



January 22, 2018
Notice of Proposed Settlement

The Maryland Department of the Environment and the Montgomery County Department of Environmental Protection have reached tentative agreement on a consent decree to be filed in Montgomery County Circuit Court resolving issues with the county's performance pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit issued February 15, 2010. The five-year permit expired in 2015.

While the county court system does not require a public comment period as part of its review and approval of such a settlement, the parties are aware of public interest in this and other county MS4 stormwater permit performance. Accordingly, the Department of the Environment is distributing copies of the tentative settlement to interested parties, including the Montgomery County Stormwater Partners Network, and making it available on the Department's web page. Comments will be accepted through February 22, 2018. Those comments may be submitted electronically to lisa.ramjohn1@maryland.gov or mailed to the attention of Lisa Ramjohn, Office of the Secretary, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.

The consent decree imposes a \$300,000 penalty for failure to complete all the restoration work required by the 2010 permit. The penalty can be satisfied through the construction of one or more Department-approved Supplemental Environmental Projects by December 31, 2020. In addition, the decree requires that the restoration work remaining under the terms of the 2010 MS4 permit be completed in the same timeframe. The settlement calls for additional penalties for failure to meet interim goals.

Montgomery County initiated efforts to address urban stormwater runoff well before the Chesapeake Bay Total Maximum Daily Load (TMDL) was established in 2010 and has been diligent in its efforts. This consent decree requires the county to complete the impervious surface restoration work that remains to be performed notwithstanding the expiration of the 2010 permit.

"We appreciate Montgomery County's commitment to improved environmental performance under its State permit and collaboration on the consent decree, including provisions on penalties, schedules, and supplemental environmental projects," said Secretary Ben Grumbles. "Preventing stormwater pollution can be challenging but it's important for local water quality and the Chesapeake Bay and the State will continue to enforce its laws and provide assistance to counties and communities."