

Government of the District of Columbia
District Department of the Environment



Office of the Director

June 3, 2013

Mr. Brian Clevenger
Manager, Sediment, Stormwater & Dam Safety Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Subject: National Pollution Discharge Elimination System Municipal Separate Storm Sewer System Permit No. MD0068284 – Draft Prince George’s County MS4 Permit

Dear Mr. Clevenger,

Thank you for the opportunity to comment on the draft Municipal Separate Storm Sewer System (MS4) Permit that the Maryland Department of the Environment has proposed for Prince George’s County, Maryland. This draft MS4 Permit presents a tremendous opportunity to advance stormwater management efforts in the Anacostia Watershed, and some of the draft Permit’s provisions will lead to marked improvements. As the downstream jurisdiction, these improvements will be essential for the District to meet its water quality objective of making our waterways swimmable and fishable by 2032, as detailed in Mayor Gray’s Sustainability Plan.

The District of Columbia and Maryland have a well-established history of collaboration and cooperation on water quality issues, as exemplified by both jurisdictions’ work on Chesapeake Bay restoration efforts. It is in this spirit of cooperation and in the interest of improving stormwater management in the Anacostia Watershed, that the District Department of the Environment (DDOE) submits these comments for MDE’s consideration.

Trash and Litter / Trash TMDL Provisions

The Permit’s Trash and Litter requirements are commendable, particularly the requirement to meet the Prince George’s County Trash TMDL Waste Load Allocation (WLAs) by the end of the Permit term.

Restoration Plans for TMDL WLAs

The Permit’s requirement for restoration plans for other TMDL WLAs is encouraging, but this section should be strengthened and improved. DDOE strongly supports the draft Permit’s requirement for TMDL WLA restoration plans to include a final date for meeting WLAs, which

would then become enforceable upon approval by MDE. A similar requirement was incorporated into the District's own MS4 Permit, but also requires the District's TMDL Implementation Plan to include numeric benchmarks and annual pollutant load reductions, as well as interim milestones in cases where ultimate attainment of a WLA will take longer than the current Permit term. DDOE suggests incorporating a similar approach into the draft Permit's Restoration Plan provisions, as it will make it easier to verify, track, and report on incremental progress toward the long-term goals of WLA attainment.

Retrofit Provisions

The draft Permit requires Prince George's County to complete the restoration of twenty percent of the County's impervious surface. This provision represents an increase of an existing effort to restore ten percent of the County's impervious surface which was required by the previous MS4 Permit. The draft Permit should be clarified to reflect that this is additive to the pre-existing ten percent requirement. If the pre-existing requirement has not been met, the draft Permit should reaffirm this requirement, and then require the restoration of an additional twenty percent of the County's impervious surface. This approach is consistent with other MS4 Permits issued by MDE, such as the MS4 Permit issued to Montgomery County in February of 2010.

In addition, the retrofit requirement in the District's Permit incorporates a performance metric that is based on retention of the volume from a 1.2" rainfall event, which the Permit requires for both new development and redevelopment that disturbs 5,000 square feet of land or greater. By contrast, the draft Permit for Prince George's County requires the treatment of the Water Quality volume (WQv) criteria and associated list of practices defined in the *2000 Maryland Stormwater Design Manual*. DDOE finds the incorporation of such a performance standard encouraging, but would suggest basing the standard on stormwater retention, or the Environmental Site Design requirements of Maryland's *Stormwater Design Manual*.

Stormwater Management Regulations for New Development and Redevelopment

The draft Permit's requirement for stormwater management design policies, principles, methods, and practices consistent with Maryland's Stormwater Management Act of 2007 represents an opportunity for substantial improvement. However, the District suggests including language in the draft Permit to ensure that the flexibility afforded by requiring Environmental Site Design to the Maximum Extent Practicable (MEP) still achieves high levels of environmental performance. At a minimum, the District suggests requiring Prince George's County to develop and describe a clear process for determining what the MEP means on a project-by-project basis, in order to ensure Prince George's County's policies do all they can to encourage stormwater retention in the Anacostia Watershed.

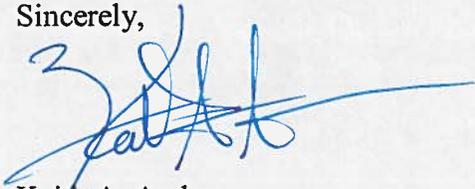
Coal-tar Pavement Products

DDOE suggests the draft Permit require Prince George's County to address sources of polycyclic aromatic hydrocarbons (PAHs) from coal tar-based pavement products. These products are a major source of polycyclic aromatic hydrocarbons (PAHs), pollutants of concern in the

Anacostia River and that are highly toxic to wildlife and human health. Fortunately, more environmentally-friendly alternatives are readily available. For example, both the District and Montgomery County have acted to ban the sale, use, or application of coal-tar based products. Similar action in Prince George's County would address a significant source of PAHs in the Anacostia Watershed, and would have no impact on the local economy. Opportunities to realize such substantial environmental gains for such little investment are rare, and should not be overlooked.

DDOE greatly appreciates the opportunity to provide its comments on this draft Permit. We value the collaborative relationship we have with MDE in reducing pollution in the Anacostia Watershed. If you have any questions, please feel free to contact Jeff Seltzer with DDOE's Stormwater Management Division at jeffrey.seltzer@dc.gov or (202) 535-1603.

Sincerely,



Keith A. Anderson
Director

