

In the Matter of:

Maryland Department of the Environment

September 4, 2014
Public Hearing

Condensed Transcript with Word Index



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<p>1 MARYLAND DEPARTMENT OF THE ENVIRONMENT</p> <p>2 WATER MANAGEMENT ADMINISTRATION</p> <p>3</p> <p>4</p> <p>5</p> <p>6 NATIONAL POLLUTANT DISCHARGE</p> <p>7 ELIMINATION SYSTEM (NPDES)</p> <p>8 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT</p> <p>9</p> <p>10</p> <p>11</p> <p>12 SEPTEMBER 4, 2014</p> <p>13 10:07 a.m.</p> <p>14</p> <p>15</p> <p>16 CHARLES COUNTY ADMINISTRATION BUILDING</p> <p>17 COMMISSIONERS CONFERENCE ROOM</p> <p>18 200 BALTIMORE STREET</p> <p>19 LA PLATA, MARYLAND 20646-2150</p> <p>20</p> <p>21</p> <p>22 Reported by: Wanda L. Granger, CVR-M</p>	<p>1 P R O C E E D I N G S</p> <p>2 - - - - -</p> <p>3 MR. BAHR: We're going to go ahead and get</p> <p>4 started.</p> <p>5 Good morning, everyone. Today is Thursday,</p> <p>6 September 4th, 2014, and it's, approximately, ten minutes</p> <p>7 after 10:00.</p> <p>8 Today's public hearing is regarding Maryland</p> <p>9 Department of the Environment/MDE's tentative determination</p> <p>10 to issue Charles County a National Pollutant Discharge</p> <p>11 Elimination System (NPDES) Municipal Separate Storm Sewer</p> <p>12 System (MS4) Permit.</p> <p>13 My name is Raymond Bahr and I'm the Division Chief</p> <p>14 in the Sediment, Stormwater and Dam Safety Program within</p> <p>15 MDE's Water Management Administration.</p> <p>16 With me today, to my left, is Deb Cappuccitti, and</p> <p>17 she is the Permit Administrator for Charles County. She's</p> <p>18 MDE's liaison. She's a senior engineer in our program.</p> <p>19 Also with us today -- and maybe if you could just</p> <p>20 raise your hand if you're out there -- is Michelle Arthur,</p> <p>21 Christina Lyerly and Travis Moore from MDE.</p> <p>22 I would like to thank Deb and the officials from</p>
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<p>1 A T T E N D E E S</p> <p>2 Ray Bahr, MDE</p> <p>3 Deb Cappuccitti, MDE</p> <p>4 Michelle Arthur, MDE</p> <p>5 Christina Lyerly, MDE</p> <p>6 Travis Moore, MDE</p> <p>7</p> <p>8 S P E A K E R S</p> <p>9 Charles Rice</p> <p>10 Jim Long</p> <p>11 Ken Hastings</p> <p>12 Joe Tieger</p> <p>13 Bonnie Bick</p> <p>14 Bruce Gilmore</p> <p>15</p> <p>16</p> <p>17 P U B L I C A T T E N D E E S</p> <p>18</p> <p>19 (See attached Attendee Sign-In sheets)</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 Charles County for helping us put on this hearing today.</p> <p>2 In accordance with Maryland's Administrative</p> <p>3 Procedures Act, a tentative determination to issue Charles</p> <p>4 County an MS4 permit has been advertised in the Maryland</p> <p>5 Independent on June 18th, 2014, and June 27th, 2014.</p> <p>6 It was sent out to MDE's interested parties list</p> <p>7 and publicized on MDE's Web page where the draft permit</p> <p>8 supporting the fact sheet may be found.</p> <p>9 Anyone who signed up to speak today or who is on</p> <p>10 the attendance sheet will receive notice of any permit</p> <p>11 actions regarding Charles County's draft permit. If you</p> <p>12 want to be on MDE's interested parties list for this permit</p> <p>13 and did not sign up on one of those two sheets, please do so</p> <p>14 before the end of today's meeting.</p> <p>15 I have some prepared remarks that I'd like to read</p> <p>16 into the record and after that, we would like to give</p> <p>17 Charles County a chance to comment on the permit, as well.</p> <p>18 After that, if there's any elected officials in</p> <p>19 the audience, we would like to give them an opportunity to</p> <p>20 comment and then we'll work down the list of speakers that</p> <p>21 signed up this morning.</p> <p>22 Today's hearing is scheduled for two hours and</p>

<p style="text-align: right;">5</p> <p>1 we'd like to provide everyone who would like to speak an 2 opportunity do so, so please keep your remarks concise and 3 focused on the permit at hand.</p> <p>4 And with that, I will begin. The purpose of 5 today's hearing is to accept public comment on MDE's 6 tentative determination to issue Charles County an MS4 7 permit.</p> <p>8 This hearing is being held to honor a request 9 submitted on July 14th, 2014, from Peter Aluotto 10 representing Charles County and a request submitted on July 11 15th, 2014, from representatives of AMP Creek's Council, 12 Chapman Forest Foundation, Clean Water Action, Maryland Bass 13 Nation, Mason Springs Conservancy, Mattawoman Watershed 14 Society, Southern Maryland Group and 1,000 Friends of 15 Maryland.</p> <p>16 This hearing allows MDE to meet its obligations 17 under Maryland's Administrative Procedures Act.</p> <p>18 For background, Maryland has been delegated 19 authority of the United States Environmental Protection 20 Agency/EPA to administer an NPDES program in the state.</p> <p>21 Final stormwater regulations were adopted by EPA in 22 November 1990 according to Section 402(p) of the Clean Water</p>	<p style="text-align: right;">7</p> <p>1 impervious area that was not already managed, the maximum 2 percent practicable.</p> <p>3 NPDES permits last for five years and re- 4 applications are required to be submitted as part of the 5 county's Fourth Year Annual Report. Charles County 6 submitted it's Fourth Year Annual Report on July 21st, 2006.</p> <p>7 Since that time, MDE has held numerous meetings 8 and had many conversations with individual citizens, 9 environmental advocates, the EPA and other local government 10 officials that are affected by the MS4 permit program. The 11 result of these meetings and conversations is the draft 12 permit that we take up today.</p> <p>13 Yet, more significant conditions have been added 14 to this version of the Charles County stormwater permit 15 largely based upon EPA's recently approved total maximum 16 daily loads (TMDLs) or impairments to local water bodies 17 within the county and to the Chesapeake Bay.</p> <p>18 The most significant permit condition is the 19 doubling of the impervious area restoration requirement from 20 10 to 20 percent that needs to occur within the five-year 21 permit term.</p> <p>22 These and all other remaining permanent conditions</p>
<p style="text-align: right;">6</p> <p>1 Act. These regulations required, in part, that owners of 2 storm drain systems serving populations of greater than 3 100,000 apply for a Phase I NPDES Municipal Stormwater 4 Permit.</p> <p>5 Based on 1990 census data and projections of 6 population growth, MDE designated Charles County as a Phase 7 I municipality. The county submitted a two-year, two-part 8 application and was issued an initial MS4 permit in May of 9 1997.</p> <p>10 The county's first permit laid the foundation for 11 a comprehensive approach to control runoff. This was done 12 by establishing the necessary legal authorities mapping 13 storm drain system infrastructure, identifying sources of 14 pollution, monitoring storm events that characterize urban 15 runoff, enhancing existing erosion sediment control, 16 stormwater management programs and establishing new programs 17 for providing education and eliminating illegal storm drain 18 system discharges.</p> <p>19 The permit was reissued again in July of 2002. In 20 the reissued permit, additional requirements were included 21 for assessing water quality across the entire county and for 22 commencing the restoration of ten percent of the county's</p>	<p style="text-align: right;">8</p> <p>1 have been developed for abating the discharge of pollutants 2 from the Charles County storm drain system and working 3 toward meeting the state's receding water quality criteria.</p> <p>4 Now, I'd like to take an opportunity to ask 5 Charles County if they would like to speak for the record. 6 I'd also like to ask anybody who comes up to testify to 7 clearly state your name, your affiliation and spell your 8 name so that Ms. Granger over here can get it right for the 9 record.</p> <p>10 MR. RICE: All right, good morning. For the 11 record my name is Charles Rice, R-I-C-E. I am the Program 12 Manager for Environmental Programs within the county's 13 planning division. To my left is Matthew Clagett, our 14 Associate County Attorney.</p> <p>15 I want to start off by thanking MDE for conducting 16 this permit and for giving the public the opportunity to 17 comment.</p> <p>18 I want to start out by highlighting the county's 19 commitment to environmental stewardship especially as it 20 relates to stormwater management.</p> <p>21 In 1998, the county adopted one of the first 22 stormwater fees in Maryland, our Environmental Service Fee</p>

<p style="text-align: right;">9</p> <p>1 of which a portion went to stormwater retrofits; in 2000, 2 the county established a stormwater infrastructure in its 3 GIS system; in 2002, allocated an initial one million 4 dollars in the Capital Improvement Program for stormwater 5 retrofits; in 2003, adopted an illicit discharge code; and, 6 in 2005 received delegation of the Erosion and Sediment 7 Control Program; in 2007, the county upgraded the stormwater 8 treatment plant at Mattawoman and Swan Point to ENR 9 technology.</p> <p>10 That was a significant funding commitment for the 11 county. It was consistent with the state's tributary 12 strategies for the Chesapeake Bay, and the enhanced nutrient 13 removal has reduced an annual discharge of nitrogen flowing 14 to the Bay of 331,000 pounds.</p> <p>15 In 2008, the county completed a shallow marsh 16 wetland project at the Brown Elementary School and this was 17 an unused part of the school property and now treats 25 18 acres of impervious surface. It's also of note that the 19 school uses that project for part of its environmental 20 education programs.</p> <p>21 Also in 2008, a similar project was completed at 22 the Middleton Elementary School. The project also was on an</p>	<p style="text-align: right;">11</p> <p>1 River Watershed Cleanup and other community cleanups. 2 In 2013, the county completed what's known as the 3 Bryans Road Village Green Underwater Stormwater Chambers. 4 The project installed storm filters, filterra and dry swales 5 treating over ten impervious acres and also doubled as a 6 park on the surface.</p> <p>7 In 2014, the county completed a hundred major 8 outfall inspections for illicit discharge, 2,118 storm drain 9 inlets inspected and 124 tons of debris removed from those 10 storm drains. This photo is an example of the before and 11 after of an outfall repair done in 2014.</p> <p>12 Additional stormwater facility inspection and 13 maintenance: 641 private and public stormwater facilities 14 were inspected for proper functioning and maintenance and 15 repairs were completed on 150 county-owned basins.</p> <p>16 And to highlight some of our land preservation 17 activities, the county has land preservation programs that 18 also target water quality. These include the Chesapeake Bay 19 critical area, forest conservation, agricultural 20 preservation, resource protection and transfer and 21 development rights programs.</p> <p>22 Let's see. Sorry, I jumped ahead of myself.</p>
<p style="text-align: right;">10</p> <p>1 unused portion of the school property and treated 16 acres 2 within the Carrington community, and that's also part of 3 their environmental education program.</p> <p>4 The Department of Public Works completed a premier 5 green fleet wash pad in 2009. The new wash pad is 6 environmentally sustainable and conserves a significant 7 amount of water and cleans vehicles faster, better and 8 safer.</p> <p>9 It reduces water consumption and recycles a 10 hundred percent of the water used, removes silts, oil, 11 grease, suspended solids and heavy metals by using an 12 electrocoagulation pulse system. It reduces operating and 13 maintenance costs and reduces cleaning times which allows 14 for increased production.</p> <p>15 The county has a robust recycling program. In 16 2012, the county far surpassed the state's 20-percent 17 required recycling rate and achieved a 49-percent recycling 18 rate along with a four-percent source reduction credit 19 equaling a total waste diversion of 53 percent.</p> <p>20 In FY 2014, a 162 tons of trash and debris was 21 collected from the county's road sweeping program and 320 22 tons of trash collected by county litter crews, the Potomac</p>	<p style="text-align: right;">12</p> <p>1 Along with state, federal and private 2 conservation, the county has preserved over 92,000 acres or 3 31 percent of the county's land area. This is a significant 4 stride towards the county's overall goal of protecting 50 5 percent of the land base and open space. And in 2013 alone, 6 the county protected just over one thousand acres.</p> <p>7 In 2014, the county initiated a septic pump-out 8 program and also has installed 97 nitrogen removal systems 9 or BAT/best available technology. And for the septic pump- 10 out program, we've received just over a hundred applicants 11 in the first month alone.</p> <p>12 There are some sewer connection studies under way, 13 three septic connection projects under way in Hughesville, 14 Benedict and Port Tobacco. The idea is to connect large 15 communities that are on individual septic systems to the 16 public sewer system. And our two-year WIP goal is to 17 connect 269 septic systems.</p> <p>18 Our 2014 Stormwater Retrofit Action Plan includes 19 a stream restoration, a project in the main stem of Port 20 Tobacco River, nine stormwater retrofit projects to be 21 completed in 2015, and 29 stormwater retrofit projects are 22 currently in design planned through fiscal year 2019.</p>

<p style="text-align: right;">13</p> <p>1 I want to note that MDE has recognized the</p> <p>2 county's efforts in 2014, the passing evaluation of the</p> <p>3 Stormwater Program, high marks on our Watershed</p> <p>4 Implementation Plan, a passing evaluation of the Erosion</p> <p>5 Sediment Control Program and positive remarks on our MS4</p> <p>6 permit implementation to date.</p> <p>7 And at this time I want to turn it over to Matthew</p> <p>8 Clagett, our Associate County Attorney for closing remarks.</p> <p>9 MR. CLAGETT: Mr. Rice's presentation shows that</p> <p>10 Charles County has been and is committed to our stormwater</p> <p>11 program, the county waters and health of the Chesapeake Bay.</p> <p>12 Therefore, the county supports certain aspects of the draft</p> <p>13 permit, but we still have concerns, as MDE is aware.</p> <p>14 There are several legal issues that we have</p> <p>15 brought to MDE's attention. The financial burden that will</p> <p>16 be imposed on the county and its citizens and, perhaps most</p> <p>17 importantly, the permit contains an extraordinary scope of</p> <p>18 work.</p> <p>19 The Clean Water Act requires permitted MS4</p> <p>20 jurisdictions to include controls to reduce the discharge of</p> <p>21 pollutants to the maximum extent practicable. This is the</p> <p>22 MEP standard.</p>	<p style="text-align: right;">15</p> <p>1 water quality, is clear and unambiguous and is achievable</p> <p>2 considering the cost of compliance.</p> <p>3 On behalf of Charles County, we want to thank you</p> <p>4 for holding this public hearing and for listening to our</p> <p>5 concerns.</p> <p>6 MR. BAHR: Okay, thank you, Mr. Rice and Mr.</p> <p>7 Clagett.</p> <p>8 Are there any elected officials here today that</p> <p>9 would like to speak?</p> <p>10 (No response.)</p> <p>11 MR. BAHR: Okay. And with that, what I'd like to</p> <p>12 do is go down the list of people who signed up. We have</p> <p>13 five people and we have an hour and a half.</p> <p>14 So, as I said, please keep your remarks focused on</p> <p>15 the permit and concise, though we do have a little bit more</p> <p>16 time for elaboration. So with that, let's begin with Mr.</p> <p>17 Jim Long.</p> <p>18 MR. LONG: Yes, thank you very much. My name is</p> <p>19 Jim Long -- that's L-O-N-G -- and I'm President of the</p> <p>20 Mattawoman Watershed Society who I'm representing today and</p> <p>21 our more than one thousand supporters.</p> <p>22 Let me first start by saying we're appreciative of</p>
<p style="text-align: right;">14</p> <p>1 What constitutes that MEP standard EPA left</p> <p>2 undefined and the agency, instead, provided a list of</p> <p>3 factors for MDE to use in its permitting process for each</p> <p>4 jurisdiction.</p> <p>5 This makes the process tailored to the specific</p> <p>6 realities of each jurisdiction. MDE should thus take an</p> <p>7 individualized look at Charles County and its ability to</p> <p>8 reduce the discharge of pollutants to the maximum extent</p> <p>9 practicable.</p> <p>10 To that end, we've analyzed our MEP and have</p> <p>11 already provided you with a draft of that analysis. The</p> <p>12 final version will be submitted before the close of the</p> <p>13 comment period, along with forthcoming written comments that</p> <p>14 will explain and elaborate on our other concerns.</p> <p>15 We ask that you take our comments this morning and</p> <p>16 our forthcoming written comments into account before you</p> <p>17 issue the final determination of our permit helping us to</p> <p>18 wisely dedicate our resources on behalf of the environment</p> <p>19 and the bay.</p> <p>20 We take our responsibilities seriously. Our goal</p> <p>21 is full compliance with the MS4 permit during the next term;</p> <p>22 therefore, we look forward to a new permit that improves</p>	<p style="text-align: right;">16</p> <p>1 MDE's efforts to improve this round of MS4 permits and for</p> <p>2 holding this hearing to learn how Charles County's permit</p> <p>3 might be strengthened.</p> <p>4 While this permit newly extends the regulated area</p> <p>5 to the entire county, Mattawoman Creek remains the telling</p> <p>6 lens for examining the permit.</p> <p>7 Mattawoman is the primary recipient of Charles</p> <p>8 County's urban stormwater and the effects of this stormwater</p> <p>9 have taken it from a waterway once described by fishery</p> <p>10 scientists as near to ideal conditions to unexhibiting</p> <p>11 alarming biological declines.</p> <p>12 What is at stake? Only the best, most productive</p> <p>13 tributary to the bay according to fishery scientists in</p> <p>14 2005. Before that, Mattawoman yielded anadromous fish at a</p> <p>15 rate 40 times greater than other Chesapeake -- seven other</p> <p>16 Chesapeake Bay tributaries combined.</p> <p>17 It is one of the finest largemouth bass meccas on</p> <p>18 the east coast. The economic value of the bass tournaments</p> <p>19 alone rivals the market value of all of Charles County's</p> <p>20 agricultural products.</p> <p>21 This does not include the eco-tourism economy that</p> <p>22 keeps three put-ins busy and supports a watercraft rental</p>

<p style="text-align: right;">17</p> <p>1 business or the social value given by outstanding 2 recreational opportunities.</p> <p>3 The vulnerability of these assets to polluted 4 stormwater has long been recognized; for example, by the 5 1998 Clean Water Action Plan and the 2003 Army Corps 6 Watershed Plan that warned of dramatic increases in 7 pollution loads with severe biological repercussions.</p> <p>8 Yet, water quality standards in the Mattawoman 9 system are being violated with increasing frequency. In 10 2002, the year the current MS4 permit went into effect, the 11 non-tidal river was listed for biological impairment.</p> <p>12 In 2005, a total maximum daily load for the 13 estuary called for having the nitrogen and phosphorous loads 14 from stormwater.</p> <p>15 Three years later in 2008, the Mattawoman 16 Watershed Society with the Department of Natural Resources 17 discovered with Ichthyoplankton Surveys that anadromous fish 18 were shunning upstream reaches of the river where a decade 19 earlier they had been abundant.</p> <p>20 In 2009, fishery scientists reported that an 21 alarming decline in fish species richness and fish abundance 22 in the tidal and freshwater estuary had begun around 2005.</p>	<p style="text-align: right;">19</p> <p>1 documenting progress or lack of progress.</p> <p>2 Second, the permit assigns to the permittee the 3 responsibility to produce a restoration plan and to 4 determine a timetable for load reductions; however, such a 5 plan would represent a major permit modification and should 6 be treated as such.</p> <p>7 A major modification, as defined by the Clean 8 Water Act regulation, ensures that the public has 9 opportunity to review and legally challenge whatever has 10 been negotiated between the county and the permitting 11 authority. It is inappropriate to outsource the public 12 process to the county as the permit presently does.</p> <p>13 Finally, it is necessary to expand and clarify the 14 monitoring requirements. The draft permit states the county 15 shall continue monitoring in the Mattawoman Watershed or 16 select a new watershed in blatant contrast to the fact 17 sheet's assurance of Mattawoman's monitoring.</p> <p>18 The draft is further misleading because, in fact, 19 the currently active MS4 requires monitoring only in the 20 Zekiah Watershed. The county added a monitoring site to the 21 Mattawoman in 2005, but the draft permit, in fact, makes no 22 requirement that Mattawoman be monitored. For reasons</p>
<p style="text-align: right;">18</p> <p>1 These biological degradations correlate with 2 deleterious trends in electrical conductivity, ammonia, 3 dissolved oxygen, hydrological regime, pH, turbidity, and 4 nutrient loads associated with high sediment loads which we 5 will cover further in our written comments.</p> <p>6 Finally, two years ago an interagency task force 7 summarized the current situation: Mattawoman is at the 8 tipping point for irreversible degradation.</p> <p>9 These dramatic declines are directly tied to the 10 effects of stormwater. Given the complete disregard of 11 TMDLs and other permitting decisions, this MS4 affords MDE 12 one of the few opportunities to enforce the Clean Water Act.</p> <p>13 So we applied the permit's acknowledgment of the 14 bay-wide and local TMDLs; however, we find areas where the 15 permit needs significant strengthening.</p> <p>16 First, the permit contains no pollutant load 17 limits or timetable to achieve specific loads contrary to a 18 Clean Water Act regulation that the permit must contain 19 effluent limits.</p> <p>20 The permit does not even clearly prohibit 21 discharges that cause violations to water quality standards; 22 instead, the draft requires only that reports be filed</p>	<p style="text-align: right;">20</p> <p>1 already cited, it is clear the permit must require 2 monitoring in the Mattawoman.</p> <p>3 In addition, the permit requires only one outfall 4 and associated stream to be monitored. This falls far short 5 of other jurisdictions like Washington, D.C. and is 6 inadequate to statistically determine measures, such as 7 stormwater retrofits are working. The number of stations 8 should, therefore, be expanded.</p> <p>9 In addition, monitoring should be required to 10 ensure that overall loads be reduced to the estuary.</p> <p>11 Mattawoman's active TMDL determines that loads to the 12 estuary are dominated by input from the fluvial river and 13 monitoring to address these loads is necessary to determine 14 the overall effectiveness of the MS4 permit.</p> <p>15 I cannot overemphasize that local government 16 relies on the state to protect aquatic resources. For 17 example, the county has intentionally selected the most 18 polluting land use scenario for its draft comprehensive 19 plan. In another example, county staff shrugged off 20 environmental concerns to the permitting agencies at a 21 recent meeting of the Planning Commission on Waldorf 22 Station, a project for which MDE has already issued a permit</p>

<p style="text-align: right;">21</p> <p>1 that ignored anti-degradation regulations.</p> <p>2 In summary, the draft MS4 falls far short of</p> <p>3 fulfilling the legal requirements of NPDES permit to</p> <p>4 establish enforceable pollution load limits and schedules</p> <p>5 when these loads contribute to failing water quality</p> <p>6 standards.</p> <p>7 Under the guise of adaptive management, the permit</p> <p>8 essentially outsources the permitting authority's</p> <p>9 responsibilities to the permittee with an internal approval</p> <p>10 process that circumvents the public's right to challenge.</p> <p>11 Finally, the required monitoring program fails to</p> <p>12 ensure monitoring the waterway receiving most of the</p> <p>13 county's stormwater and is much too limited to assess the</p> <p>14 success or failure of this permit.</p> <p>15 We thank MDE for holding this hearing and trying</p> <p>16 to improve the permit, but we urge them to address these</p> <p>17 issues before issuing the final permit.</p> <p>18 Thank you very much.</p> <p>19 MR. BAHR: Thank you, Mr. Long, for your comments.</p> <p>20 Next up is Ken Hastings.</p> <p>21 MR. HASTINGS: Good morning. My name is Ken</p> <p>22 Hastings, last name H-A-S-T-I-N-G-S, and I'm with the Mason</p>	<p style="text-align: right;">23</p> <p>1 approved, we asked to be placed on the interested parties</p> <p>2 list. I think this is fairly standard administrative policy</p> <p>3 throughout the executive branch of Maryland government, but</p> <p>4 that didn't happen. We found out about the hearing from</p> <p>5 someone else outside of Charles County who was on the</p> <p>6 interested parties list that included our MS4 permit. I</p> <p>7 don't understand why we were left off of that. It certainly</p> <p>8 made it difficult for us to get prepared for this hearing.</p> <p>9 Also, if you were looking for a way to keep people</p> <p>10 from coming out to this hearing, ten o'clock in the morning</p> <p>11 on a workday was a perfect way to do that and I think you</p> <p>12 can see that by looking behind me.</p> <p>13 MR. BAHR: Mr. Hastings, I am sorry that we did</p> <p>14 not get you on the interested parties list. We will correct</p> <p>15 that immediately.</p> <p>16 MR. HASTINGS: Well, I think I may be on there now</p> <p>17 because I'm getting notices about Baltimore and Frederick</p> <p>18 and Anne Arundel, but I never got one specifically for</p> <p>19 Charles County.</p> <p>20 MR. BAHR: Okay. We are now trying to be all-</p> <p>21 inclusive now and be as transparent as possible and follow</p> <p>22 the EPA. I'll make sure that you're on the list for Charles</p>
<p style="text-align: right;">22</p> <p>1 Springs Conservancy here in Charles County.</p> <p>2 I'm one of the founders of the conservancy and</p> <p>3 I've invested, along with my co-founders, an extreme amount</p> <p>4 of sweat equity and a significant amount of money into this</p> <p>5 property to try to preserve a special place in Charles</p> <p>6 County. That's a place where we receive -- we're right on</p> <p>7 the main stem of Mattawoman Creek, so we receive the bulk of</p> <p>8 the stormwater that runs through Charles County.</p> <p>9 And we experience, first-hand, the corresponding</p> <p>10 erosion, the trees that get washed out of the banks and the</p> <p>11 pollution that litters our property.</p> <p>12 After years of watching Maryland default on one</p> <p>13 Chesapeake agreement after another, I'm here today to</p> <p>14 denounce the flawed MDE policies and priorities that are</p> <p>15 allowing our special places, water quality and marine life</p> <p>16 abundance to be destroyed.</p> <p>17 I hope you will remember that my criticisms are</p> <p>18 directed at these policies and procedures and not at</p> <p>19 individual MDE employees who probably don't have a lot to do</p> <p>20 with them in the first place.</p> <p>21 First off, I want to register a complaint about</p> <p>22 the hearing process. When the request for this hearing was</p>	<p style="text-align: right;">24</p> <p>1 County, as well.</p> <p>2 MR. HASTINGS: Okay, thank you.</p> <p>3 MDE is on record in trying to defend some of the</p> <p>4 important parts of this permit that I actually understand.</p> <p>5 I attended the court hearing in Prince George's</p> <p>6 County and I was appalled by the type of excuses that the</p> <p>7 assistant attorney general offered to defend the policies</p> <p>8 that are embodied by this permit. And our permit is</p> <p>9 essentially the same, and so the generalities I'm about to</p> <p>10 speak of do apply to this.</p> <p>11 The AAG said the current flurry of MS4 permits</p> <p>12 marks the fourth generation of such permits and he went on</p> <p>13 to emphasize that the MDE maintains planning is the first</p> <p>14 priority and has since ignored results as a way to clean up</p> <p>15 stormwater management, while, meanwhile, stormwater</p> <p>16 continues to flood our facility undermining the trees and</p> <p>17 increasing the pollution of an important bay tributary.</p> <p>18 The second point of his defense I'd like to</p> <p>19 explain, stormwater discharges are not required by federal</p> <p>20 law to have pollution limits placed on them even though the</p> <p>21 law didn't specifically exclude stormwater from this</p> <p>22 requirement.</p>

<p style="text-align: right;">25</p> <p>1 This is a matter of searching for loopholes.</p> <p>2 And maybe we'd be better off if we just once went right for</p> <p>3 the letter of the law and tried to do something as specific</p> <p>4 as we could to reach our goals.</p> <p>5 The third point: monitoring one discharge, which</p> <p>6 is going to be an issue everywhere, I think, is better than</p> <p>7 measuring many because it provides a way to evaluate best</p> <p>8 management practices at that point.</p> <p>9 Really? I would think after four generations of</p> <p>10 MS4 permits and at least two iterations of your stormwater</p> <p>11 management manual that we wouldn't still be experimenting.</p> <p>12 We'd actually be trying to reduce pollution and make sure</p> <p>13 it's being done correctly.</p> <p>14 This permit is too little, too late. We know it's</p> <p>15 wrong. We know how to fix it. All we lack is the will to</p> <p>16 do the right thing.</p> <p>17 In finding out what MDE's role in life is, I went</p> <p>18 to the Internet and I found two examples that I think are</p> <p>19 worthy of note.</p> <p>20 From Secretary Summers' greeting on your website,</p> <p>21 he said, "MDE's mission is to protect and restore the</p> <p>22 quality of Maryland's air, water and land resources while</p>	<p style="text-align: right;">27</p> <p>1 regulations and permits and the enforcement of federal</p> <p>2 environmental laws, including the Clean Water Act, I</p> <p>3 understand the challenges you face.</p> <p>4 I do not seek perfection, just a modicum of</p> <p>5 success. I am an old bureaucrat, a biologist and an</p> <p>6 attorney, so there are a few things I understand about</p> <p>7 regulatory process.</p> <p>8 As a general rule, if you will, no defined</p> <p>9 measurable standard means no enforcement. If you don't have</p> <p>10 a number, if you don't have a measurement, you cannot</p> <p>11 enforce a permit. The phrase used by the judges is "void</p> <p>12 for vagueness."</p> <p>13 The MDE fact sheet says, an example, "passed in</p> <p>14 1982 that required appropriate best management practices in</p> <p>15 order to maintain after development as nearly as possible</p> <p>16 the pre-development runoff conditions," that after 32 years</p> <p>17 we are still discussing BMPs as a standard of performance</p> <p>18 brings to mind the old adage describing insanity, doing the</p> <p>19 same thing over and over again and expecting a different</p> <p>20 result.</p> <p>21 BMPs are methods, not standards. If you do not</p> <p>22 have a numerical standard, this permit is useless.</p>
<p style="text-align: right;">26</p> <p>1 fostering smart growth, a thriving and sustainable economy</p> <p>2 and healthy communities." Well, that makes me feel better.</p> <p>3 From the MDE brochure that I downloaded,</p> <p>4 "Restoring and maintaining the quality of ground and surface</p> <p>5 waters requires MDE to enforce standards and controls on</p> <p>6 point and non-point sources of pollution." It doesn't say</p> <p>7 anything about just picking one. It says standards and</p> <p>8 controls on point and non-point sources of pollution.</p> <p>9 Nowhere does it say that your mission -- MDE's</p> <p>10 mission is to hide behind ineffective permits while</p> <p>11 stormwater helps destroy our public resources, our health</p> <p>12 and quality of life.</p> <p>13 You need to turn these warm, fuzzy mission</p> <p>14 statements into something besides words on paper without</p> <p>15 substance.</p> <p>16 Thank you.</p> <p>17 MR. BAHR: Thank you, Mr. Hastings, for your</p> <p>18 comments.</p> <p>19 Next up is Joe Tieger.</p> <p>20 MR. TIEGER: Joe Tieger, T-I-E-G-E-R, resident of</p> <p>21 Port Tobacco.</p> <p>22 With 38 years of experience in the drafting of</p>	<p style="text-align: right;">28</p> <p>1 The water quality standards to be achieved are not</p> <p>2 the vague goals of, quote, "improved water quality," but</p> <p>3 specific numbers that provide a water body with water</p> <p>4 quality that supports the biological community in its</p> <p>5 natural condition.</p> <p>6 ESD criteria is a predictor of program failure.</p> <p>7 The criteria for sizing -- from your fact sheet, the</p> <p>8 criteria for sizing ESD practices are based on capturing and</p> <p>9 retaining enough rainfall so that the runoff leaving a site</p> <p>10 is reduced to a level equivalent to a wooded site in good</p> <p>11 condition. That is perfect.</p> <p>12 It's the next sentence that makes it nonsensical:</p> <p>13 "The goal is to provide enough treatment using ESD to</p> <p>14 address groundwater recharge, water quality and the stream</p> <p>15 channel protection requirements by replicating woods in good</p> <p>16 condition for the one-year rainfall event or, approximately,</p> <p>17 2.7 inches."</p> <p>18 "Managing the one-year rainfall event on a site is</p> <p>19 equivalent to treating 98 percent of Maryland's average</p> <p>20 annual rainfall," well, we may have 98 percent of our</p> <p>21 average annual rainfall come in one-year events, but that is</p> <p>22 misleading. The one-year event on impervious surface that</p>

<p style="text-align: right;">29</p> <p>1 you're trying to eliminate has a significant effect on a</p> <p>2 stream because it behaves like, in terms of volume and wave</p> <p>3 shape, like a less periodic event, like a five-year, ten-</p> <p>4 year or 20-year event increasing both the volume and</p> <p>5 velocity.</p> <p>6 So treating the one-year event is helpful only if</p> <p>7 the pervious surface or treatment can also reduce the</p> <p>8 effects of a larger volume event.</p> <p>9 If the larger volume event destroys the parameters</p> <p>10 of a stream, eroding the bed and banks and destroying the</p> <p>11 biological community, then what you do in the following one-</p> <p>12 year event isn't going to make any difference, which also</p> <p>13 raises a question of cumulative effects of all the</p> <p>14 discharges to a waterway.</p> <p>15 In poking around your site and in calling various</p> <p>16 offices in Charles County and Prince George's County, I</p> <p>17 cannot find an entity that evaluates the cumulative</p> <p>18 discharges to a waterway. And if each discharge is based on</p> <p>19 the hydrologic parameters of a stream in its natural</p> <p>20 condition, then that's misleading.</p> <p>21 You have to consider the total volume of</p> <p>22 discharges coming from -- in the case of the Mattawoman,</p>	<p style="text-align: right;">31</p> <p>1 Mattawoman and Port Tobacco Creek.</p> <p>2 Thank you very much for this opportunity and for</p> <p>3 holding this hearing.</p> <p>4 MR. BAHR: Thank you, Mr. Tieger, for your</p> <p>5 comments.</p> <p>6 Next up, we have Bonnie Bick.</p> <p>7 MS. BICK: Thank you for the opportunity to</p> <p>8 participate in this hearing. My name is Bonnie Bick, B-I-C-</p> <p>9 K. I'm representing the Southern Maryland Sierra Club.</p> <p>10 And I'm actually extremely disappointed with the</p> <p>11 MS4 permit. We were very excited about the new MS4 coming</p> <p>12 forward and we heard that it was going to be greatly</p> <p>13 superior to the last MS4.</p> <p>14 And we understand that this permit is the only</p> <p>15 means of enforcing the provisions of the Clean Water Act.</p> <p>16 So seeing a permit that is disappointing is not what we need</p> <p>17 to protect the water bodies in Charles County or in the bay.</p> <p>18 The previous MS4 only dealt with the so-called</p> <p>19 "development district," and that was primarily the</p> <p>20 Mattawoman Watershed. And if you listen carefully to Dr.</p> <p>21 Long's testimony about the decline of the Mattawoman, it is</p> <p>22 very clear that the previous MS4 failed miserably to protect</p>
<p style="text-align: right;">30</p> <p>1 from Prince George's County and those from Charles County.</p> <p>2 We have pending permits, for example, for the so-</p> <p>3 called "Waldorf Crossing." There's nothing in there that</p> <p>4 even indicates any knowledge of the fact that Prince</p> <p>5 George's County zoned the land immediately north of that</p> <p>6 project on the other side of Mattawoman Creek from</p> <p>7 agricultural to residential and commercial last year.</p> <p>8 Someone has to be evaluating these cumulative</p> <p>9 discharges with respect to the hydrologic characteristics</p> <p>10 and biological characteristics of these streams. It doesn't</p> <p>11 matter if you greatly improve one of those discharges and</p> <p>12 you do nothing about the rest of them.</p> <p>13 That may mean limiting discharges in its entirety</p> <p>14 and that is burdensome. Providing additional capacity is</p> <p>15 burdensome. But it's time this burden was dealt with</p> <p>16 because we are really just shifting this burden from the</p> <p>17 environment to those who caused the burden.</p> <p>18 As I said, I understand the difficulties you face,</p> <p>19 that fine-fine edge of the razor of public policy between</p> <p>20 the public and private sectors. But I think this permit</p> <p>21 requires a lot of work before it will achieve the goals of</p> <p>22 protecting the water quality of the streams like the</p>	<p style="text-align: right;">32</p> <p>1 the Mattawoman.</p> <p>2 And, now, the MS4 is going to be covering the</p> <p>3 entire county and that's a good thing. But I'm very much</p> <p>4 enthusiastic about environmental protection, but Charles</p> <p>5 County's stewardship and MDE's stewardship is greatly</p> <p>6 lacking when it comes to the reality of what's happening on</p> <p>7 the ground in the watershed.</p> <p>8 Waldorf Crossing is an example. There's a TMDL</p> <p>9 for Mattawoman since 2005 and, yet, there's been absolutely</p> <p>10 no effort to restrain permitting projects that have great</p> <p>11 destruction for the Mattawoman Creek.</p> <p>12 And the Waldorf Crossing is just an example, but</p> <p>13 it's still outstanding. And MDE issued the permit and the</p> <p>14 water quality certification in a tier-two encatchment area.</p> <p>15 And, as far as stewardship, I was a participant in</p> <p>16 the MDE hearing and I was never notified of any of this</p> <p>17 decision-making by MDE.</p> <p>18 And as far as the county stewardship, there was a</p> <p>19 previous alignment for the highway. We're talking about a</p> <p>20 highway and a large portion of Waldorf which is all in the</p> <p>21 Mattawoman Watershed.</p> <p>22 And there was a highway alignment that had much</p>

<p style="text-align: right;">33</p> <p>1 less impact on Mattawoman Creek and the county changed the 2 application in order to move the highway into the Mattawoman 3 stream valleys and wetlands at the developer's request in 4 order to maximize the amount of space the developer could 5 use. And this is just not stewardship. It's lack of 6 stewardship on both the county and MDE's perspective. 7 MDE is required -- was required to do an alignment 8 study -- an alternative alignment study, which they did not 9 do, and this is not a good sign when it comes to protecting 10 our watersheds. It's worse than a bad sign. 11 So we understand that stormwater planning requires 12 reduction in impervious surfaces and reduction of the loss 13 of forest or, in more urbanized areas, the planting of 14 forest, but there's no consideration of that when these 15 permit decisions are made. 16 So, essentially, with the TMDL for Mattawoman 17 Creek, it can be used as an example of how the TMDL has not 18 been enforced. 19 I am a very active participant in trying to save 20 Mattawoman Creek. I'm Chair of the Mattawoman campaign for 21 the Maryland Chapter of the Sierra Club and I attended all 22 of the WIP meetings; and, yet, I'm extremely disappointed in</p>	<p style="text-align: right;">35</p> <p>1 and all of the people who have testified. 2 How can we have -- it's just like the TMDL that we 3 got in 2005, no progress, no -- it was like it didn't 4 happen, although it did happen from your perspective, from 5 MDE's perspective because you needed to do it. But it was 6 never enforced and it didn't influence permitting decisions 7 at all. 8 And the county now is going to be responsible for 9 monitoring their own decision-making and that's not 10 conducive to, you know, protecting the watershed. 11 So the permit must be -- I mean, we're not 12 expecting MDE, unfortunately, to revise this permit because 13 we are a member of the lawsuit against the Prince George's 14 County MS4 which is virtually the same permit as we have 15 here. So MDE isn't voluntarily making the MS4 a better 16 permit. But even though we're not expecting it, it would be 17 a good thing to happen. 18 And it should happen and it should be 19 strengthened, and these issues that we've brought forward 20 should be addressed. 21 And I thank you very much. 22 MR. BAHR: Thank you, Ms. Bick, for your comments.</p>
<p style="text-align: right;">34</p> <p>1 Charles County's WIP because, essentially, it's using the 2 excess capacity in the Mattawoman Sewage Treatment Plant as 3 a catchall for its restoration. There are restoration 4 projects, but the main part of that is the excess capacity 5 of the Mattawoman Sewage Treatment Plant. 6 What did Charles County do? At the same time that 7 they're claiming excess capacity, they're applying to double 8 the capacity. That's called just getting around the issue 9 of protecting the watershed. 10 And Dr. Long mentioned the taskforce. MDE was a 11 participate in the taskforce and, yet, there is a blatant -- 12 I hate to say it, but Mattawoman is dying under the Charles 13 County and MDE stewardship, and it is worth more than we can 14 say. 15 And this is an example of how the bay is dying. 16 And, yes, you're dotting your T's and you're putting your 17 reports in, but right before our eyes, the watershed -- this 18 one watershed that we're talking about is dying. 19 And I'm just -- I'm very unhappy about that. How 20 could you -- as I said, we were excited about the coming of 21 the MS4 because we thought it would make a difference, but 22 it has no limits and no numbers, as Mr. Tieger mentioned,</p>	<p style="text-align: right;">36</p> <p>1 Finally on our list is Mr. Bruce Gilmore. 2 MR. GILMORE: Thank you, Mr. Bahr. I have before 3 me a statement and the recommended changes to the permit 4 which the Maryland Stormwater Consortium -- and let me start 5 over again by saying my name is Bruce Gilmore. My last name 6 is G-I-L-M-O-R-E, first name is B-R-U-C-E. I'm here on 7 behalf of the Maryland Stormwater Consortium. 8 I would also like to say that I endorse the 9 comments from the four previous advocates who preceded me in 10 today's hearing. 11 As I was saying, I have a statement and the 12 attached proposed recommended changes for the permit. They 13 are nicely printed out. And I will endorse -- I will 14 introduce them or ask that they be part of the record both 15 for today's hearing and for the final record as it proceeds. 16 Let me also say that the recommendations that we 17 make have been pulled together by a wide and broad group of 18 advocates. They were part of the submission made by -- 19 almost identical to the submission made by Prince George's 20 County on behalf of the county as part of the record for the 21 public hearing and comment period. That date of submission 22 was June 27th, 2013.</p>

<p style="text-align: right;">37</p> <p>1 Unfortunately, MDE rejected the county's</p> <p>2 submission. And had it accepted that submission and</p> <p>3 permitted the county to proceed on the basis of that</p> <p>4 submission, then the county's ability to have stronger</p> <p>5 results in terms of permit implementation would have been</p> <p>6 achieved. And it is regrettable that that did not happen.</p> <p>7 Today, we are faced with nine jurisdictions who</p> <p>8 will be issued permits. Some have already been issued them</p> <p>9 at the end of last year. Some were issued permits earlier</p> <p>10 this year. And several others are still in the public</p> <p>11 process of public hearings and comment periods. But,</p> <p>12 inevitably, in this year, 2014, these permits will be issued</p> <p>13 and final in one way or another.</p> <p>14 As Ms. Bick alluded to, it is not too late for MDE</p> <p>15 to look carefully at our submission and to accept it as a</p> <p>16 departure point for discussion with stakeholders on the</p> <p>17 permit, with us on the permit, to incorporate our</p> <p>18 recommendations or at least come to an agreement with our</p> <p>19 community on the recommendations and speaking to offer a</p> <p>20 somewhat informed view of the status of these permits.</p> <p>21 I believe that if MDE were to do that, they would avoid</p> <p>22 litigation that is beginning to unfold throughout the</p>	<p style="text-align: right;">39</p> <p>1 impervious surface, impervious cover restoration.</p> <p>2 Four, maintenance of county-owned facilities that</p> <p>3 the county and all permittees which have such facilities</p> <p>4 which are under their direct control have a great deal of</p> <p>5 imperviousness associated with them, which have a history of</p> <p>6 having stormwater runoff in less than optimum controlled</p> <p>7 environments, that those impervious surfaces in the</p> <p>8 maintenance facilities be set in more of a timeframe so that</p> <p>9 there's a sense of the community and the public officials</p> <p>10 that those maintenance facilities and other facilities will</p> <p>11 have -- meet goals within this permit and not go over into</p> <p>12 subsequent permits, years.</p> <p>13 Monitoring: I think monitoring has been dealt with</p> <p>14 by my colleagues. I can only say that when it comes to a</p> <p>15 wasteload allocation restoration plan, the permittee,</p> <p>16 Charles County, is given a choice. They can do actual</p> <p>17 monitoring to see if that plan is working or they can apply</p> <p>18 some sort of modeling.</p> <p>19 Our concern that either -- that since there are no</p> <p>20 real goals, timetables and benchmarks to meet in the course</p> <p>21 of this first five-year permit, so that the public,</p> <p>22 permittee-MDE-EPA can say they are numerically meeting and</p>
<p style="text-align: right;">38</p> <p>1 various counties to which these permits apply.</p> <p>2 Let me say that my -- I've just given a summary of</p> <p>3 some of the views that the consortium has. Others are</p> <p>4 contained in the printed statement. I will not reiterate</p> <p>5 those today at this hearing.</p> <p>6 Let me just say that there are nine recommended</p> <p>7 changes to the permit. They are set forward. We have</p> <p>8 commented and brought these forward at every other hearing</p> <p>9 that I have appeared on the permits, including Baltimore</p> <p>10 City, Baltimore County, Frederick County, Prince George's</p> <p>11 County, Anne Arundel County and today.</p> <p>12 And, if I may, I just want to briefly go over them</p> <p>13 in subject matter form and then I will be completing my</p> <p>14 statement.</p> <p>15 The nine changes that we propose bear on</p> <p>16 strengthening the language on water quality standards so</p> <p>17 it's clear what the goal is; strengthening the language on</p> <p>18 restoration plans, also known as the TMDL Implementation</p> <p>19 Plans. Essentially, I guess, MDE is now calling them TMDL,</p> <p>20 wasteload allocation/WLA restoration plans.</p> <p>21 Three, impervious surface restoration that</p> <p>22 environmental site design be used as the default mode of</p>	<p style="text-align: right;">40</p> <p>1 making progress.</p> <p>2 You can't make progress in this kind of a permit</p> <p>3 texturally because, essentially, the permittee says, "I am</p> <p>4 making progress. See, I'm making progress."</p> <p>5 If you repeat that phrase enough, you're still not</p> <p>6 making any progress unless you can show that there is a</p> <p>7 measurable reduction of the results of stormwater pollution.</p> <p>8 And that's the nub of the WLA/TMDL restoration plan</p> <p>9 deficiencies.</p> <p>10 Public participation: We believe -- and I hope</p> <p>11 today to begin a discussion with my colleagues to begin an</p> <p>12 outreach program in the watersheds to bring together</p> <p>13 citizens and the county to look at the specifics of a TMDL</p> <p>14 restoration plan so that there's a meeting of the minds</p> <p>15 between the advocates and the county or permittee on what</p> <p>16 should be done to meet those TMDL restoration plans.</p> <p>17 And I hope that we can work with MDE to have a</p> <p>18 sort of a sense of what we need to do even though these</p> <p>19 permits are not perfect. They are the permits likely to be</p> <p>20 what we have to work with.</p> <p>21 They may be modified. They may be modified either</p> <p>22 by the good sense of MDE as a result of this and other</p>

<p style="text-align: right;">41</p> <p>1 hearings or they may be modified according to litigation.</p> <p>2 Now, if it's the latter course, then years and years can go</p> <p>3 by.</p> <p>4 And the bay restoration has a deadline. It has a</p> <p>5 deadline of 2025. Now, if this permit goes until 2019, then</p> <p>6 the question becomes will there be not just some progress</p> <p>7 made, continuing progress made, but some numerically</p> <p>8 identifiable progress that shows that the TMDLs and</p> <p>9 wasteload allocations will be met, because if they're not</p> <p>10 met, then, as you look at the whole aggregation of permits</p> <p>11 in this state, the wasteload allocations and TMDLs for the</p> <p>12 Chesapeake Bay will not be met and so we will have lost</p> <p>13 time. We're sort of not getting traction, if you will.</p> <p>14 Maximum extent practicable: The permit should</p> <p>15 require that all stormwater discharges to the MS4 be</p> <p>16 controlled to the maximum extent practicable and that</p> <p>17 periodic evaluations by MDE be undertaken to assure that</p> <p>18 such control is being met.</p> <p>19 The permit and other management programs should</p> <p>20 require that exemptions under the Stormwater Management Act</p> <p>21 of 2007 should be justified and that the associated</p> <p>22 pollutant loads resulting from such granted exemptions be</p>	<p style="text-align: right;">43</p> <p>1 as not to block the use of environmental site design. The</p> <p>2 permit should be amended to require the new county</p> <p>3 government to change local land use and other ordinances</p> <p>4 within two years -- let me strike new. That's a mis-quote -</p> <p>5 - to remove any impediments to the use of environmental site</p> <p>6 design and to implement the 2007 Act.</p> <p>7 I know that essentially MDE has tried its best to</p> <p>8 keep track of where these local codes have been changed.</p> <p>9 That is a substantial task for it to oversee and we hope</p> <p>10 that the county and this amendment to this permit working</p> <p>11 together can effectuate this requirement much more</p> <p>12 efficiently.</p> <p>13 We urge, the Maryland Stormwater Consortium, that</p> <p>14 MDE adopt these recommended changes during the period of</p> <p>15 time after today's public hearing and the issuance of the</p> <p>16 final permit text.</p> <p>17 We accompany our request with our commitment to</p> <p>18 assist both MDE and Charles County in the full</p> <p>19 implementation of the permit particularly in reaching out to</p> <p>20 citizens for their participation.</p> <p>21 Thank you very much for the opportunity granted to</p> <p>22 me to come and participate today. And I am going to now</p>
<p style="text-align: right;">42</p> <p>1 identified and justified.</p> <p>2 If I can just elaborate for a moment on this</p> <p>3 context, essentially, you have the 2007 Act. It has gone</p> <p>4 into effect.</p> <p>5 The manual is in place, as it's a regulatory</p> <p>6 requirement that the manual be adhered to by all new and</p> <p>7 redevelopment which is one of the most progressive parts of</p> <p>8 any stormwater law in the country. In fact, the 2007 act is</p> <p>9 probably the most progressive stormwater law in the United</p> <p>10 States of America.</p> <p>11 However, if under some of the permutations of</p> <p>12 amendments to the regulations effectuated toward the end of</p> <p>13 -- three or four years ago, I guess, you can have exemptions</p> <p>14 in new development or redevelopment and those exemptions are</p> <p>15 not tracked and understood in terms of the water quality</p> <p>16 impact, then you've sort of under -- if I may, pun intended,</p> <p>17 you've eroded the efficacy of the Act, which is what this</p> <p>18 permit and this section of the permit intends to get at,</p> <p>19 that the Act not be eroded, that there be very careful</p> <p>20 attention to what kind of exemptions and when they were</p> <p>21 granted.</p> <p>22 Finally, the completion of local code changes so</p>	<p style="text-align: right;">44</p> <p>1 deliver this directly to the young woman here who is our</p> <p>2 reporter today.</p> <p>3 MR. BAHR: Okay, thank you, Mr. Gilmore.</p> <p>4 And, for the record, Mr. Gilmore has provided</p> <p>5 written testimony to For the Record, Ms. Wanda Granger.</p> <p>6 Does anyone else here wish to speak today?</p> <p>7 (No response.)</p> <p>8 MR. BAHR: Okay. Anybody that wants to submit</p> <p>9 written testimony after today can do so up until September</p> <p>10 26th, 2014.</p> <p>11 Comments can be submitted to me at Mr. Raymond</p> <p>12 Bahr, Maryland Department of the Environment, Water</p> <p>13 Management Administration, Sediment, Stormwater and Dam</p> <p>14 Safety Program, 1800 Washington Boulevard, Suite 440,</p> <p>15 Baltimore, Maryland 21230-1708 or they can be emailed to me</p> <p>16 at raymond.bahr -- spelled out R-A-Y-M-O-N-D dot B-A-H-R --</p> <p>17 @Maryland.gov.</p> <p>18 Additional information on this draft permit, fact</p> <p>19 sheet and stormwater management in Maryland can be found on</p> <p>20 MDE's website at www.mde.state.md.us.</p> <p>21 After the comment period has closed on September</p> <p>22 26th, 2014, MDE will develop a response to comments document</p>

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1 that will support the final determination to issue Charles
2 County an MS4 permit.

3 Anyone who signed up on our attendance sheet today
4 or gave testimony will be added to MDE's interested parties
5 list for Charles County and will be kept apprised of all
6 permit actions via email announcements.

7 And I would ask that if there's anybody in the
8 audience who has not signed one of these two sheets that are
9 sitting up next to the reporter, to please do so if you want
10 to be on the interested parties list.

11 Finally, I would like to thank everyone for
12 attending today's public hearing and for your participation
13 in these very important matters.

14 Thank you.

15 (Whereupon, the public hearing concluded at
16 approximately 11:20 a.m.)
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1 CERTIFICATE OF COURT REPORTER
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4 I, Wanda L. Granger, a Notary Public of the State
5 of Maryland, County of St. Mary's, do hereby certify the
6 foregoing proceeding was recorded via voice writing by me
7 and this transcript is a true record of the proceedings.

8 I further certify that I am not of counsel to any
9 of the parties, nor in any way interested in the outcome of
10 this action.

11 As witness my hand and notarial seal this 4th day
12 of September, 2014.
13
14

15 _____
16 WANDA L. GRANGER, Court Reporter
17 NOTARY PUBLIC
18
19

20 My Commission Expires: January 20, 2017
21
22

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