



Testimony of Jennifer Chavez, Earthjustice, on behalf of  
Anacostia Riverkeeper, Patuxent Riverkeeper, Potomac Riverkeeper,  
and Baltimore Harbor Waterkeeper

regarding MDE's Tentative Determination to Issue a Renewed  
Stormwater Permit for Prince George's County

June 5, 2013

We urge MDE to revise the draft permit for the Prince George's County storm sewer system and publish a revised draft for public comment as soon as possible.

The residents and visitors of this County deserve clean, restored rivers and streams in which to fish and swim, and enjoy the simple beauty of our natural environment. The County's stormwater system is not the only source of pollution that needs to be addressed, but it is an important one.

For Prince George's County, the renewal of this permit presents an enormous opportunity to create green jobs, attract more local businesses to help rebuild the economy, and improve the quality of life for everyone in the County by making it a more verdant and sustainable community.

For Maryland, the renewal of this permit implicates a number of mandatory legal requirements. Primary among them is MDE's own regulations, which allow MDE to issue a pollution discharge permit *only* if MDE makes a determination that "[t]he discharge... is or will be in compliance with all applicable requirements of: [e]ffluent limitations..., [s]urface and ground water quality standards..., [t]he Federal [Clean Water] Act..., [and] [b]est available technology" among other things. This is clearly set forth in the regulations at § 26.08.04.02.A(1).

We know that MDE intends to use this permit as a template for others in the state. In order to meet legal requirements and be effective, we think MDE needs to revise the permit to address the following matters at a minimum:

*First: Compliance with water quality standards.* The permit needs to include clear and plain language that prohibits non-stormwater discharges into the stormwater system, and prohibits discharge of pollutants from the system that cause violations of applicable water quality standards. The proposed permit language is confusing and unclear on this point.

*Second: TMDL implementation plans.* The permit needs to require TMDL implementation plans that include enforceable milestones and benchmarks and dates for final attainment. And,

because these plans and compliance schedules are legally required, MDE needs to approve them through a formal permit modification.

*Third: Representative monitoring.* The permit needs to require a monitoring program that is representative of the stormwater system. The monitoring plan needs to provide the adequate amount and kind of information needed to assess compliance with interim and final deadlines in the permit. The proposed monitoring requirements do not provide representative data.

*Fourth: maintenance.* MDE needs to require that stormwater control practices are not just installed and retrofitted as appropriate, but also maintained as needed.

Let me close by saying that the renewal of this permit marks a crucial point in the restoration of Maryland's waters, including the Chesapeake Bay. The Bay, and the rivers and streams of Prince George's County, cannot wait through another five years or more of inadequate progress.