

TRANSCRIPT – TENTATIVE DETERMINATION TO ISSUE STORMWATER PERMIT ANNE ARUNDEL COUNTY, MARYLAND; NO. 20-DP-3316, GENERAL NPDES NO. MD0068306

0:07

Good evening, we will start, and now 3, 55, we will start at 4 0 PM.

0:12

Thank you for showing up tonight.

4:18

It's now four PM, I'd like to get this hearing started.

4:25

I see people are still arriving.

4:28

Fortunately, we have some time before we actually take comments, so we'll let them keep coming in.

4:33

If you popping a while I'm talking, I apologize, but, yeah, transcripts for the hearing will be posted on our website in the next day, or in the future.

4:42

I'd like to welcome you to tonight's public hearing on the tentative determination to issue an MPS MS for or National Pollutant Discharge Elimination System.

4:51

Municipal separate storm sewer system permit to ararat accounting.

4:58

My name is Stuart Comstock, I am the Chief of the Sediment Stormwater and Dam Safety Programs, Program Review Division, and I will be acting as your hearing officer tonight.

5:15

We will be making a few brief remarks concerning the permits, history, and the new permits.

5:21

After that, we will be accepting comments.

5:24

Please understand that we will not be taking questions on the permit today.

5:31

If there are technical questions, you may ask them in the questions box.

5:35

Also, if you wish to raise your hand or ask to unmute your microphone, you may do so in the attendee's pulldown menu on your control panel.

5:54

The notice for tenure of determination was published in the Maryland Register on October 23rd, 2020, and in the Baltimore song, on October 23rd, and October 30th, 2020.

6:09

Notice was sent to the department's interested party list.

6:12

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The notice of tentative determination, as well as the permit and the fact sheet were posted on the department's website.

6:22

Everyone who registered for this hearing tonight will be added to the interested party list, and will receive notice of any actions regarding this permit.

6:36

Recover a brief history of this MS more permanent.

6:41

Maryland has been delegated authority by the United States Environmental Protection Agency or EPA to administer the MPD program in the State of Maryland.

6:51

Final stormwater regulations were adopted by EPA in November 1990, according to Section 402 P of the Clean Water Act.

7:00

These regulations require that owners or operators, a storm drain system serving populations of greater than 100,000, including anurag counting, apply for a Phase one MPG's municipal stormwater permit.

7:19

Canada was considered a Phase one municipality due to its population, which was over 427,000 based on 1990 Census data.

7:28

The initial MS for permanent was issued in December 1993.

7:33

This permit laid the foundation for a comprehensive approach to controlling stormwater runoff by establishing the necessary legal authority.

7:40

Mapping the county storm drain system infrastructure, identifying sources of pollution, monitoring storm water, characterize urban runoff, enhancing existing erosion, setup control and stormwater management programs, and establishing new progress for providing education and eliminating illegal storm drain system discharges.

8:09

The permit was re-issued on March third 1999, on November eighth, 2004, and most recently on February 12, 2014.

8:20

To improve local water quality and the Chesapeake Bay, and counties most recent MS Work permit included a requirement for the restoration of 20% of the impervious surface area within the county.

8:31

That was not already managed for stormwater to the maximum extent practicable.

8:37

And on the county has met this requirement to restore 4996 acres of impervious area.

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8:51

Brief synopsis of the New Permit.

8:55

The proposed permit requires Anne Arundel County to continue restoring impervious acres for the reduction of nutrients and sediments, and implementing watershed management plans targeting specific pollutants that impair local water such as PCBs, trash or bacteria.

9:12

This permanent builds on new scientific knowledge, as well as lessons learned on the previous permits.

9:18

With these advancements, and Radha Canada will continue to be a Leader in reducing stormwater pollutants, locally and nationally.

9:30

The new permit incorporates the implementation of stormwater best management practices or BMPs.

9:37

For impervious acre restoration using the county's total maximum daily load or TMDL restoration plans and BMP implementation strategy.

9:46

It establishes annual impervious acre restoration benchmarks throughout the five year permit term.

9:53

The new permanent provides incentives to implement green stormwater infrastructure to increase the use of natural designs and BMP is it provide a climate resiliency co benefit.

10:04

The new permanent strengthens the illicit discharge detection and elimination or IDE program, including a requirement to prioritize outfall screenings in areas with the highest pollution potential.

10:17

Permanent improves when our Management of deicing, an anti icing materials to further reduce chlorides which is uploaded them for emergency emerging concern. Excuse me.

10:25

Yeah.

10:26

It encompasses the new 2020 accounting guidance that includes the basics Chesapeake Bay watershed model, and new and updated vips. The 2020 Accounting Guides is also available on our website.

10:43

Before we start recognizing speakers, I want to briefly go over some instructions.

10:48

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We will recognize speakers in the following order, elected government officials, and anyone who has raised their hand. So, after we ever recognize the elected and government officials, please raise your hand if you wish to comment.

11:03

We will let each speaker know that they are unmuted.

11:07

You must then also unmute yourself to speak.

11:10

at that time. Please state your name and affiliation, and then you may present your testimony.

11:16

Speakers will be given three minutes to present comments.

11:20

If there is extra time after everyone has spoken, we will accept additional comments.

11:26

You may comment more than once.

11:29

And again, we are not taking questions on the permit today.

11:36

At this time, I'd like to ask, are there any local elected or government officials present, I would like to comment to the record. Please raise your hand now. If you're not a local, elected government official, please refrain from raising your hand until after we have recognized them. And they are finished.

11:55

And, still, no hands had been raised.

11:59

Oh, I see a hand.

12:00

I don't know everything.

12:03

It's OK.

12:07

Alright, Eric, you have now been given permission to to unmute.

12:13

Can you please confirm that you're unmuted?

12:15

I think I'm unmuted. Can you hear me?

12:18

Yes, Good evening, Eric.

12:20

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Please state your name and your affiliation, and then please present, thank you.

12:25

Sure, I'm Eric Michelson. I'm the Deputy Director of Interim, the County's Bureau, Watershed, Protection and Restoration.

12:32

We're responsible for managing the county's MS for permit.

12:36

And I just wanted to just speak a little bit to where we've come in terms of our last permit, and then what we're looking at as far as the next permit in terms of a continuation of, of the work that we've done.

12:49

We've installed over 126 water quality projects including a number of award winning habitat restoration projects throughout the county from our very urbanized northern portion of the county to South County in our more rural reaches.

13:02

We've installed or completed over 700 culvert and storm drain repair projects with our Infrastructure Management Division who's now located within our Bureau of Watershed Protection and Restoration. We've done that. That's not necessarily part of what's recognizing the MS for Permit, but the counties spending about \$7 million a year, at this point, to do that work. And we think it's important and critical, in terms of keeping that infrastructure up to date.

13:31

Put in place with the co-operation of our non-profit partners. A highly successful restoration grant program runs, which has Speak Bay Trust, where we've been able to support innovative restoration projects from living shorelines to stream restoration by retention installations. And we are very proud of that program and very proud of our non-profit partners who've helped to make that successful.

13:55

We're in the midst of launching a replant and Arundel program in conjunction with the ... County Watershed Stewards Academy, which is a plant planting program, Forestation program, throughout the county, that we believe will be successful and help the county meet some of its MS or needs.

14:12

We've completed all 12 of the county's watershed assessments throughout the county.

14:17

And we intend to look more closely Back at Some of those, Some of them are quite old at this point, and we intend to update those over the course of the the next permit cycle.

14:27

We've conducted an overhaul of our county BMP database. We have over 26,000 records. That was a massive undertaking under the course of this last permanent. We appreciate MD's, accommodation there, and willingness to work with us.

14:41

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And we believe, if you've got a much better asset management system in place now than we did five years ago, we've conducted innovative research projects, with Cirque, Smithsonian, Yvon, Mental Research Center, University of Maryland, and Virginia Tech, as well as, others. Always, interested in learning about our projects and adaptively, managing, based on the best science.

15:00

We've got engagement with academic partners to address some of the non traditional ..., such as PCBs who are working with UMBC and bacteria. We're working with the community college to put in programmatic steps to be able to address those.

15:16

We're preparing to enroll in CBT is pulled monitoring program, which is a feature of this new permit that allows for flexibility in terms of how permitting or excuse me, how monitoring is conducted and we're excited about that.

15:31

We've developed a robust street sweeping program to really co-operate with Baltimore City and other partners who are drained the Patapsco River, and in our harbor to reduce trash to that watershed in particular. We've really focused on North County.

15:47

We've developed a salt Management program led largely by our Bureau of highways to try to reduce the amount of salt getting into our local streams and waterways.

15:59

While at the same time, of course, trying to protect public safety during the winter, winter months.

16:05

We've used an end burned off Arden nutrient trade, to satisfy our permit needs. We've replaced all of our nutrient trade with our wastewater treatment plants within the ground restoration as of earlier this fall. And we have conducted a trade with local aquaculture growers.

16:25

Too, generate aquaculture credits for our MS for permanent. We look forward to trying to expand on that in the coming cycle.

16:33

We have deployed an innovative program to acquire flood prone properties where we're working with Chesapeake Bay Trust to try to identify and potentially acquire flood prone properties to address climate resilience and that sort of thing. And finally we've created enhanced partnerships with the City of Annapolis use phase to permit T, and who has a lot of lot less resources than we do in the County. But you really could be the beneficiary of a lot of the work that we've been doing over several as far Carnot cycles.

17:05

And we're co-operating with them on trying to share some of our resources as well as recently they have enrolled into the CBT restoration Research grant asking me the Restoration grant program as well.

17:16

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So there's city of annapolis specific dollars that are essentially piggybacked on our existing program with the Trust and we're excited to see that happen.

17:24

So we are looking forward to continuing R, leave a leadership role in terms of restoration over the course of the coming permit. Certainly, expand our monitoring and research efforts and working with m.d.e. to address reductions in our TMD goals, and try to work as collaboratively as possible with the non-profit, to, we have a great relationship with the county, as well as ..., to meet these regulatory needs, so I appreciate the time to speaks to thanks.

17:56

Thank you, Eric.

17:58

Thank you.

17:59

Are there any other local elected or government officials, officials who would like to present tonight?

18:11

Yeah, Thank you, Brian, OK, thank you.

18:16

We are now opening the hearing up to the public.

18:19

Again, please raise your hand, and we will call on you in order.

18:28

Alright, Stu Myers has raised her hand. So Doug Mires, you have now been given permission to unmute.

18:37

Please confirm that you are unmuted.

18:40

Can you hear me?

18:43

We can hear you, please state your name and your affiliation, and we will love let you present your testimony. Thank you for coming tonight.

18:49

Sure, Hi, my name is Doug Myers, and the Maryland Senior Scientist, to just speak Bay Foundation. Many of these comments are going to be for the entire permit system, but this is my first hearing to be able to join, and I will try to use specific examples from and Rental County.

19:06

The permit term seems to lack specific nutrient, a sediment reduction targets and accountability. I realized that under the watershed implementation plan for the Chesapeake Bay T M.d.l., it's expected that these MS for permits would be the, the the way nutrient sediment reductions are achieved, and it seems to be happening through the impervious acre restoration system where the impervious acre equivalentents are done. I appreciate the permit lays out the

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crosswalk, an impervious acre equivalent so that I can at least know what the number of acres of restoration are equivalent to in pounds of reductions. So that is an improvement over the previous permit term. I am concerned that 50% of this permit requirements can be met, I think, 1821 acres through nutrient trading.

20:02

I was pleased to hear from Eric that they have caught up in all the on the ground practices for the last permit turn. But it does give me some concerns that so much of the permit can be met through nutrient trading, especially since we, we really need those on the ground practices in Anne Arundel County.

20:22

The tentative determinations says benchmarks are generally not to be considered enforceable. This is a concerning statement, is not sure that m.d.e. is saying that they won't enforce the benchmarks. And does this mean that only time and Rental County would be held accountable if, after failing to meet those benchmarks? Is that the, end of the permanent term that would be a concern of ours? Concerning maximum extent practicable, Instead of using a measure relating to feasibility resources or acreage in need of impervious surface restoration, the permit defines maximum extent practicable is simply equal to past performance or practice. With the expectation that each phase one jurisdiction will restore at least 2% per year. If that is the case and it's only 10% additional impervious surface, we would consider that backsliding from the standpoint of the Clean Water Act. Finally, on pulled monitoring, I appreciate that this option exists, but I wish it was mandatory the optional approach.

21:20

Torch the ability to determine the adequacy of still water management, particularly to this specific MS for jurisdiction. Providing insufficient data to review the effects of best management practices on water quality in that jurisdiction. Thank you for your time. I will be following up with specific written comments on this MS for permits. Thank you.

21:40

Wow.

21:41

Thank you, mister Marx.

21:44

All right. Next up is just the Iowa.

21:48

So just a few have now been given permission to unmute, confirm that you are unmuted.

21:54

Hi. Can you hear me?

21:57

Mister Uhl, if we can hear you, please state your name and affiliation for the record name. You may begin to present your testimony. Good evening.

22:05

Good evening. Thanks.

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22:06

My name is Jessie IF, I am the south-west, and Road Riverkeeper for the rondo Rivers Federation excuse me, thanks for the opportunity to present the comments.

22:16

So I'm glad to see attention being paid in this, permit to the presence of chlorides and Freshwater Streams and updates to watershed plans for some of the rivers that have older ones.

22:31

So thanks to the county and attendee for that.

22:36

I shared Doug's previous testimony from about trading.

22:44

We'd like to see some more explicit accounting for these trades, and public data showing how they have been calculated, um, made available. There are also references, and a number of places.

22:59

nus Kermit, too, documents, state guidance, like the Maryland Stormwater Design Manual, from the year 2000 and others.

23:08

That I hope the That M.d.e.

23:12

and the County are double checking against more current precipitation data to ensure that the practices set forth in those manuals don't fail to capture pollution from the increasing severity of storms that we find these days.

23:33

A specific reference that I wanted to ask them or not ask about the comment about, was in Section four D, to be wear it.

23:48

References, Ensuring, training for responsible personnel.

23:56

Um, this is a, This changed from the Prior Permit.

24:02

Uh, that, in a way, is better because it requires the county ensure certification, but, um, and the prior version only required them to conduct trainings. But, on the other hand, there's only requires one training to be offered. And the last one required it to be done three times a year.

24:21

So, I am hopeful that there can be some clarification of how that improves protections.

24:28

Similarly, in Section four D three, see there: was there a requirement to maintain standard operating procedures for outfall, screenings elicit discharge, investigations, annual, visual surveys, and other things.

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24:50

I just would hope that the county and the state will make these standard operating procedures publicly available so that interested parties can review them and adopt the better features of them for citizen enforcement.

25:10

Thank you.

25:14

Thank you, mister

25:20

Anybody else who would like to present tonight?

25:29

Would any of the previous speakers, then, like to add to their testimony?

25:36

This time, I will allow you to raise your hand.

25:43

No hands had been raised.

25:45

No hands have been raised.

25:53

Thank you, Thank you all for attending tonight.

25:55

I'm glad to sir, fairly well.

25:59

Thank you for attending tonight's hearing.

26:01

I want to re-iterate, the public comments will be accepted until January 21st, 2021.

26:07

Comments may be submitted, either by mail or e-mail using the address shown on the slide.

26:13

I'll give you a few minutes to jot those addresses down if you do not have them. They are also available on our website.

26:37

OK, again, thank you for attending tonight.

26:43

This hearing is now closed. If you have any additional comments, you may submit them up until January 21st, 2021. Thank you. And good evening. And please, be safe.

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