



PERMITS

PERMIT TO CONSTRUCT (AIR)

NPDES PERMIT

WATER APPROPRIATION PERMIT

PERMIT TO CONSTRUCT (AIR)



DEPARTMENT OF THE ENVIRONMENT

AIR MANAGEMENT ADMINISTRATION
2500 BROENING HIGHWAY
BALTIMORE, MARYLAND 21224

William Donald Schaefer
Governor

Robert Perciasepe
Secretary

Construction Permit

Operating Permit

PERMIT NO. 06-9-0077 N

Date Issued September 29, 1992

PERMIT FEE \$200 paid

Expiration Date In accordance with COMAR 26.11.02.06B

LEGAL OWNER & ADDRESS

Black & Decker (U.S.), Inc.
626 Hanover Pike
Hampstead, MD 21074

SITE

Black & Decker (U.S.), Inc.
Carroll County
Premises #0055

SOURCE DESCRIPTION

One packed air stripping tower for groundwater remediation.

This source is subject to the conditions described on the attached pages.

Donald P. Anderson
Program Administrator

Susan L. Wieman
Director, Air Management Administration



BLACK & DECKER (U.S.), INC.
PERMIT TO CONSTRUCT CONDITIONS
PERMIT NUMBER 06-9-0077 N

The following applications are incorporated by reference in this permit:

- (a) Application for Processing or Manufacturing Equipment (AMA-5) received April 19, 1992.
- (b) Emission Data (Form 5B) received April 19, 1992.

If there are any discrepancies between the permit and the application(s), the conditions on the permit will take precedence.

- (4) Inspectors from the Air Management Administration and the Carroll County Health Department shall be afforded access to the Company's property at any reasonable time for the purpose of:

- (a) determining compliance with this permit and applicable regulations;
- (b) sampling any materials stored or processed on site, or any waste or discharge into the environment;
- (c) inspecting any monitoring equipment required by the permit or applicable regulations;
- (d) having access to or copying any records required to be kept by this permit or by applicable regulations; or
- (e) obtaining any photographic documentation or evidence.

- (5) This source is subject to all applicable Federal, State, or local requirements, including but not limited to the following regulations:

- (a) COMAR 26.11.02.03A which requires the Company to obtain a new permit to construct for this source if it is modified in such a manner that there is a change in the quantity, nature, or characteristics of emissions from the source.
- (b) COMAR 26.11.06.02 which prohibits visible emissions other than water vapor in an uncombined form.
- (c) COMAR 26.11.06.06 which limits Volatile Organic Compounds (VOC) emissions to 20 pounds per day,

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(7)

unless the discharge is reduced by 85 percent or more overall.

- (d) COMAR 26.11.06.08 and 26.11.06.09 which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
 - (e) COMAR 26.11.15.05 which requires the Company to use the Best Available Control Technology for toxics (T-BACT) to minimize toxic air pollutants.
 - (f) COMAR 26.11.15.06 which prohibits the discharge of toxic air pollutants to the extent that the emissions will unreasonably endanger human health.
- (4) All of the air discharged from the air stripper shall pass through activated carbon or a control device of equal or greater efficiency.
- (5) The source shall notify the Department at least 15 days prior to the start-up of the stripper.
- (6) If activated carbon is used to control VOC emissions:
- (a) At least two canisters each containing at least 150 pounds of activated carbon shall be connected in series.
 - (b) At least one spare canister shall be on site as a replacement.
 - (c) At least one canister shall be replaced when breakthrough occurs. Breakthrough is indicated when the outlet concentration of VOC from the first canister is greater than 15% of the inlet air concentration. In lieu of measuring the inlet air concentration, it may be assumed that all of the VOC in the water entering the stripper is transferred to the air stream.
 - (d) Inlet and outlet VOC concentrations shall be measured at least once each day the stripper is operated. A portable VOC detector that is properly calibrated in accordance with the manufacturer's instructions and that has a detection limit of 10 ppm or less of propane in air may be used to measure the air concentrations of VOC. Water samples shall be collected in accordance with

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procedures acceptable to the Department and taken to a certified laboratory for analysis. Grab air samples shall be collected and analyzed in accordance with procedures approved by the Department.

- (7) If a thermal incinerator is used to control VOC emissions, it shall be designed to achieve at least 0.5 second residence time at 1400 °F. The incinerator shall be equipped with temperature monitors and recorders to continuously register the flue gas temperature exiting the incinerator, which shall not be less than 1400 °F.
- (8) If a catalytic incinerator is used to control VOC emissions, it shall be equipped with temperature monitors and recorders to register temperature at both inlet and outlet of catalyst bed. The inlet temperature shall not be less than 650 °F.
- (9) The source shall keep the control equipment in place and operating properly until it has been demonstrated to the satisfaction of the Department that for 14 consecutive operating days that:
 - (a) Both VOC and benzene emissions are decreasing over time; and
 - (b) The maximum emissions of VOC are less than 20 pounds per day and of benzene are less than 0.02 pounds per hour.
- (10) When requesting permission to remove a control device, the source shall submit to the Department all pertinent data including but not limited to sampling and testing procedures, test results and calculations showing the uncontrolled and controlled emission rates for benzene and total VOC. For purposes of this demonstration, it shall be assumed that the efficiency of the control device is the same for benzene as it is for VOC.
- (11) Prior to any increases in the quantities and/or change in the types of materials stated in the application or limited by the permit, approval shall be obtained from the Department. If the increase or change constitutes a modification, the Company shall obtain a permit to construct prior to the modification.
- (12) Nothing in this permit authorizes the violation of any rule or regulation nor the creation of a nuisance or air pollution.

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- (13) If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from the permit.

NPDES PERMIT



MARYLAND DEPARTMENT OF THE ENVIRONMENT
 2500 Broening Highway • Baltimore, Maryland 21224
 (410) 631-3000

William Donald Schaefer
 Governor

David A.C. Carroll
 Secretary

STATE DISCHARGE PERMIT NUMBER	93-DP-0022
NPDES PERMIT NUMBER	MD0001881
EFFECTIVE DATE	August 25, 1994
EXPIRATION DATE	August 24, 1999

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and, implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment, hereinafter referred to as the "Department", hereby authorizes

Black & Decker (U.S.) Inc.
 626 Hanover Pike
 Hampstead, Maryland 21074

TO DISCHARGE FROM

a multifaceted facility including office buildings, light manufacturing, warehousing, and power tools and accessories distribution

LOCATED AT

626 Hanover Pike, Hampstead, Carroll County, Maryland

VIA OUTFALLS

001 as identified and described herein

TO

Deep Run, tributary to North Branch Patapsco River, which is protected for water contact recreation, fishing, aquatic life, and wildlife in accordance with the following special and general conditions and map made a part hereof.



I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge treated sanitary wastewater, treated groundwater, boiler blowdown, cooling tower blowdown, and storm water runoff from Outfall 001.

As specified below, such discharge shall be limited and monitored by the permittee at the outfall pipe from the Process Reservoir.

EFFLUENT CHARACTERISTICS

EFFLUENT LIMITATIONS

MONITORING REQUIREMENTS

	<u>(lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Quarterly Average</u>	<u>Daily Maximum</u>	<u>Quarterly Average</u>	<u>Daily Maximum</u>		
Flow	N/A	N/A	" gpd	" gpd	1/Month	Measured/Recorded
BOD,	N/A	N/A	N/A	15 mg/l	1/Month	Grab
Total Suspended Solids	N/A	N/A	20 mg/l	30 mg/l	1/Month	Grab
Oil & Grease	N/A	N/A	10 mg/l	15 mg/l	1/Month	Grab
Total Residual Chlorine	N/A	N/A	N/A	<0.1 mg/l	1/Month	Grab
1,1,1-Trichloro-ethane ⁽¹⁾	N/A	N/A	N/A	5 µg/l	1/Month	Grab
Tetrachloro-ethylene ⁽²⁾	N/A	N/A	N/A	5 µg/l	1/Month	Grab
Trichloro-ethylene ⁽²⁾	N/A	N/A	N/A	5 µg/l	1/Month	Grab

The pH shall not be less than 6.0 nor greater than 8.5 and shall be monitored twice per week by grab sample.

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge.

⁽¹⁾Monitoring required without limits.

⁽²⁾Testing shall be conducted in accordance with the procedures described in EPA Methods 624.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge treated sanitary wastewater from Monitoring Point 101.

As specified below, such discharge shall be limited and monitored by the permittee at the end of the discharge weir from the Physical/Chemical Plant.

<u>EFFLUENT CHARACTERISTICS</u>	<u>EFFLUENT LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>(lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Quarterly Average</u>	<u>Daily Maximum</u>	<u>Quarterly Average</u>	<u>Daily Maximum</u>		
Flow	N/A	N/A	(1) gpd	(1) gpd	Continuous	Measured/Recorded
Fecal Coliform	N/A	N/A	N/A	200 MPN/100 ml	1/Week	Grab

(1) Monitoring required without limits.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge treated groundwater from Monitoring Point 201.

As specified below, such discharge shall be limited and monitored by the permittee at the water distribution piping from the groundwater treatment system as it discharges into the Process Reservoir.

<u>EFFLUENT CHARACTERISTICS</u>	<u>EFFLUENT LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>(lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Quarterly Average</u>	<u>Daily Maximum</u>	<u>Quarterly Average</u>	<u>Daily Maximum</u>		
Flow	N/A	N/A	" gpd	" gpd	Continuous	Measured/Recorded
1,1,1-Trichloro-ethane ⁽²⁾	N/A	N/A	N/A	⁽¹⁾⁽²⁾ mg/l	1/Month	Grab
Tetrachloro-ethylene ⁽²⁾	N/A	N/A	N/A	⁽¹⁾⁽²⁾ mg/l	1/Month	Grab
Trichloro-ethylene ⁽²⁾	N/A	N/A	N/A	⁽¹⁾⁽²⁾ mg/l	1/Month	Grab

⁽¹⁾Monitoring required without limits.

⁽²⁾Testing shall be conducted in accordance with the procedures described in EPA Methods 624. 2

SPECIAL CONDITIONS

B. DEFINITIONS

1. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.
2. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.
3. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/l or other appropriate units as an outcome.
4. "Grab sample" means an individual sample collected in less than 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.
5. "Composite sample" means a combination of individual samples obtained at least at hourly intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
6. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
7. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
8. "Measured" flow means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
9. "Recorded" flow, pH, temperature, etc., means any method of providing a permanent, continuous record including, but not limited to, circular and strip charts.

C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in 40 CFR Part 122.42(a).

D. REMOVED SUBSTANCES

1. Within 90 days of the effective date of the permit, unless already submitted with the application, the permittee shall submit to the Department on a form provided, the following information:
 - a. Locate, on a suitable map, all areas used for the disposal of any removed substances as defined by General Condition B.7;
 - b. The physical, chemical, and biological characteristics (as appropriate), quantities of any removed substances handled, and the method of disposal;
 - c. If disposal is handled by other than the permittee, identify the contractor or subcontractor, their mailing address, and the information specified in a and b above.

2. Prior to the use of new or additional disposal areas, contractors, or subcontractors, the permittee shall notify the Department in writing.

E. WASTEWATER OPERATOR CERTIFICATION

Within six months from the date of issuance of this permit, the permittee's facility shall be operated by an industrial waste water operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. At no time during the effective period of this permit shall the treatment facilities be operated for more than six months without a certified operator.

F. ANALYTICAL LABORATORY

Within 30 days of the effective date of this permit, the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) which is used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of the permit, the permittee shall notify the Department of the new laboratory within 30 days of the change.

G. CHEMICAL ADDITIVES

The permittee may chlorinate the water and add soda ash for pH control. If other chemicals are added in the future, the permittee shall submit to the Department (Industrial Permits Division) a list of the proposed products aquatic toxicity data, manufacturer's information on the chemical composition of each product, and the concentrations that will be discharged to the waters of the State. Based on this information, if the Department determines that the additives may cause aquatic toxicity, the permittee may be directed to perform biomonitoring of the wastewater. If any of the products are found to be the cause of toxicity in the discharge, their use will be prohibited.

H. BIOMONITORING PROGRAM

1. Within three months of the effective date of the permit, the permittee shall submit to the Department, for approval, a study plan to evaluate wastewater toxicity at outfall 001 using biomonitoring. The study plan should include a discussion of:
 - a. wastewater and production variability
 - b. sampling methods
 - c. source of test organisms
 - d. source of dilution water
 - e. testing procedures
 - f. data analysis
 - g. quality control
 - h. testing schedule
2. The testing program shall consist of two acute testing events, three months apart at each outfall. This testing shall be initiated no later than three months following the Department's acceptance of the study plan.
 - a. Each of the two testing events shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.
 - b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.
3. The samples used for biomonitoring shall be collected at the same time and location as the samples used for the chemical analysis required for

this outfall. For chlorinated effluents, samples shall be collected after dechlorination.

4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, September 1991, EPA/600/4-90/027.
5. Test results shall be submitted to the Department within one month of completion of each set of tests.
6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data" (8/28/92).
7. If testing is not performed in accordance with MDE-approved study plan, additional testing may be required by the Department.
8. If the test results indicate that the effluent is toxic, additional biomonitoring or a toxicity reduction evaluation will be required by the Department.
9. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.
10. Submit all biomonitoring related materials to:

Maryland Department of the Environment
Water Management Administration
Water Quality Program
2500 Broening Highway
Baltimore, Maryland 21224

I. TOXICITY REDUCTION EVALUATION

The permittee shall conduct a Toxicity Reduction Evaluation (TRE) when a review of toxicity test data by the Department indicates unacceptable acute or chronic effluent toxicity. A TRE is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement the necessary control measures and then confirm the reduction in toxicity.

1. Within 90 days of notification by the Department that a TRE is required, the permittee shall submit a plan of study and schedule for conducting a TRE. The permittee shall conduct the TRE study consistent with the submitted plan and schedule.
2. This plan should follow the framework presented in Generalized Methods for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070).
3. Beginning 60 days from the date of the Department's acceptance of the TRE study plan and every 60 days thereafter, the permittee shall submit progress reports including all relevant test data to the Department. This shall continue until completion of the toxicity reduction confirmation.
4. Within 60 days of completion of the toxicity identification, or the source identification phase of the TRE, the permittee shall submit to the Department a plan and schedule for implementing those measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. The implementation of these measures shall begin immediately upon submission of this plan.
5. Within 60 days of completing the implementation of the control measures to eliminate or reduce toxicity, the permittee shall submit to the Department for approval a study plan to confirm the elimination or

reduction of toxicity by using biomonitoring.

6. If, for any reason, the implemented measures do not result in compliance with the Department's toxicity limitations, the permittee shall continue the TRE.

J. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

1. Storm Water Pollution Prevention Plans - General

The permittee shall develop a storm water pollution prevention plan for each area of the facility with point discharges of storm water associated with industrial activity. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

- a. In developing this plan, the permittee shall use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" or, when it is available, an EPA-published summary document on the same subject. These documents can be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-487-4600).
- b. The plan shall be signed in accordance with II.C.18, and be retained on site in accordance with II.C.1 of this permit. The plan shall be completed within one year of the date of issuance of this permit. The permittee shall comply with the terms of the plan within 18 months of the date of issuance of this permit. The permittee shall make plans available upon request to the Department and, in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- c. If the plan is reviewed by the Department, the Department may notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.
- d. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department in the same manner as 1.c above.

2. Storm Water Pollution Prevention Plan - Contents

The plan shall include, at a minimum, the following items:

- a. Description of Potential Pollutant Sources

The plan shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges. The plan shall identify all activities and significant materials which may potentially be significant pollutant sources. The plan shall include:

- i. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and surface water bodies, including drainage ditches and wetlands.
- ii. A topographic map (or other map, if a topographic map is unavailable), extending one-quarter of a mile beyond the property boundaries of the facility. The requirements of this condition may be included in the site map required under 2.a.i. above, if appropriate.
- iii. A narrative description of significant materials that have been treated, stored, or disposed in a manner which allowed exposure to storm water at anytime from three years prior to the date of the issuance of this permit and until the time the present method of on-site storage or disposal was initiated; materials management practices employed to minimize contact of these materials with storm water runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- iv. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity; and
- v. A summary of all existing sampling data describing pollutants in storm water discharges.

b. Storm Water Management Controls

The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

- i. Preventive Maintenance. A preventive maintenance program that involves timely inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- ii. Good Housekeeping. Good housekeeping that requires the maintenance of a clean, orderly facility.
- iii. Spill Prevention and Response Procedures. If spills have a potential to occur, procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available to the appropriate personnel.

- iv. Sediment and Erosion Prevention. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
 - v. Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see 2.a. - description of potential pollutant sources) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
 - vi. Visual Inspections. Qualified plant personnel shall be identified to inspect designated equipment and plant areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure shall be used to ensure that appropriate response has been taken in response to the inspection. Records of inspections shall be maintained at the facility, for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.
 - vii. Recordkeeping and Internal Reporting Procedures. Incidents, such as spills or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the records. Inspections and maintenance activities shall be documented and recorded.
- c. Comprehensive Site Compliance Evaluation
- A site inspection shall be conducted annually by appropriate responsible personnel to verify that the description of potential pollutant sources required under 2.a. is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. Records documenting significant observation made during the site inspection shall be retained as part of the storm water pollution prevention plan for three years.
- d. Consistency with Other Plans
- Storm water management programs may include requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by an NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.
- e. Special Requirements for Storm Water Discharges Associated with Industrial Activity to Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or More

Facilities covered by this permit shall comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions. These facilities shall make storm water pollution prevention plans available to the municipal operator of the system upon request.

f. Salt Storage

Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

g. Pollution Prevention Committee

The description of the storm water Pollution Prevention Committee shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

h. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics, such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

3. Storm Water Pollution Prevention Plan - Additional Requirements for Facilities Subject to SARA Title III, Section 313 Requirements

Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 (42 U.S.C. §11023) are required to include, in addition to the information listed in condition 2., a discussion of the facility's conformance with the following appropriate guidelines:

- a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
 - i. Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
 - ii. Roofs, covers, or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.
- b. The storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines.
 - i. Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals. No tank or container shall be used for the storage of a Section 313

water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

- ii. Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals. Drainage control shall minimize storm water contact with Section 313 water priority chemicals.
- iii. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
- iv. In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled. Piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided, as appropriate, to control the releases.
- v. Discharges from secondary containment areas.
 - (a) Drainage from secondary containment shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section 313 water priority chemicals into the drainage system. After a visual inspection of the storm water and determination that no product is present, containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.
 - (b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-close design.
 - (c) Records of the frequency and estimated volume (in gallons) of discharges from containment areas shall be kept, at the facility, for a minimum of three years.

- (d) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
- (e) Facility site runoff other than from areas covered by (i), (ii), (iii) or (iv). Other areas of the facility [those not addressed in paragraphs (i), (ii), (iii) or (iv)], from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

c. Facility Security

Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

d. Risk Identification and Assessment/Material Inventory

The storm water pollution prevention plan shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled. Facilities shall include in the plan a description of releases to land or water of SARA Title III water priority chemicals that have occurred at any time after July 1, 1989. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

K. RESUMPTION OF MANUFACTURING

If the permittee anticipates any increase in the manufacturing activities at the facility, the Department must be notified at least six months prior to the planned increase.

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

2. REPORTING-MONITORING RESULTS SUBMITTED QUARTERLY

Monitoring results obtained during the calendar quarter shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). For each effluent characteristic monitored at a frequency of once per month or less, the results obtained during the reporting period shall be summarized on a single report form for each quarter. More frequently monitored effluent characteristics shall be reported on a separate form for each calendar month of the reporting period. Results shall be submitted to the Department postmarked no later than the 28th day of the month following the end of the reporting period. Calendar quarter reporting periods end on the last day of the following months: March, June, September and December.

The reports shall be submitted to:

Maryland Department of the Environment
Water Management Administration
Inspection and Compliance Program
2500 Broening Highway
Baltimore, Maryland 21224

3. SAMPLING AND ANALYSIS METHODS

The analytical and sampling methods used shall conform to procedures for the analysis of pollutants as identified in Title 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

4. DATA RECORDING REQUIREMENTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

GENERAL CONDITIONS

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. Anticipated facility expansions, production increases or decreases, or process modifications, which will result in new, different, or an increased discharge of pollutants, shall be reported by the permittee by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Department. Following such notice, the permit may be modified by the Department to specify and limit any pollutants not previously limited.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 631-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

- a. a description of the noncomplying discharge including its impact upon the receiving waters;
- b. cause of noncompliance;
- c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
- d. steps taken by the permittee to reduce and eliminate the noncomplying discharge;
- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
- f. a description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee, are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. BYPASSING

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

II. GENERAL CONDITIONS

B. MANAGEMENT REQUIREMENTS

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;
- d. the permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,
- b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

I. GENERAL CONDITIONS

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

The permittee shall permit the Secretary of the Department, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

- a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
- b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and
- e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. the permittee notifies the Department in writing, of the proposed transfer;
- b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and
- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT

At least 180 calendar days before the expiration date of this permit, unless permission for a later date has been granted by the Department, the permittee shall submit a new application for a permit or notify the Department of the intent to cease discharging by the expiration date. In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

4. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

II. GENERAL CONDITIONS

C. RESPONSIBILITIES

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued in whole or in part during its term for causes including, but not limited to, the following:

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

9. CIVIL AND CRIMINAL LIABILITY

Except as provided in permit conditions on "bypassing," "upset," and "power failure," nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local, or other State law or regulation.

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does

II. GENERAL CONDITIONS

C. RESPONSIBILITIES

it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

11. SEVERABILITY

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

12. WATER CONSTRUCTION AND OBSTRUCTION

This permit does not authorize the construction or placing of physical structures, facilities, or debris, or the undertaking of related activities in any waters of the State.

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

The issue or reissue of this permit does not constitute a decision by the State not to proceed in administrative, civil, or criminal action for any violations of State law or regulations occurring before the issue or reissue of this permit, nor a waiver of the State's right to do so.

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

- a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.
- b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

II. GENERAL CONDITIONS

C. RESPONSIBILITIES

- c. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.
- d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
- b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

II. GENERAL CONDITIONS

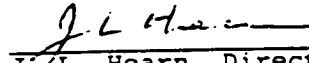
C. RESPONSIBILITIES

D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the provisions of General Condition II.C.3 of this permit.

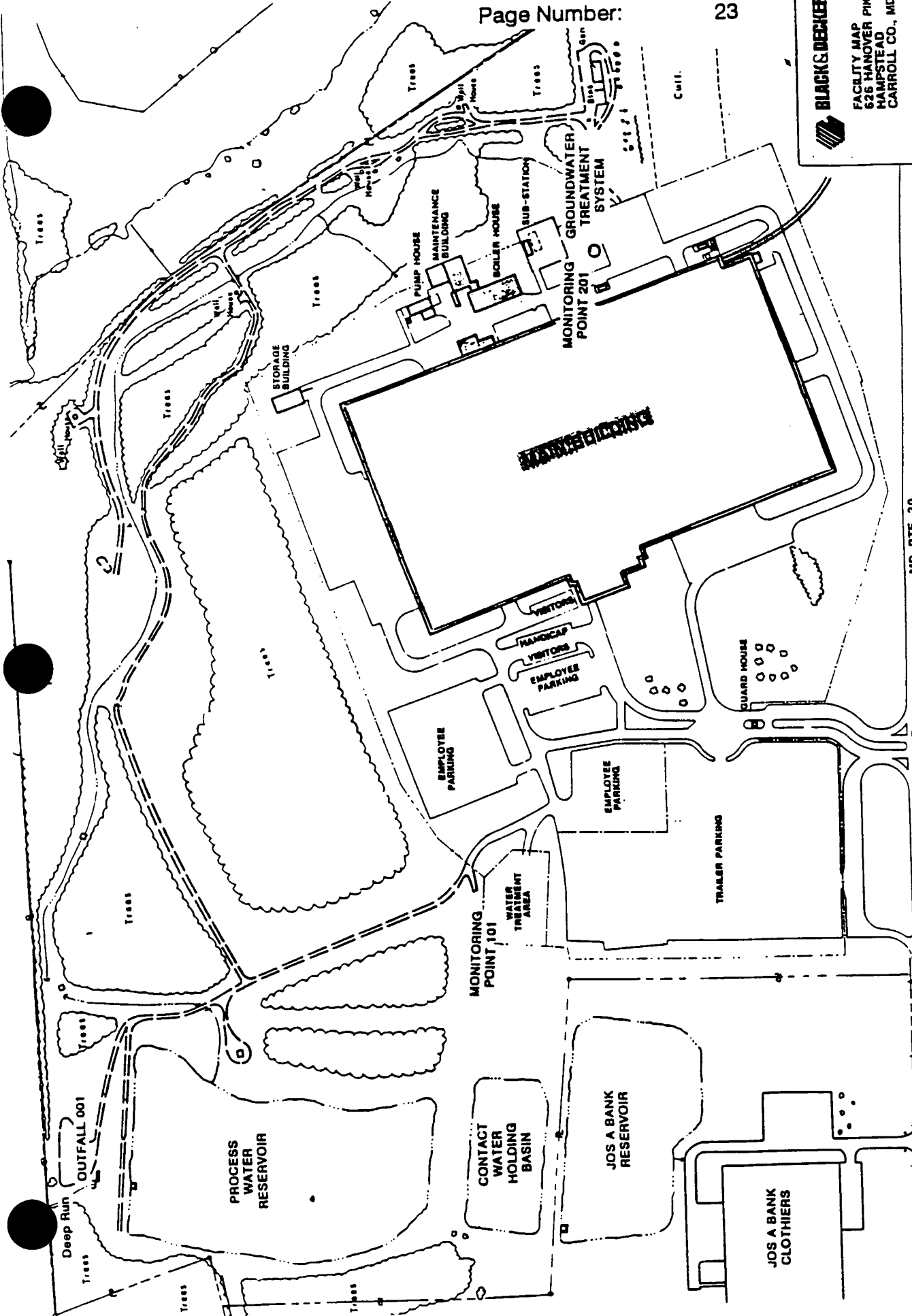


J. L. Hearn, Director
Water Management Administration

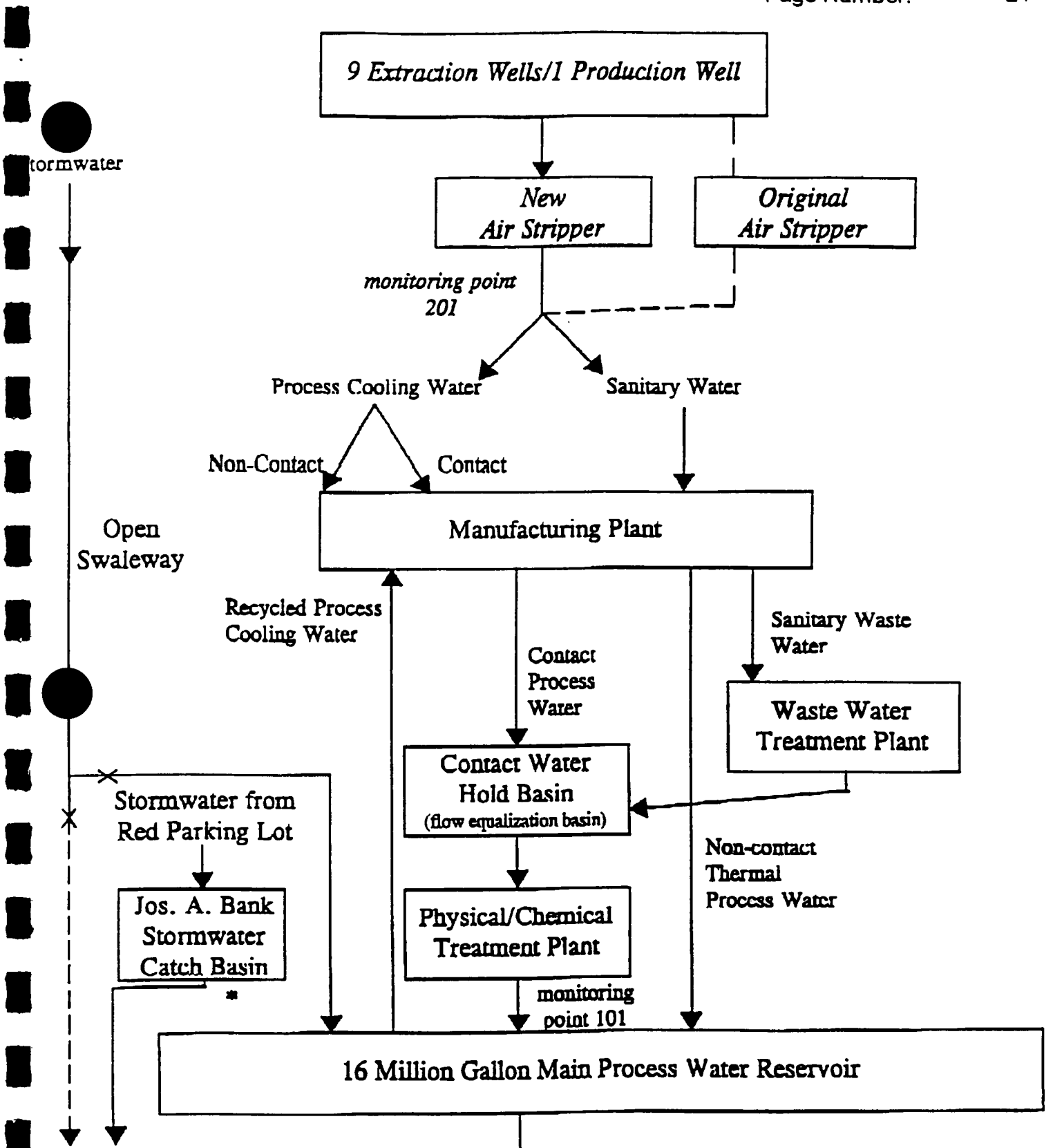




FACILITY MAP
626 HANOVER PIKE
HAMPSHIRE
CARROLL CO., MD.



HANOVER PIKE
MD. RTE. 30



SCHEMATIC OF NEW WATER FLOW WITH GROUND WATER CONTAINMENT BLACK & DECKER (U.S.) INC. 626 HANOVER PIKE HAMPSTEAD, MARYLAND 21074

The discharge from the Jos. A. Bank Stormwater Water Basin was assigned historically so as to allow flow into the B&D Process reservoir in case of need for fire protection, but to date the water has never been diverted in this way and is not expected to be in the future.

WATER APPROPRIATION PERMIT



William Donald Schaefer
Governor

Maryland Department of Natural Resources
Water Resources Administration

Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.D.
Secretary

Robert D. Miller
Director

"A Commitment to Excellence in Managing Maryland's Water Resources"

November 29, 1993

RE: Water Appropriation Permit CL66G029(06);
Notice of Permit Decision

Dear Property Owner, Public Official, Interested Person or Applicant:

On November 19, 1993, the Water Resources Administration made a decision to issue Water Appropriation & Use Permit No. CL66G029(06) to Black & Decker (U.S.) Inc., 626 Hanover Pike, Hampstead, MD 21074, to increase an existing appropriation from an annual average of 80,000 gallons of ground water per day (gpd) and an average in the month of maximum use of 100,000 gpd, to an annual average of 432,000 gpd and an average in the month of maximum use of 720,000 gpd. The water is to be withdrawn from ten wells in the Wissahickon Formation. The additional water is to be used for ground water remediation at the existing Black & Decker facility on the west side of Hanover Pike (MD-30), in Hampstead, Carroll County.

After examination and consideration of all of the documents and evidence in the application record and file, and all of the facts, evidence and argument for and against the granting of the permit presented at the public informational hearing held on June 15, 1993, the Administration determined that the application met the statutory and regulatory criteria necessary for issuance of a Water Appropriation and Use Permit. A copy of the Summary of Basis for Decision and of Water Appropriation and Use Permit No. CL66G029(06) is enclosed.

Any person aggrieved by this decision may request a formal contested case (adjudicatory) hearing on the matter. To obtain a contested case hearing a person shall write a letter stating:

1. The full name and address of the person requesting the hearing and a telephone number at which the requester may be reached during normal business hours;
2. The name, address and telephone number of any attorney representing the requester, or a statement that the requester intends to proceed without counsel;

3. A detailed description of the grounds for the request including the specific legal right, duty, privilege or interest of the requester which may be adversely affected by the permit decision, and which is different from those interests held by the general public.
4. A statement of the specific relief desired as a result of the adjudicatory hearing; and
5. A general outline of the evidence to be presented in support of the desired relief, including the names and addresses of all witnesses to be called by the requester.

The letter requesting the contested case hearing shall be addressed to Gary Setzer, Water and Wetlands Program Director, E-2 Tawes State Office Bldg., Annapolis, MD 21401, and must be received by December 13, 1993.

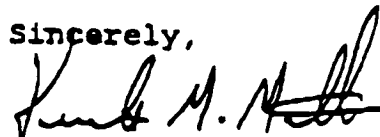
A party to a contested case hearing may request a temporary stay of activity under the permit pending final decision in the contested case, provided that:

1. The person requesting the temporary stay shows that there is a substantial likelihood of prevailing on the merits of the final determination of the contested case proceeding;
2. The temporary stay will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources; and
3. The conditions and criteria for granting a temporary stay as provided in regulations for contested case hearings have been met.

Requests for a temporary stay of the issuance of a permit should be addressed to Robert D. Miller, Esquire, Water Resources Administration Director, E-2 Tawes State Office Bldg., Annapolis, MD 21401, and must be received by December 13, 1993.

If you have any questions or need any additional information, please do not hesitate to contact me at (410) 974-2456.

Sincerely,

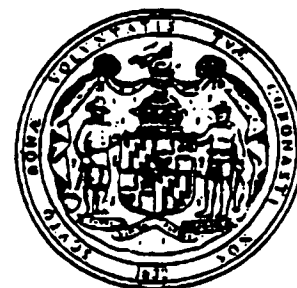


Kenneth M. Miller, Chief
Water Appropriation Permits Section

Enclosures

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION

WATER APPROPRIATION AND USE PERMIT



PERMIT NUMBER: CL66G029(06)

EFFECTIVE DATE: NOVEMBER 1, 1993

EXPIRATION DATE: NOVEMBER 1, 2005

FIRST APPROPRIATION: JULY 1, 1951

BLACK & DECKER (U.S.) INC.

HEREINAFTER REFERRED TO AS THE "PERMITTEE", IS AUTHORIZED BY THE WATER RESOURCES ADMINISTRATION, HEREINAFTER REFERRED TO AS THE "ADMINISTRATION" PURSUANT TO THE PROVISIONS OF TITLE 8 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND (1990 REPLACEMENT VOLUME) AS AMENDED, TO APPROPRIATE AND USE WATERS OF THE STATE SUBJECT TO THE FOLLOWING CONDITIONS:

1. ALLOCATION - THE WATER WITHDRAWAL GRANTED BY THIS PERMIT IS LIMITED TO:
A DAILY AVERAGE OF 432,000 GALLONS ON A YEARLY BASIS AND
A DAILY AVERAGE OF 720,000 GALLONS FOR THE MONTH OF MAXIMUM USE.
2. USE - THE WATER IS TO BE USED FOR PROCESS WATER, COOLING WATER, POTABLE AND SANITARY FACILITIES, AND GROUND WATER REMEDIATION AT A DISTRIBUTION CENTER.
3. SOURCE - THE WATER SHALL BE TAKEN FROM TEN WELLS IN THE UPPER PELITIC SCHIST OF THE WISSAHICKON FORMATION.
4. LOCATION - THE POINT(S) OF WITHDRAWAL SHALL BE LOCATED AT 626 HANOVER PIKE (WEST SIDE), 0.6 MILE SOUTH OF HOUCKSVILLE ROAD, SOUTH OF HAMPSTEAD, CARROLL COUNTY, MARYLAND.

CONTINUED ON PAGE 2

PERMIT NUMBER: CL66G029(06)
PAGE NUMBER TWO

5. RIGHT OF ENTRY - THE PERMITTEE SHALL ALLOW AUTHORIZED REPRESENTATIVES OF THE ADMINISTRATION ACCESS TO THE PERMITTEE'S FACILITY TO CONDUCT INSPECTIONS AND EVALUATIONS NECESSARY TO ASSURE COMPLIANCE WITH THE CONDITIONS OF THIS PERMIT. THE PERMITTEE SHALL PROVIDE SUCH ASSISTANCE AS MAY BE NECESSARY TO EFFECTIVELY AND SAFELY CONDUCT SUCH INSPECTIONS AND EVALUATIONS.
6. PERMIT REVIEW - THE PERMITTEE WILL BE QUERIED EVERY THREE YEARS (TRIENNIAL REVIEW) REGARDING WATER USE UNDER THE TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO RETURN THE TRIENNIAL REVIEW QUERY WILL RESULT IN SUSPENSION OR REVOCATION OF THIS PERMIT.
7. PERMIT RENEWAL - THIS PERMIT WILL EXPIRE ON THE DATE INDICATED ON THE FIRST PAGE OF THIS PERMIT. IN ORDER TO RENEW THE PERMIT THE PERMITTEE SHALL FILE A RENEWAL APPLICATION WITH THE ADMINISTRATION NO LATER THAN 45 DAYS PRIOR TO THE EXPIRATION.
8. PERMIT SUSPENSION OR REVOCATION - THIS PERMIT MAY BE SUSPENDED OR REVOKED BY THE ADMINISTRATION UPON VIOLATION OF THE CONDITIONS OF THIS PERMIT, OR UPON VIOLATION OF ANY REGULATION PROMULGATED PURSUANT TO TITLE 8 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND (1990 REPLACEMENT VOLUME) AS AMENDED.
9. CHANGE OF OPERATIONS - ANY ANTICIPATED CHANGE IN APPROPRIATION WHICH MAY RESULT IN A NEW OR DIFFERENT USE, QUANTITY, SOURCE, OR PLACE OF USE OF WATER SHALL BE REPORTED TO THE ADMINISTRATION BY THE PERMITTEE BY SUBMISSION OF A NEW APPLICATION.
10. ADDITIONAL PERMIT CONDITIONS - THE ADMINISTRATION MAY AT ANYTIME (INCLUDING TRIENNIAL PERMIT REVIEW OR WHEN A CHANGE APPLICATION IS SUBMITTED) REVISE ANY CONDITION OF THIS PERMIT OR ADD ADDITIONAL CONDITIONS CONCERNING THE CHARACTER, AMOUNT, MEANS AND MANNER OF THE APPROPRIATION OR USE, WHICH MAY BE NECESSARY TO PROPERLY PROTECT, CONTROL AND MANAGE THE WATER RESOURCES OF THE STATE. CONDITION REVISIONS AND ADDITIONS WILL BE ACCOMPLISHED BY ISSUANCE OF A REVISED PERMIT.

CONTINUED ON PAGE 3

PERMIT NUMBER: CL66G029(06)
PAGE NUMBER THREE

11. NON-TRANSFERRABLE - THIS PERMIT IS NON-TRANSFERRABLE. A NEW OWNER MAY ACQUIRE AUTHORIZATION TO CONTINUE THIS APPROPRIATION BY FILING A NEW APPLICATION WITH THE ADMINISTRATION. AUTHORIZATION WILL BE ACCOMPLISHED BY ISSUANCE OF A NEW PERMIT.
12. FLOW MEASUREMENT - THE PERMITTEE SHALL MEASURE ALL WATER USED UNDER THIS PERMIT BY A METHOD WHICH SHALL BE APPROVED BY THE ADMINISTRATION.
13. WITHDRAWAL REPORTS - THE PERMITTEE SHALL SUBMIT TO THE ADMINISTRATION, SEMI-ANNUALLY (JULY-DECEMBER, NO LATER THAN JANUARY 31 AND JANUARY-JUNE, NO LATER THAN JULY 31), PUMPING RECORDS. THESE RECORDS SHALL SHOW THE TOTAL QUANTITY OF WATER PUMPED EACH MONTH UNDER THIS PERMIT.
14. WATER LEVEL MEASUREMENTS - FOR ALL THE PERMITTEE'S WELLS FOUR (4) INCHES IN DIAMETER OR LARGER, PUMPING EQUIPMENT SHALL BE INSTALLED SO THAT WATER LEVELS CAN BE MEASURED DURING PUMPING AND NONPUMPING PERIODS WITHOUT DISMANTLING ANY EQUIPMENT. ANY OPENING FOR TAPE MEASUREMENTS OF WATER LEVELS SHALL HAVE A MINIMUM INSIDE DIAMETER OF 0.5 INCHES AND BE SEALED BY A REMOVABLE CAP OR PLUG. THE PERMITTEE SHALL PROVIDE A TAP FOR TAKING RAW WATER SAMPLES BEFORE WATER ENTERS A TREATMENT FACILITY, PRESSURE TANK, OR STORAGE TANK.
15. PERMIT SUPERSESSION - THIS PERMIT HAS BEEN REVIEWED AND REVISED AND SUPERSEDES THE APPROPRIATION AND USE GRANTED BY THE FOLLOWING PRIOR PERMIT ISSUED TO:

BLACK & DECKER (U.S.) INC. ON JUNE 1, 1990 (CL66G029(05))

PERMIT NUMBER: CL66G029(06)
PAGE NUMBER FOUR

16. WATERSHED MONITORING PLAN - THE PERMITTEE SHALL DESIGN, IMPLEMENT AND MAINTAIN A WATER LEVEL MONITORING PROGRAM, TO MONITOR THE IMPACTS OF WATER WITHDRAWALS ON GROUND WATERS WITHIN THE WATERSHED. MONITORING PROGRAM SPECIFICATIONS SHALL BE SUBMITTED TO THE ADMINISTRATION FOR APPROVAL AND SHALL PROVIDE, AS A MINIMUM, FOR WATER LEVELS TO BE MEASURED PERIODICALLY IN SELECTED OBSERVATION WELLS LOCATED ON AND OFF THE PERMITTEE'S PROPERTY. THE PLAN SHALL BE SUBMITTED TO THE WATER RESOURCES ADMINISTRATION FOR APPROVAL AND SHALL BE IMPLEMENTED PRIOR TO INITIATION OF INCREASED WITHDRAWALS FOR REMEDIATION. WATER LEVEL MONITORING REPORTS SHALL BE SUBMITTED TO THE ADMINISTRATION SEMI-ANNUALLY ON THE SAME SCHEDULE AS THE WATER WITHDRAWAL REPORTS REQUIRED UNDER CONDITION 13 OF THIS PERMIT.

BY AUTHORITY OF THE DIRECTOR
WATER RESOURCES ADMINISTRATION


GARY T. SETZER, PROGRAM DIRECTOR
WATER AND WETLANDS PROGRAM

MGP





William Donald Schaefer
Governor

Maryland Department of Natural Resources
Water Resources Administration

Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.
Secretary

Robert D. Miller
Director

"A Commitment to Excellence in Managing Maryland's Water Resources"

PERMIT DECISION

IN THE MATTER OF:

Black & Decker (U.S.) Inc.
Ground Water Remediation
Hampstead, Maryland

Water Appropriation and Use Permit CL66G029 (06)

HEARING DATE:

Tuesday, June 15, 1993


After examination of all documents and evidence in the above referenced matter, I have determined that the water appropriation and use permit application provides for the beneficial use of the State's water resources and meets the criteria set forth in Title 8, Subtitle 8 of the Natural Resources Article and Code of Maryland Regulations (COMAR) 08.05.02 governing water appropriation or use.

The decision is based on the following considerations which are discussed briefly on the attached Summary of Basis for Decision:

1. The amount of water requested by Black & Decker (U.S.) Inc. is reasonable in relation to the proposed use based on the treatment of the maximum estimated ground water recharge to the contaminated area.
2. The impact on the resource is reasonable based on the existing level of ground water contamination and the discharge of the treated water to the surface water system.
3. The impact on other users of the resource is reasonable based on the movement of contaminated ground water and the estimated maximum drawdown developed from on-site well pumping tests.

Permit CL66G029 (06) shall be issued by the Water Resources Administration to authorize an annual average ground water withdrawal of 432,000 gallons per day (gpd) and an average daily withdrawal in the month of maximum use of 720,000 gpd. The water will be withdrawn from 10 wells in the Upper Pelitic Schist of the Wissahickon Formation for ground water remediation. The permit shall contain a specific condition which requires ground water level monitoring. The points of withdrawal will be located on the west side of Maryland Route 30 (Hanover Pike), southwest of Hampstead, Carroll County, Maryland.

November 19, 1993
Date


Terrance W. Clark
Chief, Water Rights Division

SUMMARY OF BASIS FOR DECISION

Black and Decker (U.S.) Inc.
Name of Applicant

CL66G029/6
Application Number

Matthew G. Pajerowski
Assigned WRA Geologist

November 16, 1993
Date Form Completed

I. REASONABLENESS OF THE AMOUNT OF WATER REQUESTED IN RELATION TO THE ANTICIPATED LEVEL OF USE DURING THE PERMIT PERIOD.

The requested water appropriation in excess of existing use is for a ground water remediation project. The Water Resources Administration has estimated the ground water recharge to the site during a year of higher than normal precipitation to be 499,648 gallons per day (gpd). Well pumping tests at the site indicate that a sustained combined pumping rate of 300 gallons per minute (gpm) from the 10 wells will be sufficient to achieve the goal of inducing the flow of contaminated water to the wells. An annual average withdrawal of 432,000 gpd is reasonable. The combined sustainable yield of the wells is approximately 500 gpm. To allow for variation in pumping rates of the wells, an average daily withdrawal of 720,000 gpd for the month of maximum use is reasonable.

II. REASONABLENESS OF THE IMPACT OF THE REQUESTED WITHDRAWAL ON THE RESOURCE.

The withdrawal and treatment of degraded ground water will improve the quality of the water locally and prevent the movement of contaminated ground water to off-site wells. The proposed treatment provides a beneficial impact on the ground water resource. The treated water not used by the Black and Decker facility, or by other users, will be returned to the surface water system to which it would naturally discharge. These impacts do not appear to be unreasonable.

III. REASONABLENESS OF THE IMPACT OF THE REQUESTED WITHDRAWAL ON OTHER USERS OF THE RESOURCE.

Most nearby homes and businesses are supplied by the municipal system of the Town of Hampstead. The projected radius of influence of the wells is no greater than 1680 feet for any well. Maximum drawdown off the property is projected at less than 8 feet. Ground water monitoring will be required. The impact to other users of the resource does not appear unreasonable.