

**TRANSCRIPT – TENTATIVE DETERMINATION TO ISSUE STORMWATER
PERMIT BALTIMORE CITY, MARYLAND; NO. 20-DP-3315, GENERAL NPDES NO.
MD0068292**

2:29

Good afternoon, it is four o'clock so we will begin.

2:34

Welcome to tonight's public hearing on the tentative determination to issue a national pollutant discharge elimination system.

2:42

And P D S, municipal separate storm sewer system, MS for permanent to Baltimore City.

2:50

My name is Christina ..., and I am a Natural Resources Planner in the Sediment Stormwater and Dam Safety Program.

2:57

The Administrator of Baltimore City is permit and tonight's hearing officer.

3:05

I will be making a few brief remarks concerning the permits: history and the new permit.

3:09

After that, the department will be accepting comments.

3:13

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

3:18

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

3:23

Also, if you wish to raise your hand or asked to mute/unmute your microphone, you may do so in the attendees pulldown menu or on the side of the control panel.

3:37

Notice for tentative determination was published in the Maryland Register on October 23rd, 2020 and The Baltimore Sun on October 23rd and 30th 2020. It was sent to the department's interested party list and posted on the department's website.

3:54

The proposed permanent and supporting factsheets are also available on the department's website.

3:59

Everyone who registered for this hearing will be added to the interested party list. It will receive notice many actions regarding this permanent.

4:10

Maryland has been delegated authority by the United States Environmental Protection Agency, EPA, to administer the N P D S program in the state.

4:21

Final Stormwater regulations were adopted by EPA in November 1990, according to Section four oh, two P of the Clean Water Act.

4:30

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These regulations require, in part, that owners or operators, a storm drain system serving populations of greater than 100,000, including Baltimore City, apply for a Phase one NPD S municipal storm, stormwater permit.

4:48

Baltimore City was considered a large phase one municipality due to its population size based on 1990 Census data.

4:56

The initial emma's for permit was issued in November of 1983.

5:02

This permanent laid the foundation for a comprehensive approach to controlling runoff by establishing the necessary legal authority, mapping storm drain system infrastructure, identifying sources of pollution, monitoring storm events to characterize urban runoff, enhancing existing erosion and sediment control, and stormwater management programs, and establishing new programs for providing education and eliminating illegal storm drain system. Discharges.

5:32

This permanent was re-issued on February eighth, 1099, January third, 2005, and most recently, on December 27th, 2013.

5:42

To improve local water quality and the Chesapeake Bay, Baltimore City's most recent MS for permit, included a requirement for the restoration of 20% of the impervious surface area.

5:53

Within the city that was not already managed for stormwater, to the maximum extent practicable.

5:59

Baltimore City has met the requirement to restore 4291 acres of impervious area.

6:08

This permit requires Baltimore City to continue restoring a previous akers for the reduction of nutrients and sediments, implementing watershed management plans targeting specific pollutants that impair local waters such as PCB's trash or bacteria.

6:24

This permit builds on new scientific knowledge, as well as lessons learned under the previous permits. With these advancements, Baltimore City will continue to be a leader in reducing stormwater pollutants, locally and nationally.

6:39

The new permanent incorporates the implementation of storm on our best management practices

....

6:45

For impervious acre restoration, using the Emmys for Restoration and Total Maximum Daily Load TM deal watershed implementation plan.

6:54

establishes annual impervious aker restoration benchmarks Throughout the five year permit term.

7:00

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Provides incentives to implement green stormwater infrastructure to increase the use of natural designs and be MP's that provide climate resiliency co benefit.

7:10

Strengthens the Illicit Discharge Detection and Elimination IDE Program including a requirement to prioritize outflow screenings. In areas with the highest pollution potential.

7:22

Improves Winter Management of deicing, an anti icing materials to further reduce Florence, a pollutant of emergent concern, and encompasses the new 2020 accounting guidance that includes the phase six Chesapeake Bay Watershed Model and new and updated PMP.

7:42

We will recognize speakers in the following order, elected and government officials.

7:47

Then anyone who has raised their hand.

7:50

We will let each speaker know that they are unmuted. You must also unmute yourself to speak.

7:55

Please state your name and affiliation before you present your testimony.

7:59

Speakers will be given three minutes to present comments.

8:02

If there is extra time, you may comment more than once. And again, we're not taking questions on the permit today.

8:11

So, first, are there any local, public, or elected officials that would like to comment for the record?

8:17

If you are not a local public or elected official, please refrain from raising your hand or lower your hand until all officials have had a chance to present.

8:33

I think you, Ms.

8:33

Kim Groff has raised her hand, I'm unmuting you, please unmute yourself.

8:41

Great, please state your name and affiliation for the record.

8:45

Kimberly Grove with the Baltimore City Department of Public Works.

8:55

Please, OK.

9:00

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Good afternoon. I want to thank M.d.e. for hosting this public hearing and for their continued efforts in improving the quality of our environment.

9:08

Since 20 14, we have invested over \$112 million in our communities to meet the 20% restoration goal and address other local ..., such as bacteria, trash, and PCBs. As shown in our last demos for annual report, we not only met that restoration goal but exceeded.

9:26

we have other highlights of our performance of the permit.

9:30

City of Baltimore initiated over one thousand, sorry initiated 1025.

9:35

Pollution Source Tracking Investigations to find over 500 illicit discharges, are exhaustive monitoring program included over 90,000 and test. The results of which showed our collective efforts in the city have decreased bacteria as acknowledged by the light blue water Baltimore this summer.

9:53

Our data has also shown a significant decrease in phosphorus.

9:56

We've got, we acknowledged that there is still a lot of work to be done, but it's been helpful to have this data to demonstrate that our efforts have made impacts.

10:04

We've taken several strides to reduce the amount of trash and litter in our communities. In 20 17, we distributed municipal trash cans to all city residents, And most recently, we developed the Less Waste Better Baltimore long term waste management plan.

10:19

Our street sweeping operations expanded citywide in 20 14 and has served as the cornerstone of our ability to meet the MS for a permanent. For the last five years, ... has swept approximately 529,679 miles, collecting over 58,000 tons of debris and organic material, which would have otherwise clogged our storm drain system and polluted our streams and harbor.

10:46

We also initiated proactive inlet cleaning. And we are committed to continue these efforts in the next permit.

10:53

We tripled our regulatory staff for development reviews and inspections resulting in 488 acres of impervious area restoration through redevelopment.

11:03

We recognize that the goal official Swimmable Waters cannot be achieved solely by D P W and that partnerships are essential.

11:10

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We want to thank Waterfront Partnership for their continued efforts and removing trash from the waterways. You also want to thank the Tree Baltimore program for increasing tree canopy in the city.

11:21

During this permanent, we provided over \$880,000 in grants administered through the Chesapeake Bay Trust to install 15 rain gardens and 2291 trees while providing 360 workshops and outreach events.

11:35

As we embark on this next permit, we want to thank m.d.e. for allowing us and other emus for jurisdictions to participate.

11:42

In the update of the MS for Accounting guidance document, recognizing the Science of the Bay program, while expanding the variety, the practices, which we use to meet our regulatory requirements.

11:53

We also want to thank m.d.e. for their flexibility for each MS for our jurisdiction, to select the appropriate methods that will best serve their community, and the environment in this short five year permit. Thank you.

12:08

Thank you for your testimony.

12:14

OK, at this time, it looks like no additional public or elected officials have raised their hand. So, now I open it up to anyone else who'd like to comment.

12:24

Please raise your hand, and we will call on you individually.

12:28

I have a Mercedes Rusher, who has raised her hand, Ms. Drescher, I'm going to unmute you, please unmute yourself.

12:35

Thank you at least name and affiliation for the record.

12:39

Certainly, I just wanted to make sure you could hear me.

12:42

Yes, we can hear. OK, great. Sorry, I've been having trouble with my computer today and I'm the Director of Restoration Programs at the Chesapeake Bay Trust.

12:50

And thank you for the opportunity to provide comment. We administer the full monitoring program that's mentioned in the MS for Permanent and just wanted to state that.

13:00

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the program goals are to afford science, to support scientists to Anthony's he restoration questions posed by the regulatory and practitioner communities through the monitoring initiative and the Restoration Research Program.

13:13

It's all available on our website, under the full monitoring program, All the projects that were awarded, and the results that were there are really excited about the success they've had over the last seven years. We have committed commitment to bring back the results to the practitioners in the regulatory folks here to answer the or ask the questions. And so, really appreciate being mentioned in the permits. And we're very open to feedback, so also want to have that be a two-way street and have that on the record. And we really want to make sure, at the end of the day, that all the money spent collecting data and information by the counties is used to collect that information. And the data that can be really answer the questions that we all have about where the rest best restoration project should be placed, and how it and get, and get the most cost effective practices.

14:00

So, again, implementing practices at the watershed scale and improving water quality.

14:04

That's our focus. And again, we're very open to answering questions from anyone and taking in comments now, or at a later date.

14:14

There'll be as flexible as possible in the program, and I'm looking forward to working with any of them, as high as I would like to take that option. Thank you very much.

14:24

Thank you for your testimony.

14:29

We have next material, recognize, Ms. ... powder.

14:32

Peter, I'm going to unmute you. Please unmute yourself.

14:37

Thank you, and please state your name and affiliation for the record.

14:40

Thank you for the opportunity to speak today. My name is Alice ... and I'm the Baltimore Harbor Water Keeper at Blue Water Baltimore where a local non-profit watershed organization that works to protect and restore the waterways that flow into the Patapsco and back back rivers. We've been advocating for stronger clean water laws on behalf of Baltimore residents for more than 10 years, and stormwater runoff has always top the list of pollutants plaguing our local waterways. I'm here today to express serious concerns about the proposed MS for Permit to amplify the voices of our community members and to speak on behalf of the waterways that cannot speak for themselves.

15:14

Water Baltimore has been collecting scientifically rigorous water quality data in our local streams rivers and harbors since 2009. Our bacteria data was used to inform a 303 D impairment

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listing for the harbor. And over time, our program has grown to include more measurements of water health and now encompasses 49 monitoring stations in the Patapsco River Watershed.

15:34

Key components of that program have been certified at the highest level by EPA's Chesapeake Bay program. And our program serves as a model for other groups throughout the region who need to consistently track water health in a legally defensible way. In April of this year, we conducted a statistical analysis, on our data to answer the question, Is water quality getting better? Or worse in Baltimore City? Over time?

15:56

Our data is showing us that bacteria levels are largely improving at our stream stations within the city, which is great news, but we aren't seeing improvements in parameters like nitrogen, phosphorus, water clarity, or conductivity. In some cases, we're actually seeing statistically significant worsening trends in those key metrics, which means that water quality is getting worse. This disparity is telling us that sanitary sewer projects might actually be working to reduce bacteria levels. But we're lagging behind when it comes to dealing with the problem of polluted stormwater runoff.

16:26

The current MS for permit hasn't resulted in cleaner waterways, and the new permit is more of the same. This permit is over reliant on street sweeping. A practice that has now been scientifically proven to be insufficient for protecting water health and does absolutely nothing to address the growing volumes of stormwater plaguing our city residents and their local waterways.

16:46

Our city is going to get more frequent, more intense rainstorms in the future due to the effects of climate change. That means more street flooding, more property damage and greater public safety hazards and as much as we'd like to keep our stormwater system separated from her sewage system, those pipes aren't kasten diamond. They get old and they leak and the more rain will mean more sewage overflows into our rivers and more sewage backups into our homes. We must require Baltimore City to implement more green stormwater infrastructure projects through this permit projects that are good for neighborhoods effectively, treat runoff and reduce the volume of water gushing through our pipes and scouring our waterways. Thank you for your time.

17:27

Thank you for your testimony.

17:30

We now have a Miss Barbara Johnson, who has her hand raised. Ms. Johnson, I shallow, neutral. Please unmute yourself.

17:37

Thank you. Please state your name and affiliation for the record.

17:41

Thank you for the opportunity to speak today. My name is Barbara Johnson, and I'm a water quality scientists with Blue Water Baltimore.

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17:48

I'm here to express concerns about the proposed ... work permit and to amplify the voices of our community members who have shared their stories with us.

17:56

This permit relies far too heavily on street sweeping practice, which does nothing to address the immense volume of stormwater that Baltimore City residents have to deal with every time it rains.

18:07

Prior to this hearing, we solicited input from our community members about how stormwater is negatively impacting them, and here are a few of the excerpts from their statements.

18:17

A resident in north-east Baltimore says, Street sweeping, cannot be a solution as a restoration practice because it is not consistent.

18:24

Here in lawrenceville, not all streets get swept and the service is currently paused.

18:29

This resident is absolutely right. Now more than ever, we need sustainable practices that will work for residents 24 hours a day, seven days a week.

18:37

Another city resident said, I strongly support stronger permits that do not allow nonsense like street sweeping to offset stormwater pollution.

18:46

We need real offsets such as restoring marshland and reducing fertilizers and harmful chemicals that killer fish and crustaceans, pollute our swimming waters and are turning our water systems into dead zones.

18:58

Several other residents express similar comments that people have Baltimore understand that street sweeping doesn't do enough to prevent these harmful pollutants from entering the waterways. Finally, a resident wrote to us.

19:11

While volunteering with Bluewater Baltimore and Real Food Farm, I learned about the situation of sewage backup, backing up into people's homes following storm surges. I was disgusted. Surely Maryland is better than this. It is time and what can be done?

19:25

What will you do to ensure that stronger effective solutions are put into place to rectify the situation and help the people of Baltimore live a healthier life?

19:34

This comment really illustrates one of the biggest problems with Baltimore City's Emmys for permit.

19:39

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We can act like we. We can act like we can sweep our problems way, and we ignore the fact that massive volumes of stormwater are causing serious quality of life and public health issues for our residents.

19:51

Whether a person's car is totalled from being saturated with floodwaters or their homes condemned from being soil by wet weather sewage backup, the root of those problems is our unwillingness to invest in long term green solutions that reduce and treat stormwater while simultaneously benefiting benefiting our neighborhoods.

20:08

These are the type of projects that our community members want their tax dollars to fund.

20:13

Thank you kindly for your time.

20:16

Thank you for your testimony.

20:20

Thank you, I have a hand raised from mister Ben Alejandro, I shall unmute you.

20:25

Please unmute yourself and please state your name and affiliation for the record.

20:30

Hi, This is Benjamin Alexandra.

20:32

I'm the Water Program Director for the American League of Conservation Voters, representing 20,000 members, been, where voters here in Maryland, can y'all hear me OK?

20:42

We can, thank you.

20:45

OK, great, yeah, I commented yesterday. I'd like to echo those points, again, today, without repeating too much, as well as agree with many of the other points that were already made here on this.

21:00

On this call.

21:01

You know, one, we also agree with this concern of street sweeping being, really overused and also want to re-iterate the fact that it needs to be that the street sweeping that was done, needs that only can be used at that level to comply with the last 20% of the last permit.

21:22

No, this, this one is an extra additional.

21:25

Um, 10%, that should be all new practices and we want to really see permanent practices, green infrastructure practices, more.

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21:36

Tree planting, etcetera.

21:37

There's there's quite a lot of availability and need for fir trees and for best management practices, they don't just focus solely on this one problem, but also give a lot of other co benefits like trees do with, with improving air quality, health effects, reducing flooding, et cetera.

22:00

The other issues, as I was saying, yesterday for the Baltimore County permit, also still hold true here.

22:06

one is, we're really concerned that climate change is really not taken into account. We're going to be just seeing stronger and stronger storms. That is, that is a fact.

22:17

And the fact that this permit is really looking at outdated numbers from years ago, and you're going to have storms that these best management practices just aren't required to be built, to be able to handle.

22:32

And that's just really a bad use of money and a poor investment. And M.d.e. has been saying that, that it's really important that we incorporate climate change into our protocols. The regulations are permits. And this is a real opportunity to finally put that rhetoric into action.

22:51

Also, we'd like to see more environmental justice and equity.

22:55

I outlined this permit.

22:57

And, you know, we also really are concerned about the allowance for nutrient trading, and how that can be potentially used for wastewater treatment plants.

23:07

From our analysis, there's wastewater treatment plant trades that have been done so far.

23:12

None of them could have been able to prove additionality as opposed meaning that there was additional pollution reduction happening that wouldn't have happened already in any trades that we have been seeing when it comes to wastewater implants. So, saying that it can be used for, you know, half on these permits is a big problem.

23:29

Because that substantively, saying, you only have to do, that only one half of the pollution reduction will happen, because of the rest can go to trading for, for there, Remainder of that permit.

23:39

And So we're really concerned about that, and that very much needs to be taken into account, and removed limited, and ensure that, only trades that are, creating actual additionality, are

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happening, as well as, or that are done equitably. We're gonna enumerate a number of these issues, and many, more, in choose, Clean Water Coalition comments and other comments that we'll be making during this official comment period.

24:05

And if you have any questions, I'd be happy to go into any of these in more detail. Thank you very much.

24:14

Thank you for your testimony.

24:19

When I say no more than answers.

24:21

No. No, OK.

24:25

In the questions box, per se?

24:29

Yes, we have just raised Ms. ..., like, a chance to speak again. Is that OK?

24:34

Oh, of course.

24:36

Oh, But I'm gonna unmute you.

24:38

You're back on the record.

24:43

Thank you very much for the opportunity to speak again. Again. This is Alice While Pitta Baltimore Harbor Water Keeper with Blue Water Baltimore. As my colleague Barbara mentioned, we solicited input from Baltimore City residents prior to this hearing, and we received one letter. That's particularly compelling and I'd like to share with you now. His letter states, I live right by the Glens, Falls River in the Dickey they'll neighborhood of Baltimore. And though our houses, fortunately, on a hill and out of the floodplain, we've definitely seen the effects of inadequate stormwater management on our river. In many ways, the river has gotten healthier. In the years we volunteer, we see and hear more native wildlife, that when we first moved here in 20 12, but we've also seen changes in how rainfall affects the river over those eight years. Obviously, heavy rainstorms have always caused high water, but, now, it seems that almost every significant rainfall translates immediately to a roaring muddy river. That stormwater is probably cleaner than it used to be, but the volume is high, which presents an obvious risk to those species, which are only just making their way back to the recovering river.

25:43

I can only assume this is because of increased impervious surface upstream Street sweeping might keep some of the trash out but it does nothing to reduce that runoff. Just last year a water main break in the nearby tributary killed 2000 fish including Endangered American Eal illustrating just how vulnerable these populations are to changes in water quality. If potable

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water is enough to kill them by the thousands. What are routine floods of untreated, stormwater full of mud and motor oil doing to them?

26:10

That windfalls is an ancient river, which watered Piscataway hunting grounds and fueled the mills that built the colonial economy long before the state of Maryland ever existed. Now, we've taken on the duty of stewardship for the river, a duty we have consistently failed to live up to for centuries. Instead, we allow it to flood with untreated stormwater with every single rainstorm. I want to continue to share the joy of a Heron swooping low over the water with my five year old. I want him to grow up, knowing that the society he lives in, understood its responsibility to the world, to itself, and to him.

26:45

Please reject these weak permits and enforce measures that will protect the river for the generations to come.

26:52

That's the end of the letter.

26:53

Thank you very much for the opportunity to speak again.

26:58

Thank you.

27:00

Do you know we have a mister Bill, Howard, who has raised his hand.

27:04

Mister Howards, I'm going to unmute you. Please unmute yourself.

27:07

Thank you. Please state your name and affiliation for the record.

27:11

Yes. My name is Phil Howard. I'm a resident of Baltimore City, and I'm a board member of The Order of Baltimore.

27:18

Hi.

27:19

Heartily endorse the previous comments by Alice, Barbara, and Ben, And we have serious concerns about street sweeping nutrient trading, and the lack of substantive attention to reducing quantity and improving water quality.

27:37

I would just like to add, I think, the, since we're speaking with MDA representatives, I think the accounting guidance is misguided.

27:48

It allows way too much credit of all sorts for projects that do not actually remediate impervious surfaces.

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27:57

Also, in many of your reports, and the report, showing the local jurisdictions, references too, Akers restored, this was, made by, the Baltimore City representative, is misleading, At the very least, it needs to say, calculated equivalent of acres restored.

28:15

But, just giving the statement that, there were 4291 acres restored is false and misleading.

28:23

And the accounting guidance and the reports need to reflect or accurately, that, in fact, hardly any acreage has been restored and there is being given credit for all sorts of alternative practices.

28:37

We'd also like to see in the fact sheet relating to this, permit, more information, on the maximum extent practicable, how that's been calculated and what portion of the money that's being spent by the city is going to each of the types of actions that they're taking.

28:56

As a state, we passed the stormwater fee the number of years ago, and, you know, that fee was not passed for the purpose of doing street sweeping.

29:06

It was passed to improve to remediate impervious surfaces, leading to reduced quantity, and improve quality.

29:17

Thank you very much.

29:21

Thank you for your testimony.

29:27

This time Christina: I see no more hands raised.

29:30

OK, I'm going to read in for the record Sady Dresser, Director of restoration programs for the Chesapeake Bay Trust.

29:41

She stated, see the pooled monitoring initiative's restoration research program including the current RFP, past awards and reports, CB trust dot org slash grants slash restoration hyphen research.

29:59

Thank you.

30:09

OK, Let the record show that no additional Hands are raised.

30:24

Thank you for attending tonight's hearing. Public comments will be accepted until January 21st, 2021.

30:31

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I will leave this slide up for a moment to provide the opportunity for attendees to take note of this information.

31:10

OK, thank you for attending tonight. This hearing is now closed.

RE-GENERATE TRANSCRIPTSAVE EDITS