



NATURAL RESOURCES DEFENSE COUNCIL

together with  
**AMERICAN RIVERS • EARTH FORUM OF HOWARD COUNTY  
GUNPOWDER RIVERKEEPER • PATUXENT RIVERKEEPER**

July 1, 2014

Maryland Department of the Environment  
Sediment, Stormwater and Dam Safety Program  
c/o Mr. Brian Clevenger  
1800 Washington Boulevard  
Baltimore, MD 21230  
[bclevenger@mde.state.md.us](mailto:bclevenger@mde.state.md.us)

**Re: Comments on Draft MS4 Permits No. 11-DP-3318 / MD0068322 for Howard County, Maryland; No. 11-DP-3310 / MD0068268 for Harford County, Maryland; No. 11-DP-3322 / MD0068365 for Charles County, Maryland; No. 11-DP-3319 / MD0068331 for Carroll County, Maryland; and No. 11-DP-3321 / MD0068357 for Frederick County, Maryland**

Dear Mr. Clevenger:

Thank you for this opportunity to comment on the draft National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) discharge permits for Howard County, Harford County, Charles County, Carroll County, and Frederick County (“the Draft Permits”).<sup>1</sup> These Draft Permits are critically important to Maryland’s efforts to clean up rivers and streams in the five regulated jurisdictions and, further downstream, the Chesapeake Bay.

These comments are submitted on behalf of the Natural Resources Defense Council and joined by American Rivers, Earth Forum of Howard County, Gunpowder Riverkeeper, and Patuxent Riverkeeper, which are nationwide and regional environmental organizations working to protect and restore water quality in Maryland and the Chesapeake Bay region through advocacy, enforcement, and education. Our members use and enjoy waters adversely affected by

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<sup>1</sup> Maryland Department of the Environment, National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Discharge Permits, *available at* [http://www.mde.state.md.us/programs/water/stormwatermanagementprogram/pages/programs/waterprograms/sedimentandstormwater/storm\\_gen\\_permit.aspx](http://www.mde.state.md.us/programs/water/stormwatermanagementprogram/pages/programs/waterprograms/sedimentandstormwater/storm_gen_permit.aspx).

Howard, Harford, Charles, Carroll, and Frederick County MS4 discharges, including the Susquehanna, Patapsco, Patuxent, Monocacy, and Potomac Rivers.

The five Draft Permits share the same legal defects that NRDC identified in the Prince George's County, Baltimore City, and Baltimore County draft permits in 2012 and 2013. In other words, they fail to meet the requirements of federal and state law, and are inadequate to control the pollution that persistently impairs local waters and the Bay, for the same reasons as those three earlier permits. Because the Draft Permits are identical in the relevant respects to the Prince George's County permit, NRDC's comments on that permit are attached and incorporated by reference. In sum, like the Prince George's permit:

- The Draft Permits lack a legally sufficient compliance schedule for the attainment of water quality standards and total maximum daily load wasteload allocations. The Permit must be revised to require the Counties' restoration plans to contain enforceable pollution reduction milestones and benchmarks. Additionally, these restoration plans must be incorporated into the Permit via the major permit modification process.
- The Draft Permits fail to require the permittees to reduce their discharges of stormwater pollution to the maximum extent practicable because their restoration requirements allow the use of ineffective practices. The Permits must be revised to require or express a preference for the use of environmental site design techniques.
- The Draft Permits contain unlawful monitoring requirements that are insufficient to yield data representative of the Counties' stormwater discharges, or to assure compliance with the limitations contained within the Permits. The Permits must be revised to require monitoring in all water bodies assigned total maximum daily loads in order to assess compliance with restoration plan milestones, as well as other major waters in order to track water quality trends.
- The Draft Permits unlawfully fail to provide the opportunity for public hearings on the permittees' restoration plans. In addition, the Draft Permits make no provision at all for public input on the permittees' stormwater management programs, in violation of Maryland law. The Permits must be revised to provide for these public participation opportunities.

As the attached comments indicate, the Draft Permits require several improvements before they are ready to be approved, and consequently NRDC is opposed to approval of the Draft Permits in their current form. We urge MDE to strengthen the Draft Permits in accordance with the requirements and recommendations set forth in the attached comments, and to bring the Draft Permits into compliance with all applicable legal requirements. Making these changes will help ensure that Howard County, Harford County, and Charles County do their part to clean up local water bodies and the Chesapeake Bay.

Sincerely,



Rebecca Hammer  
Project Attorney, Water Program  
*Natural Resources Defense Council*  
1152 15th Street NW, Suite 300  
Washington, DC 20005  
(202) 513-6254  
[rhammer@nrdc.org](mailto:rhammer@nrdc.org)

*together with:*

Jeff Odefey  
Director, Clean Water Supply Programs  
*American Rivers*  
2150 Allston Way, Suite 320  
Berkeley, CA 94704  
(510) 809-8010 x4  
[jodefey@americanrivers.org](mailto:jodefey@americanrivers.org)

Nancy Fayer  
Coordinator  
*Earth Forum of Howard County*  
First Presbyterian Church of Howard  
County  
9325 Presbyterian Circle  
Columbia, MD 21042  
(410) 750-1479  
[nanfayer@verizon.net](mailto:nanfayer@verizon.net)

Theaux M. Le Gardeur  
Riverkeeper/Executive Director  
*Gunpowder Riverkeeper*  
P.O. Box 156  
Monkton, MD 21111  
(410) 967-3526  
[keeper@gunpowderriverkeeper.org](mailto:keeper@gunpowderriverkeeper.org)

Frederick L. Tutman  
Riverkeeper/CEO  
*Patuxent Riverkeeper*  
17412 Nottingham Road  
Upper Marlboro, MD 20772  
(301) 579-2073 x7  
[fred@paxriverkeeper.org](mailto:fred@paxriverkeeper.org)

ATTACHMENT: Comments of NRDC, American Rivers, Anacostia Riverkeeper, Anacostia Watershed Society, Audubon Naturalist Society, Clean Water Action, Earthjustice, Maryland League of Conservation Voters Education fund, Maryland Sierra Club, National Wildlife Federation Mid-Atlantic Office, and Potomac Riverkeeper on Draft MS4 Permit No. 11-DP-3314 / MD0068284 for Prince George's County, Maryland (June 27, 2013)