting also addressed coal mining and enforcement and compliance assistance issues in breakout sessions.

In calendar year 2003, EPA Region 3 reviewed about 30 permit renewals and 2 draft permit modifications prepared by MDE. Region 3 reviews all major facility permit renewals, modifications, and new applications. Minor facility permit renewals are reviewed for facilities that have a wasteload allocation for a TMDL. The Region conducts permit quality reviews using its NPDES permit checklist; reviews of permit applications, DMRs, water model information, and fact sheets; and reviews of the Permit Tracking System (PTS) database, which tracks the regulatory history of NPDES permits in the Region. Region 3 developed and maintains PTS as a tool to supplement the national PCS database information. Information in PTS assists the Region's NPDES Permits Team and division management in tracking draft permit reviews and permit development; provides detailed information such as locations of CSO and storm water outfalls; and allows the Region to identify permitting issues such as information on concentrated animal feeding operations (CAFOs), listings of impaired waters under CWA section 303(d) and TMDL requirements, potential impact under CWA sections 316(a) (thermal discharges) and 316(b) (cooling water intakes), and the like.

In June 2003, EPA Region 3's NPDES Permits Team adopted NPDES draft permit review standard operating procedures (SOP) that document the tasks used during Region 3's review of State-developed draft permits. The SOP document covers topics such as administrative requirements, water quality and technology reviews, communications and coordination, special conditions, and Region 3 procedures on the permit objection process. The SOP helps the Region provide consistency and added quality to NPDES permit reviews across its States.

EPA Region 3 has developed a program that tracks the 12 oldest expired major permits in the Region. The list is constantly updated—as one permit is issued, another backlogged permit takes its place—so that 12 backlogged permits are always on the list. Most of these permits involve complex permit determinations and are therefore resource-intensive. As of July 1, 2004, Maryland had one facility on this list.

2. Pretreatment

The State of Maryland:

Maryland has 18 approved pretreatment programs, and the NPDES Management Report identifies 219 significant industrial users (SIUs).[3] All SIUs have control mechanisms that implement applicable pretreatment standards and requirements. Three SIUs discharge to POTWs without an approved pretreatment program.

Maryland conducted audits for 12 of the 18 approved programs in 2002-2003 and conducted pretreatment compliance inspections of the remaining 6 programs. In Maryland, 100% of SIUs are addressed by control mechanisms that implement applicable pretreatment standards and requirements. The State performs pretreatment audits once every 5 years, and pretreatment compliance inspections in the intervening years. Once all information is gathered, the State assesses whether the POTW conforms with the most current pretreatment program submission. Within 90 days of the audit, the State sends a letter to the POTW articulating the results and listing any deficiencies. A response to any findings of deficiencies is required within 15 days of receipt of the letter. Depending on the deficiency, correction is required in a time frame ranging from immediate to prior to the next pretreatment compliance inspection.

Where there is no approved pretreatment program, SIUs are identified as a result of the close cooperation between the Pretreatment Section and MDE's Enforcement Divisions (including the Water, Waste, and Air Management Administrations). The most common sources of information include citizen and local government complaints, NPDES permit application information, and review of information from other sources such as newspaper articles and multimedia meetings for economic development purposes. Once identified, the SIU must submit a permit application. The information in this application is used to determine whether the user is subject to categorical standards. This usually involves a meeting with the user and an inspection of the facility. If the SIU is subject to categorical pretreatment standards, a permit is issued as soon as possible. Permits contain only categorically regulated parameters and do not contain any local discharge standards. Categorical industrial users discharging to POTWs without an approved pretreatment program, however, must comply with local regulations. If the State identifies noncategorical industrial users discharging to POTWs without an approved program and the users are deemed significant, they are referred to the local POTW for control under local regulation.

The State should continue improving the pretreatment program data entry into PCS.

[3] The National Data Sources column on the Management Report, measure #8, indicates that Maryland has 17 approved pretreatment programs, while the above text indicates 18. The difference between the National Data Sources number and the number indicated by the State is due to a lapse of time in updating this information in PCS. The State should revise this information in PCS.

3. Concentrated Animal Feeding Operations

The State of Maryland:

MDE is working to revise its regulations and CAFO general permit to make them consistent with the nine minimum practices outlined in the 2002 federal CAFO Rule. The current permitting program covers most of the practices. MDE intends to meet the regulatory deadline of April 14, 2005, to have its EPA-approved revised regulations in place and new general permit issued. As part of MDE's process of revising its CAFO program, it has held a series of stakeholder meetings over the past 7 months to develop the new program. EPA has been an active participant in these meetings, along with representatives from MDE, public interest groups, the Natural Resources Conservation Service, the Maryland Department of Agriculture (MDA), and the Maryland Department of Natural Resources. EPA and MDE agree on most issues, with the exception of temporary stockpiling of manure and setbacks.

Maryland has 78 facilities that would be covered by the new CAFO rule. The number of facilities that have nutrient management plans (NMPs) is unknown at this time. Under the Water Quality Improvement Act of 1998 administered by MDA, Maryland requires all farmers to have NMPs. This requirement applies to animal feeding operations (AFOs) as well. As of August 2003, 56% of all AFOs had obtained NMPs and 19% of AFOs were on a waiting list to obtain NMPs. Maryland requires that NMPs be developed by certified nutrient management planners. MDE will review NMPs for CAFOs and verify that sufficient land is available for the responsible land application of all waste.

CAFO inspections occur annually at a minimum, and more often when complaints, unauthorized discharges, or requests for compliance assistance are received. A significant violation of the NPDES permit (such as unauthorized discharges to State waters, failure to keep necessary records or to have a current NMP, or application of manure in excess of what the NMP allows) may trigger enforcement actions.

MDE's CAFO regulations will be amended to comply with revised federal CAFO regulations. MDE expects to send to EPA the draft CAFO regulations by September 2004.

4. Stormwater

The State of Maryland:

Maryland has 11 Phase I NPDES MS4 individual permits. Maryland issued its first general permit for stormwater associated with industrial activities in 1992. The permit, which covers approximately 1,000 facilities, has been reissued twice and is current. Maryland tracks these general permit registrations and all required No Exposure Certifications in its database. Maryland has issued general permits for large and small construction sites. Notices of intent are collected electronically and contain the following information: county, site name, Maryland grid coordinates, latitude and longitude, watershed basin code, best management practices (BMPs), total site area, total disturbed area, Standard Industrial Classification (SIC) code, project type, federal tax identification number, permittee name and address, principal contact name and telephone number, and fees.

Maryland has adopted one general permit to provide coverage for local governments affected by Phase II of the NPDES municipal stormwater program. About 50 small municipalities have submitted notices of

intent for coverage under the Phase II general permit. In addition, a draft general permit for Phase II State and federal owners of small storm drain systems was distributed for comment in early November 2003. The State expects that this permit will be adopted formally in 2004. No data are tracked electronically for Phase II municipal permitting.

In October 2000, Maryland published the Maryland Storm Water Design Manual with the objectives of protecting the waters of the State from adverse impacts of urban storm water runoff, providing design guidance on the most effective structural and nonstructural BMPs, and improving the quality of BMPs that are constructed in the State, specifically with respect to performance, longevity, safety, ease of maintenance, community acceptance, and environmental benefit. This manual is available at the following Web site: http://www.mde.state.md.us/assets/document/sedimentstormwater/Introduction.pdf

Maryland developed a comprehensive outreach program for the implementation of the Stormwater Phase II regulations.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Maryland:

MDE references the 1994 CSO Control Policy in permits and orders. Maryland has eight CSO communities with approved nine minimum controls in their NPDES permits and orders. All eight systems have reported that they have implemented and continue to meet the requirements of the nine minimum controls. These systems are required to develop long-term control plans (LTCPs) through NPDES permit requirements or enforcement mechanisms.

CSO satellite communities are issued NPDES permits for their CSO discharges. SSO satellite communities are not permitted at this time, and SSOs from their systems are considered to be unauthorized discharges that may be subject to enforcement actions.

A State law enacted in October 2001 requires owners or operators of sewage systems to notify MDE of any SSOs by telephone within 24 hours and to follow up with a written report within 5 days. The law identifies health departments as responsible for making all decisions and determinations as to public health issues resulting from sewer overflows or treatment bypasses. Regulations to implement the law have been published and comments received, and a final version is being prepared for approval and publication in the Maryland Register.

Four of the eight CSO communities have approved LTCPs and are implementing them. Baltimore City, Cambridge, Frostburg, and Salisbury are performing work to eliminate CSOs through sewer separation. Allegany County has submitted a proposed LTCP for MDE review and approval. LaVale, Cumberland, and Westernport are to submit LTCPs as required by consent decrees.

MDE uses an electronic data system to track the volume, frequency, location, and cause of SSO discharges. Maryland publishes both CSO and SSO data periodically on the Internet. In Maryland, owners or operators of a separate sewer system must report to MDE any SSO that results in a discharge of raw or diluted sewage into the waters of the State. This requirement is also applicable to CSOs and wastewater treatment plant bypasses. MDE coordinates reporting requirements with local health departments. Reports must include the volume spilled, duration, start and stop times, name of receiving

waters, cause, corrective action taken, and information regarding public notification. CSO and SSO data reported to MDE can be found at http://www.mde.state.md.us/programs/waterprograms/cso_sso.asp.

EPA Region 3:

Region 3 has recently become aware that Phase II NPDES permits issued to CSO communities might not contain all provisions required of Phase II permits. EPA will continue to implement the 1994 CSO Policy, which requires enforceable LTCP schedules to meet WQBELs. The Region intends to research this issue further and to follow up with States as opportunities for enhancement are identified.

The Region has established a CSO Integrated Performance Team for the purpose of researching these issues further and following up with States to achieve the performance activity measures. The outcomes the Integrated Performance Team plans to achieve by June 2005 include the implementation of a permit checklist that addresses critical CSO elements, the consistent issuance of Phase II CSO permits that contain WQBELs, and the issuance of State enforcement actions that provide schedules for the implementation of LTCPs.

6. Biosolids

The State of Maryland:

Although MDE does not have authorization to administer the biosolids program under 40 CFR part 503, MDE's Solid Waste Program (housed in the Waste Management Administration) administers a State program under sections 9-230 through 9-249, 9-269, and 9-270 of the Environment Article, Annotated Code of Maryland. COMAR 26.04.06 requires permits for the utilization of biosolids. The latest revisions to the regulations were amended on August 15, 1994. These regulations do not include part 503 standards. These regulations have equivalent technical standards but do not regulate arsenic, molybdenum, and selenium.

MDE requires biosolids generators to obtain a sewage sludge utilization permit only if they plan to use the biosolids in some fashion, such as to apply biosolids to land, or transport, dispose of, distribute, store or treat biosolids. The State requires a separate permit for each site where biosolids will be used (excluding Class A biosolids). Biosolids haulers submit records twice a year. Their records are filed manually. Biosolids pollutant analyses are submitted anywhere from biweekly to yearly. Some of this information is computerized.

The State is not authorized to administer the federal biosolids program. Implementing the federal program would require State legislation. Maryland's biosolids program is equivalent to the federal program, with many programs mirroring the CFR part 503 program. The primary reason for the State's not seeking program authorization is the lack of resources.

EPA Region 3:

All public, private, and federally owned facilities that generate or treat biosolids, as well as any person who uses or disposes of biosolids or domestic septage, must submit a biosolids NPDES Form 2S permit application. Region 3 reviews and tracks the biosolids permits to facilities in Maryland. The CFR part 503 requirements are self-implementing, meaning that EPA does not need to issue permits to take an enforcement action.

EPA Region 3 developed a biosolids DMR form that is used by facilities that are required to report (i.e., all major facilities, any minor facilities required to have a pretreatment program) to EPA on February 19 of each year. The report information is entered into PCS. EPA Region 3 obtains a report from PCS to determine the amount of biosolids generated annually and the amount of biosolids used or disposed of (i.e., applied to the land, surface-disposed, sent to a municipal solid waste landfill, incinerated, or sent to another facility for treatment).

EPA Region 3 developed a biosolids inspection form for facilities that use or dispose of biosolids and an inspection form for the land appliers of biosolids. EPA Region 3 has inspected four POTWs in Maryland, and this information is entered into PCS and ICIS. EPA has not inspected land appliers of sewage sludge in Maryland.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Maryland:

All major NPDES facilities, CSO communities, and CAFOs are inspected each year.[4]

Upon completion of an inspection, a copy of the engineering portion of the inspection report is given to the facility. Sampling results, if samples were taken, are shared with the facility when the results are available. If violations that cannot be immediately addressed are noted during an inspection, the MDE inspector issues a notice of violation. If the violation remains unaddressed, MDE issues an administrative directive that establishes a specific time frame for compliance. If compliance is still not achieved, MDE may issue an administrative penalty order or make a referral to the Maryland Attorney General's Office to pursue a civil suit.

DMRs are entered into PCS and are then reviewed by four Enforcement Coordinators in WMA's Compliance Program, Enforcement Division, to help identify violations and facilities in significant compliance. A tracking system is also in place to help identify permittees that fail to submit DMRs on time. The Enforcement Coordinators also track consent order requirements and milestone dates to determine compliance. Reports are generated monthly from PCS to help identify effluent violations. Inspections are often targeted to those facilities that are either close to or in significant noncompliance. Random inspections are also performed depending on the workload of MDE's inspectors'. Follow-up inspections are conducted when compliance problems are identified.

MDE uses targeting to maximize field presence, enforcement actions, and environmental outcomes.

MDE has an Enforcement Management Strategy (EMS) to guide appropriate enforcement response and escalation of enforcement responses. The normal progression of enforcement response consists of a warning letter, offer to settle for past violation, administrative unilateral order and penalty, judicial consent order with penalty, judicial complaint seeking an order and penalty, referral to EPA for joint or federal enforcement action. Depending on the nature and extent of the violations, MDE may proceed to a higher-stage enforcement action at any time. Repeat significant violators typically are subject to

[4] The National Data Sources column in the Management Report, measure #32, indicates that 92% of major facilities are inspected in Maryland, while the above text indicates 100%. The difference between the National Data Sources number and the number indicated by the State is due to a lapse of time in updating this information in PCS. The State should revise this information in PCS.

progressive enforcement steps so that formal agreements are required if informal settlements do not result in continued compliance. If an administrative order was previously in place and the facility is in significant violation again, a judicial action is usually pursued, and potential penalty amounts increase from $1,000 to $10,000 per day. MDE typically pursues a penalty against any facility in significant noncompliance, unless DMRs show that the significant noncompliance status is resolved through the Clean Quarter Rule. An order is also pursued if the facility does not provide information that shows it made improvements and has returned to compliance.

Facilities in the State can appeal unilateral administrative actions through hearings at the Office of Administrative Hearings and appeal civil actions to the court of appeals. Water pollution unilateral administrative enforcement orders allow 30 days for a written request of appeal. The matter is then forwarded to the Office of Administrative Hearings to be scheduled. Civil Actions proceed in accordance with State law for appeals.

Minor NPDES facilities in Maryland are inspected and subjected to DMR reviews very similar to those conducted for major facilities. MDE follows EPA's significant noncompliance criteria to decide which minor facilities warrant enforcement response.

MDE follows EPA's significant noncompliance criteria for pretreatment. Wet weather (CSOs, SSOs, storm water) are pursued in accordance with MDE's CWA section 106 grant from EPA, in which the State agrees to identify and take enforcement action on at least 20% of systems that experience problems each year. All eight CSO communities in Maryland are under orders with MDE. MDE and EPA negotiated a consent decree with Baltimore City to address SSOs and CSOs and are currently negotiating with two other large jurisdictions for similar consent decrees. MDE is pursuing a State administrative consent order with another large jurisdiction and several towns. In addition, MDE is reviewing information from its SSO and bypass databases to determine whether other systems warrant formal enforcement actions.

WMA is reviewing draft penalty guidance. Environment Article sections 9-342 and 9-342.1, Annotated Code of Maryland, establish certain provisions regarding penalties for water pollution violations in Maryland, including NPDES violations. In the past 3 years, a total of 358 actions (both administrative and judicial) included a penalty, and MDE collected a total of $1,382,974 in penalties.

2. Record Keeping and Reporting

The State of Maryland:

MDE has a main inspection division file in which all information pertaining to an enforcement action is placed when the action is finalized. Until an action is completed, all the information related to it is kept in the Enforcement Division. The enforcement package typically includes a review of the factors required to be evaluated under State law and a recommendation for the penalty amount. The reporting of the data is performed as agreed to under the CWA section 106 grant.

EPA Region 3:

See section II, Program Implementation.

3. Inspections

The State of Maryland:

MDE targets facilities or sectors based on determinations of significant noncompliance, EPA requests for specific sector attention, citizen complaints, and impairments to waterways (including fish kills and shellfish bed closures) attributed to NPDES dischargers, and environmental justice concerns. MDE follows established inspection strategies under its CWA section 106 grant from EPA for major facilities, minor municipal wastewater treatment plants in significant noncompliance (using EPA's significant noncompliance criteria), SSO/CSO communities, CAFOs, and other specific targeted sectors as set forth in EPA's work plans as appropriate. The objectives of the CWA section 106 grant are intended to coincide with MDE's Managing for Results (MFR) goals, but may be in addition to MDE's specific annual targets.

EPA Region 3:

See section II, Program Implementation.

4. Compliance Assistance

The State of Maryland:

One specific form of contact between businesses and MDE's enforcement and compliance inspectors is counted in the programs' performance measures chart under the category of "compliance assistance." As an element of MDE's enforcement process, an inspector renders an identifiable and countable act of compliance assistance when he or she documents the following:

1. A specific past or current violation that the regulated entity corrects in the absence of a formal enforcement action; or

2. A specific action or actions that the regulated entity has the option of undertaking to prevent the likelihood of potential future violations, which action or actions the regulated entity undertakes voluntarily in such manner and within such time as deemed acceptable by MDE in the absence of a formal enforcement action.

In either of the above situations, the MDE inspector must document the manner in which the regulated entity voluntarily achieved compliance. As reported in the MDE Annual Enforcement and Compliance Report, the number of compliance assistance activities are as follows for the Surface Water Discharge Program, State and NPDES:

Year	Events (i.e. items 1 and 2 above)
1998	227
1999	256
2000	203
2001	128
2002	168
2003	170

Consistent with the previously existing reporting requirements of the reporting compliance assistance tracking system (RCATS), compliance assistance to address significant noncompliance, especially instances of significant noncompliance discovered during inspections, was not counted as compliance assistance. Maryland's typical response to significant noncompliance is enforcement, although some assistance and direction may be provided in the enforcement context.

MDE also has a pollution prevention program that assists businesses by providing on-site technical assistance, ISO 14001-based environmental management system implementation assistance, outreach activities and materials, and recognition for pollution prevention successes. Technical assistance in pollution prevention is also available to MDE's WMA staff to support permitting and enforcement functions.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Maryland:

The State NPDES program uses the monitoring programs for water quality and biocriteria included in the MDE TARSA, TMDL programs, and CWA section 303(d) impaired water listings to show trends that are extrapolated to make decisions on NPDES program effectiveness. In addition, Department of Natural Resources monitoring for the water quality inventory prepared under CWA section 305(b) and other watershed-restoration activities provide background data. The NPDES Watershed Permitting Initiative is sequenced to use the 5-year TARSA monitoring strategy and the development of TMDLs. The NPDES permits are designed to implement TMDLs by reissuing them the year after the TMDL is established for the water body.

As an FY2004 CWA section 106 grant commitment, an update of the State's comprehensive monitoring strategy will be completed by September 30, 2004. One of the general goals of this strategy update is to develop means to increase both the percentage and type of waters (e.g., wetlands) assessed in the State. The FY2005 CWA section 106 grant contains commitments to implement the activities identified in the strategy.

Over the past reporting cycles, there has been a general upward trend in the percentage of waters assessed. For the 2004 integrated reporting cycle, the State is developing its report using the categories suggested in the 2004 integrated reporting guidance. This is helping to identify where additional monitoring is needed as water segments are placed in Category 3 (insufficient data to make impairment decision).

In Maryland, coordination with EPA's Chesapeake Bay Program remains a key feature. An effort involving multiple States and agencies is under way to develop revisions to the non-tidal monitoring network in support of Chesapeake Bay tributary strategies and other goals. Plans are also under way to modify monitoring consistent with new water quality standards to be adopted for the Chesapeake Bay. The State is also seeking funding to expand its analysis of biological problems through the use of innovative statewide assessment tools.

Based on the Management Report, MDE is well above the national average in assessing river and stream miles, 98.0% of which have been assessed for aquatic life. According to the 2002 water quality inventory prepared under CWA section 305(b), 8,787.9 river and stream miles, or 100%, were assessed for swimming.

2. Environmental Outcomes

The State of Maryland:

According to the 2002 water quality inventory prepared under CWA section 305(b), two different estimates are provided for Maryland's rivers and streams mileage: 12,343 from "EPA 1991," which used the U.S. Geological Survey's Reach File, and 8,788 from the Maryland Biological Stream Survey. Maryland assessed its waters using the 8,788 stream mile figure. Based on the 2002 water quality inventory prepared under CWA section 305(b), 36.2% of streams designated for overall use (3,184 miles) support overall use; 36.2% (3,184 miles) fully supported all assessed uses; 28.3% (2,484 miles) were found to be impaired for one or more uses; and 35.2% (3,095 miles) were unknown in their use support. With respect to aquatic life use support, Maryland determined that 29.3% (2,578 miles) fully support aquatic life, 42.5% (3,738 miles) did not support this designation, and 28.2% (2,475 miles) were unknown for this use. Some of the principal causes of less than full support were habitat-bank instability (1,309 miles), habitat-channelization (1,214 miles), siltation (1,095 miles), bacterial indicators (255 miles), low dissolved oxygen (241 miles), and nutrients (30 miles).

The 2002 water quality inventory prepared under CWA section 305(b) also indicates that Maryland has 21,359 lake acres of 59 significant publicly owned lakes to be assessed, with 17,613 acres monitored. Of these, 22% (4,737 acres) fully supported overall use, 74.8% (14,037 acres) did not support overall use, and 12% (2586 acres) had unknown overall use support. Of the 21,359 acres with a designated use of aquatic life support, 18,773 acres (88%) were assessed with 25.2% (4,737 acres) fully supporting aquatic life, 62.8% (14,037 acres) not fully supporting aquatic life, and 13.8% (2,586 acres) having unknown aquatic life support. Some of the principal causes of impairment were low oxygen (9,314 acres), metals (8,692 acres), polychlorinated biphenyls (PCBs) (2,500 acres), siltation (624 acres), and aquatic plants (383 acres).

As indicated in the 2004 list of impaired water bodies prepared under CWA section 303(d), a total of 579 water bodies (not including de-listed or revised listings) are impaired in Maryland.[5] As of July 2004, EPA's database indicated that 120 TMDLs have been approved for the State of Maryland.[6] Only one TMDL has been disapproved by EPA, and that TMDL is being developed by the Region using an air deposition model. MDE is in the process of amending its memorandum of understanding and has drafted a 3-year plan for TMDL completions. Each year, Maryland will update this plan for the next 3 years.

3. Water Quality Standards

The State of Maryland:

The State ensures that water quality standards are protective of designated uses. This is accomplished through an extensive water quality monitoring network that has been established as a result of the water quality inventory prepared under CWA section 305(b) and the list of impaired water bodies prepared

[5] The Management Report, measure #41, indicates 611 impaired water bodies, while the above text indicates 579 water bodies. The difference is that the number in the text is based on the 2004 CWA section 303(d) list, while the Management Report data for this measure are based on the 2002 CWA section 303(d) list.

[6] This number (120 TMDLs completed) does not match the number (87 TMDLs completed) cited in the Management Report, measure #54, because the Management Report includes only TMDLs approved before September 30, 2003.

under CWA section 303(d) reporting requirements. In addition, a comprehensive public participation process has been developed as part of Maryland's triennial review process, in which water quality standards are now being thoroughly reviewed every 3 years. Changes to water quality standards were proposed in 2004 as part of the triennial review completed in 2003. The information provided from the water quality monitoring network, together with any additional information obtained during the public participation process, provides appropriate opportunity to identify and implement revisions to water quality standards and ensure protection of designated uses.

In general, MDE accepts EPA guidelines without modification and applies them to the relevant uses. In one case, MDE developed estuarine water quality standards that followed guidelines in the Water Quality Standards Handbook in effect at the time and submitted them to EPA for review and approval. MDE is now proceeding to develop Chesapeake Bay water quality standards that will be consistent with the regional guidelines published by EPA. MDE conducts a review of water quality standards every 3 years as required. Water quality standards are incorporated in permits through the calculation of WQBELs and the implementation of the wasteload allocations of EPA's approved TMDLs.

No use attainability analyses have been considered to date, but MDE has been considering the possibility of performing of use attainability analyses for the Chesapeake Bay Initiative and Baltimore Harbor TMDL. The State's triennial review process is the only mechanism to ensure timely updates of the water quality standards.

MDE is currently in the process of revising its bacteria standards to make them consistent with EPA's 1986 recommendations. MDE has also initiated research for the development of nutrient criteria in rivers and streams and has made progress in finalizing a plan to develop nutrient criteria for the region consistent with EPA's recommendation.

4. Total Maximum Daily Loads

The State of Maryland:

MDE includes a WQBEL in a permit when there is reasonable potential for a discharge to cause or contribute to a violation of water quality standards and the WQBEL is more stringent than the technology-based limit. This limit is frequently applied at end of pipe with a compliance schedule for the permittee to perform mixing zone or translator studies and an opportunity to reopen the permit and adjust the WQBEL limit before the final limits become effective. The basis for such a limit is explained in the fact sheet that is provided to the permittee with the draft permit. WQBELs for discharges to impaired waters without a TMDL are developed case by case. In some situations it is appropriate to include a loading limitation to ensure no increased load while the TMDL is being developed. In other cases, goals are established with a provision for the permit to be reopened if the goal is not achieved. In other situations, the WQBEL already fully anticipates the pending TMDL requirements. Additional approaches may also apply in different discharge scenarios. For industrial permits with toxic mixing zones, MDE includes a pollution prevention condition and goal of reducing or eliminating the mixing zone by 2010.

MDE's NPDES permitting process ensures that permits incorporate TMDL requirements and translate the wasteload allocation requirement into a permit limit (if it is not a limit already), and it effectively tracks permits implementing TMDLs. Maryland's TMDL process begins with identifying all potential

permits that could be affected by the TMDL. When the TMDL is complete, each affected permit is listed in the TMDL and a loading allocation is specified. A tracking database of all permits assigned TMDLs is maintained. This list is consulted during the permit issuance process. The translation of the TMDL's wasteload allocation to a permit limit is usually straightforward because permit implementation was directly considered during the development of the TMDL. EPA Region 3 came to an agreement with MDE on an MS4 permit condition that is consistent with the requirements and assumptions of the wasteload allocations in the approved TMDLs.

EPA Region 3:

In addition to reviewing the major NPDES permits, EPA has removed its waiver of reviewing MDE permits for minor facilities discharging to streams with an approved TMDL. Therefore, EPA reviews such minor permits to ensure consistency with the TMDL

5. Safe Drinking Water Act

The State of Maryland:

During the triennial review process, there is close coordination between MDE's Drinking Water Supply Program (WMA), Water Quality Standards Program (TARSA), and NPDES Permitting Program (WMA). MDE staff members in the Drinking Water Program provide input and comment to TARSA to ensure that the appropriate protections for the Safe Drinking Water Act are included in the MDE standards. Throughout the triennial review process, TARSA ensures that the designated uses of receiving streams for the protection of drinking water supplies and public health are accurate and current. The NPDES program staff members also provide input into the triennial review process, regularly consult with the Water Quality Standards staff, and as a result stay current on all water quality standards for each designated use, including streams designated for public water supply and water quality standards for the protection of public health.

Section V. Other Program Highlights

The State of Maryland:

MDE established a watershed cycling strategy in 1998 and is now starting the second cycle of permit reissuance. MDE committed to using a watershed-based permitting approach to managing State waters, in coordination with the TMDL effort. MDE is now incorporating the concepts, monitoring, and sampling data developed during the TMDL process in order to issue its NPDES permits on a watershed basis. The State has been divided into five basins, with each year's NPDES program focusing on one basin. Any permit that has been in effect for less than 2.5 years in the watershed that is the focus of the current permitting cycle will not be revoked and reissued "unless changing it is of special water quality significance." Permits that have been in effect for more than 2.5 years will be revoked and reissued in their cycle year. EPA Region 3 has endorsed the watershed-based approach.

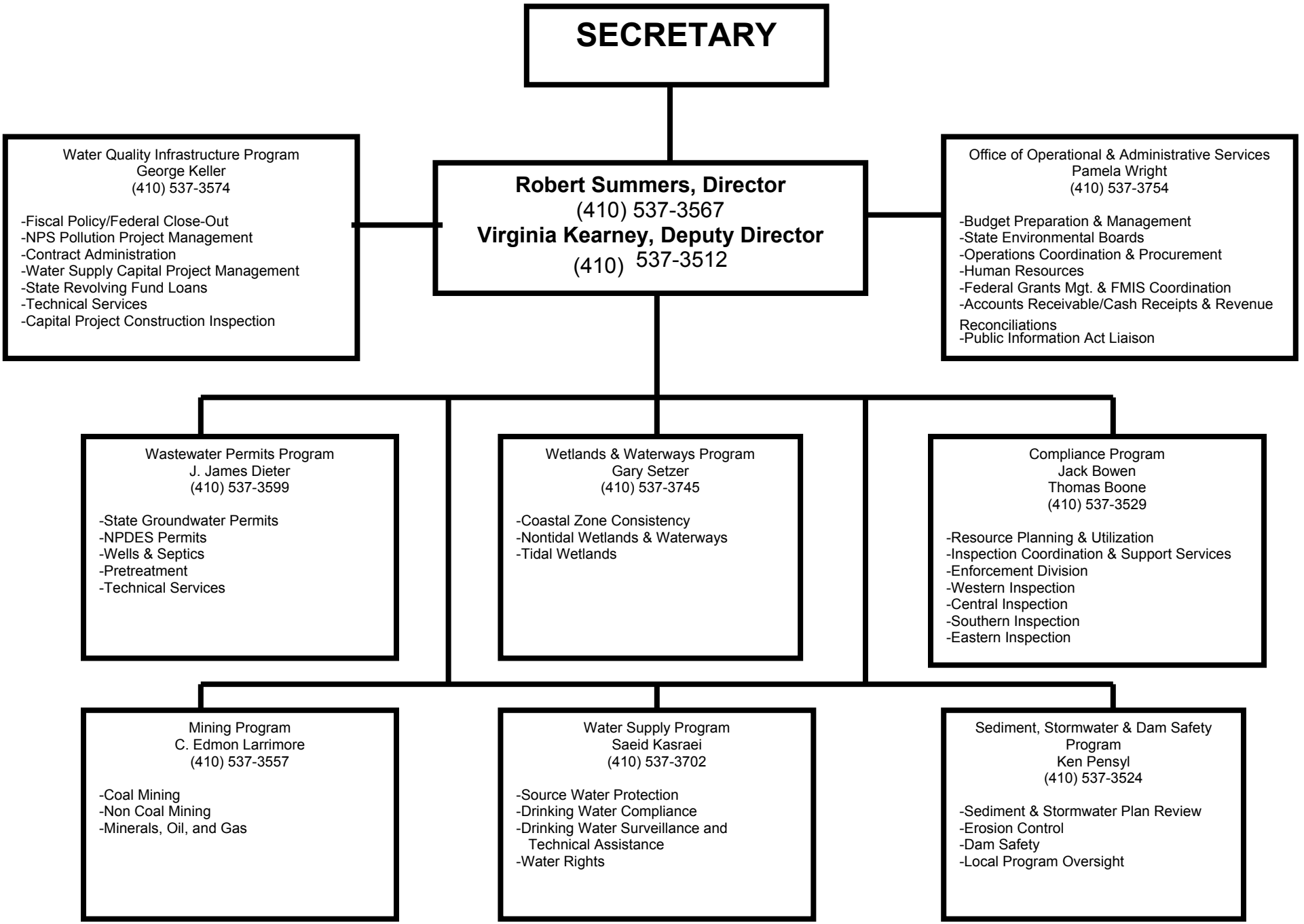
The EPA backlog reduction initiative represented a serious obstacle to full implementation of the State system.

Maryland is successfully implementing a biologic nutrient removal technology program. The largest wastewater treatment plants have received or are targeted to receive State grants that are matched by local funds to implement biologic nutrient removal to reduce nitrogen to 8 mg/L. Maryland is also developing and considering implementing an Enhanced Nutrient Removal technology program that would further reduce the nitrogen discharge. This would help meet the reduction of nutrients identified by EPA's Chesapeake Bay Program and that would be needed to remove the Chesapeake Bay from the CWA section 303(d) list by 2010.

Trading programs are anticipated once the details of permitting are resolved. It may be necessary to provide authority in State law to accomplish this. Maryland's biologic nutrient removal program is under way as part of the program to restore the Chesapeake Bay. The State's Bay watershed has been divided into six river basin watersheds, and nutrient load allocations are being established for each of them. Meeting the watershed load allocations will require that the State's major dischargers upgrade their treatment facilities to state-of-the-art nutrient reduction levels. The use of watershed permits for nutrients may allow the upgrades to proceed more quickly and cheaply than otherwise. The trading agreements would determine the schedules under which the various facilities in the watershed would upgrade to meet the overall watershed nutrient allocations. These schedules would be part of the watershed permits.

The Environmental Enterprise Management System (EEMS) that is under development for MDE will accommodate electronic permitting when it becomes operational. The system is scheduled for phased implementation to begin by 2006. Although MDE does not use the Permit Application Software System (PASS) and has not yet adopted electronic reporting mechanisms, MDE plans to conform to EPA's rule regarding electronic reporting when it becomes final.

WATER MANAGEMENT ADMINISTRATION



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Maryland

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources: State Activities	National Data Sources: EPA Activities	Additional Data: State Activities	Additional Data: EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	94	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	488	0		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	1,529	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	1,577	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	398	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	186	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	17	--	18	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	219	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	8	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	78	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	16.6%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	1/05	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	97%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	3	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	92.6%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	94.3%	n/a		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	100.0%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	100.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	50%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	n/a		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	92%	29%	100%	
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	77%	38%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	9%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	100%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	3	3		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	10	1		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The definitions document accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.

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Maryland

						National Data Sources		Additional Data	
			Profile Section	GPRA Goal	Nat. Avg.	State Activities	EPA Activities	State Activities	EPA Activities
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	8,788	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	21,359	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	611	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	31	0		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submis-sions	n/a	n/a	0		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	100.0%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	98.0%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	36.1%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	88.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	87	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	20	0		
	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	19	--		
Environmental Outcomes	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	--	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	0.0%	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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The definitions document accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.