

July 10, 2013

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**Comments on Draft MS4 Permit No. 11-DP-3317/ MD0068314 for Baltimore County, Maryland**

Dear Maryland Department of the Environment (MDE):

The undersigned local WATERKEEPER organizations submit the following official comments to MDE regarding Draft Permit No. 11-DP-3317 / MD0068314, the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) discharge permit for Baltimore County (“the Draft Permit”).<sup>1</sup> The undersigned local WATERKEEPER organizations are all member programs of WATERKEEPERS® Chesapeake.<sup>2</sup> Fourteen of these programs operate in Maryland.

Section 402(p)(3)(B)(iii) of the Clean Water Act (CWA) states that MS4 permits must require stormwater controls to reduce the discharge of pollutants to the maximum extent practicable. EPA further requires that best management practices and programs implemented pursuant to this permit must be consistent with applicable wasteload allocations developed under EPA approved total maximum daily loads (TMDLs) (40 CFR §122.44). According to the CWA, MDE must ensure that the Baltimore County MS4 permit (and all MS4 permits in Maryland) comply with applicable water quality standards.

We are concerned the draft permit lacks specificity as to the meeting of TMDL deadlines both for Chesapeake Bay and for local water bodies. We note the Chesapeake Bay TMDL deadlines for nutrients and sediments are 2017 (for implementing 60% of actions needed) and 2025 (for full implementation). There is no mention of these deadlines in the draft permit and we recommend that TMDL implementation and restoration plans meet the 2017 and 2025 dates.

MDE must also review TMDL restoration plans to assure that they require compliance schedules for discharges that do not comply with permit conditions, effluent limits or water quality standards or that compliance be reached in the shortest reasonable time consistent with the requirements of the Federal Clean Water Act and State law or regulations.

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<sup>1</sup> Maryland Department of the Environment, National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Discharge Permit, Permit Number 11-DP-3317 / MD0068314, *available at*: [http://www.mde.maryland.gov/programs/Water/StormwaterManagementProgram/Documents/Ba%20Co%20Permit%2005\\_02\\_2013.pdf](http://www.mde.maryland.gov/programs/Water/StormwaterManagementProgram/Documents/Ba%20Co%20Permit%2005_02_2013.pdf) (hereinafter “Draft Permit”).

<sup>2</sup> WATERKEEPERS® Chesapeake is a coalition of nineteen Waterkeeper Alliance® licensed programs in the Chesapeake and Coastal Bays watersheds, with a unified mission to preserve, protect and restore the waters of the Chesapeake and Coastal Bays watersheds.

We are concerned with the legal and technical flaws in this draft permit, and that this draft will become the template for every remaining Maryland Phase I jurisdiction MS4 permits, and potentially used to guide the development of the Phase II jurisdiction MS4 permits. Using this flawed permit as a template for these jurisdictions will directly impact the watersheds of various local Waterkeeper organizations. Additionally many of these organizations have members whom recreate in Baltimore County watersheds and are therefore harmed by water pollution originating from the MS4 releases in Baltimore County and this draft permit. Lastly, due to the fact that the pollution originating from MS4 outfalls in Baltimore County watersheds discharges into the Chesapeake Bay, this draft permit harms the ability of the undersigned WATERKEEPER organizations to conduct their work to clean up the local waterways and the Bay.

Thank you for your kind consideration of our comments.

Sincerely,

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