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Waterfront Partnership of Baltimore
Comments on Baltimore City's Draft MS4 Permit
September 20, 2012

The Waterfront Partnership of Baltimore is a business organization representing the interests of businesses and property owners around Baltimore's Inner Harbor. We may not know the science of water quality, but we do have certain approaches to solving problems.

We are all very enthusiastic and excited about cleaning our waters, especially in this 40th year of celebrating the Clean Water Act. We all know how much more work we have to do. We're especially focused on the language of the permit and want to emphasize two key themes. The first is the importance of setting standards and schedules; the second is the importance of maintaining transparency

First, the permit is extremely vague in identifying any standards or benchmarks that the City must meet. How will we or they know what is expected, what is satisfactory or effective performance without knowing the goals, standards or benchmarks by which the activities in the permit will be measured?

For example, maintaining programs to address illegal discharges, dumping and spills is extremely critical to creating clean water. What are the standards by which these program will be measured? Is having a press release issued saying "Don't Dump!" satisfactory to meet the goals of the MS4 permit? We know that is not the case, but we don't know what the standard is. We urge MDE to provide standards for measurements and require the program submitted by the City to MDE to be submitted within four months of permit issuance, not in one year, as many program components included in the permit require. We also request that the permit require MDE to respond to submitted programs within three months. We cannot afford months to pass waiting for a ruling from MDE. We all have a big job to do and we require MDE support in getting there.

Regarding illicit discharges, the permit refers to "appropriate enforcement procedures." Again, what are the standards and expectations here? It would be much more instructive and beneficial for MDE to at least refer to benchmarks for effective procedures or performance and enforcement. Evaluating the effectiveness of a public education program is extremely difficult. Why waste having the City submit what it considers to be effective communication after one year only to

potentially have MDE respond negatively? Again, please provide more standards or benchmarks by which the City's performance will be measured.

Schedules must also be included for MDE responses. The permit frequently cites time frames within which the City must submit something. It is only appropriate and fair to us, the beneficiaries of clean water, that MDE respond in a timely and specific way as well. Please include MDE's response times.

The second major theme is transparency. Our water belongs to all of us. The water flows beneath our streets, homes or businesses in open tributaries like the Jones Falls, through our parks such as Leakin Park and Gwynns Falls, and is used by many in the Harbor. Our polluted water affects us all. We will shortly be paying for the cleaning of polluted stormwater, and we will be the beneficiaries of clean water. We are interest and we believe our citizens are as well. We all have every right to follow our progress and know when we must do better and how we can help participate.

We urge that either a separate website for this permit be created and mandated as part of the permit, or a separate section be designated on the City's and MDE's websites for this permit. Every proposal submitted, every program report sent to MDE must be posted in real time, not only for annual reports which are often released many months after the activities they concern are no longer a relevant to the communities they impact.

To summarize, our two themes are that standards and schedules must be set and that there must be transparency in this permit and all related documents.

Thank you for reviewing and responding to our detailed comments below.

Sincerely,

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The following are our detailed comments:

III Standard Permit Conditions

A. The liaison names should be posted online - the City's designated liaison and also the key MDE liaison should be designated and posted online for this permit

D. First paragraph refers to annual evaluations by MDE: these should be performed within 3 months of the DPW MS4 Annual report being submitted and should be posted online

1. Stormwater Management
b. Maintaining information:
iii: Along with maintaining information on number of stormwater exemptions issued the reasons for each exemption must be provided
c. Regarding maintenance of information on violation notices, this information should include the resolution of such violations including timeframe and follow up enforcement for those not resolved.
d. Regarding preventative maintenance inspections, the permit should include a recommended number or percentage to be performed annually; and all preventative maintenance inspections performed should be posted online along with issues identified, enforcement and resolution;

2. Erosion and Sediment Control
c. All quarterly reports should be posted online

3. Illicit Discharge Detection and Elimination
a. The section on field screening must become much more specific in terms of expectations and standards. For example, regarding the screening of at least 150 outfalls annually: does this mean each of the 150 outfalls only needs to be screened once per year? Any field screening results must be posted online and remedies described.

b. Annual visual surveys of businesses should be reported monthly online and when violations are observed; enforcement should begin and be maintained until resolution.

e. Maintaining a program to address illegal discharges, dumping and spills: illicit discharges may well be the most significant source of ongoing bacteria pollution in the Harbor, and as a result this issue/permit section must receive much more attention. For one, this section should be much more specific, especially since illegal discharges have been occurring on regular and continuous bases in the City for many years. Any program proposed by the City should be submitted to MDE for approval within 6 months of the issuance of the permit and MDE should rule on the proposal within 3 months so work can commence post haste. Any such program should require quarterly reports to be submitted to MDE and posted online and

MDE must respond with any comments within 1 month. MDE should monitor regularly for compliance.

d. What are considered " appropriate enforcement procedures" Again, this section of the permit must be much more specific regarding standards and expectations. "Significant discharges shall be reported to MDE for enforcement and/or permitting": MDE must define what are *significan*t discharges.

4. Trash and Litter
a. Inventory within one year: this section is extremely vague in terms of expectations and standards. The only stated requirement seems to be to take a year to inventory and evaluate all current operations including outreach efforts. Evaluate to what standard? If this requirement remains in the permit, standards should be included and any such evaluation must be posted online.

b. Within the first year, develop and implement a public education campaign with specific goals and deadlines. Is this campaign and related goals to be submitted to MDE for approval or must the judgment on the campaign wait for two years - one year to prepare and then additional time for an annual report to be drafted and submitted and another amount of time waiting for a potential response from MDE. We would urge MDE to request submission of the campaign plan and performance measurements by the City prior to allowing so much time to pass.

b. iv.: Providing such strategy to interested parties upon request. Please change this provision to require online posting of the strategy so 'interested parties' don't have to request and wait for the strategy to be sent to them - it can be available to all interested parties as soon as the strategy is complete.

b. c. Evaluating annually the effectiveness of the education program. We would request MDE require submission of the strategy and proposed measurements in advance.

d and e. TMDL program improvements must be posted publically online as well as the annual report detailing progress. We also would urge MDE to hold annual Public Hearings on the progress being made by the City.

5. Property Management and Maintenance

b. Regarding the requirement that the City implement a program to reduce pollutants at City owned facilities including parks and roads - these two land uses alone account for a significant amount of City property. Because of this, the expectations and standards the city must meet should be clarified and be much more specific in this section. For example, what is the goal MDE expects or is requiring the City to meet? Is it 100% reduction? 10% ? We urge MDE to be much more specific in citing the goal to be met and the measurements to be used in evaluating progress; this section overall is way too vague.

6. Public Education

First paragraph refers to the City continuing to implement a public education and outreach program; this assumes the City is already implementing such a campaign, which is not the case. In a seemingly contradictory sentence later in this section, the city is required within one year to develop a work plan. Surely it should not take a municipality a full year to prepare a work plan for reducing pollution. We would urge MDE to change this requirement to 6 months at most. We also would urge MDE to specify the goals and measurements standards rather than requesting the City to do so.

E. Restoration Plans and Total Maximum Daily Loads
3. Public Participation

We would urge MDE to require much higher standards of public participation. For example, please alter the phrase " The City shall allow for public participation in the TMDL process…." Allow for? This must be required, with public hearings held and outreach performed to solicit input.

a. Notices in local newspapers and on the City's website and not suitable methods of seeking public input. Sending out DPW Community Liaisons to community meetings to solicit input is a much more appropriate measure than requiring the public to check the City's website or read the legal notices in the newspaper. Another method would be sending a paragraph to all community associations that have email distribution lists of who publish their own community newsletters, requesting the communities to include the paragraph in their upcoming newsletter issues or emails.