



September 21, 2012

Via First Class and Electronic Mail

Mr. Brian Clevenger
Manager, Sediment, Stormwater & Dam Safety Program
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1800 Washington Boulevard
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**RE: Draft Baltimore City Municipal Separate Storm Sewer System Permit
Number 11-DP-3315, MD0068292**

These comments are submitted to the Maryland Department of the Environment (MDE) on behalf of Anacostia Riverkeeper, Inc. and Potomac Riverkeeper, Inc., regarding the Draft Permit for the Baltimore City municipal separate stormwater system (MS4). We endorse the attached comments submitted on behalf of Baltimore Harbor Waterkeeper, Inc., and incorporate them by reference in their entirety as though fully stated herein.

Anacostia Riverkeeper and Potomac Riverkeeper represent many individual Maryland residents and visitors who regularly use and enjoy the waters of Baltimore City and downstream waters, for fishing, swimming, and aesthetic enjoyment. Anacostia Riverkeeper and Potomac Riverkeeper are also members of the Waterkeepers Chesapeake, a coalition of Waterkeepers who are dedicated collectively to curbing pollution from sources in tributaries to the Chesapeake Bay including the Anacostia River and Potomac River and their tributaries.

MDE has indicated that it intends for the Baltimore City MS4 permit to serve as the template for re-issuance of all outstanding permits for other MS4s in Maryland, including several of those that discharge into the Anacostia River, Potomac River, and their tributaries. This is certain to be true as a practical matter, given that MDE has committed to issue updated permits for all of its out-of-date MS4 permit jurisdictions by the end of 2012. *See* Maryland Phase 2 Watershed Implementation Plan for the Chesapeake Bay TMDLs at 14 (March 30, 2012) ("MDE will submit all draft Phase I and Phase II MS4 permits to EPA in 2012."). Accordingly, Anacostia Riverkeeper, Potomac Riverkeeper, and their members are directly impacted by the decisions and the precedent that will be encompassed in the Baltimore City MS4 permit.

As noted in the attached comments, the draft permit for the Baltimore City MS4 is legally and practically deficient in several respects. The permit does not require or ensure that discharges from the MS4 are or will be reduced as needed to meet water quality standards and total maximum daily loads (TMDLs) adopted by MDE and approved by the U.S. EPA. The permit also fails to require that all illicit discharges are either eliminated or covered by a permit and compliance schedule that provide for compliance with water quality standards and TMDLs. The permit lacks adequate requirements for representative monitoring that is sufficient to inform

MDE and members of the public whether the MS4 is meeting all of its goals and legal requirements to curb pollution.

For these reasons and others stated in the attached and incorporated comments, MDE's draft permit for the Baltimore City MS4 permit must be revised according to our attached recommendations and in accordance with federal and state law.

Sincerely,

/s/ Jennifer C. Chavez
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On behalf of Potomac Riverkeeper and Anacostia Riverkeeper

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