



Mattawoman Watershed Society

Protecting and preserving Mattawoman Creek for the enjoyment of all.

Maryland Department of the Environment
Sediment, Stormwater and Dam Safety Program
c/o Mr. Brian Clevenger
1800 Washington Boulevard
Baltimore, MD 21230

September 21, 2012

via email: bclevenger@mde.state.md.us

Re: Baltimore City's Draft MS4 Permit No. 11-DP-3315 / MD0068292

Dear Mr. Clevenger:

Thank you for considering these comments from the Mattawoman Watershed Society (MWS) concerning the draft permit for Baltimore City's Municipal Separate Storm Sewer System (MS4). The MWS is also a cosignatory to comments submitted by the National Resources Defense Council, which we fully endorse. Here we emphasize our reasons.

The MWS is an all volunteer organization with over 1000 supporters that is dedicated to preserving and protecting Mattawoman Creek and its watershed for present and future generations. Our interest in the draft MS4 permit for Baltimore stems from several issues:

Mattawoman has been described as “the best, most productive tributary to the Bay” by Maryland fisheries scientists,¹ and so we have great concern for the health of the Chesapeake Bay ecosystem as a whole. Mattawoman is directly connected to other Bay waters, which can be influenced by stormwater discharged by Baltimore, through migratory-fish populations that use Mattawoman as a spawning ground, as a nursery, or both.

We understand that the Baltimore City MS4 permit could serve as a template for other jurisdictions. The Mattawoman Creek watershed lies within both Prince Georges and Charles Counties, amplifying the role of the state to ensure its protection. Two decades ago, Maryland fisheries scientists considered Mattawoman² to be “as near to ideal conditions as can be found in the northern Chesapeake Bay” and warned that “it should be protected from overdevelopment.” During most of this time, since 1997, Charles County, which controls about 75% of the watershed, has operated under an MS4 permit. Yet we now know that the health of Mattawoman's estuarine fish community has begun declining alarmingly, and that this decline is

¹ *What could happen to tidal fish habitat and fisheries in Mattawoman? Lessons learned in Severn River and other developed Bay tributaries*, Uphoff, J., Powerpoint presentation to Charles County Commissioners, June 20, 2005.

² Carmichael, J. *et al.*, 1992. Fish Sampling in Eight Chesapeake Bay Tributaries, Maryland DNR, Chesapeake Bay Research and Monitoring Div., Report CBRM-HI-92-2.

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linked to watershed urbanization,^{3,4,5} which the MS4 permit was specifically intended to ameliorate.

The most recent Charles County MS4 permit, issued in 2002, makes no mention whatsoever of Total Maximum Daily Loads (TMDL), despite the fact that the Port Tobacco River's TMDL was approved three years prior, in 1999. Mattawoman has had an approved TMDL since 2005, but there has been little or no effective movement on enforcement. The long lapse since the most recent MS4 permit demands that any template take into consideration situations like that of the Port Tobacco River and Mattawoman Creek.

We note that the MS4 permit is one of the few tools by which enforcement of the Clean Water Act can be achieved. Given the above considerations, we therefore applaud the intent of newer MS4 permits to address TMDLs. However, past permits for Charles County, and the current draft for Baltimore City, fail to firmly require enforceable reductions in loads to the maximum extent practicable, with for example, specific timetables for achieving specific reductions.

Because the Baltimore City draft MS4-permit may serve as a template for other jurisdictions, and because past policies have clearly failed to protect an example such as Mattawoman against the particular impacts of urbanization, it is paramount that MS4 permits be significantly strengthened, and we concur with the NRDC's positions.

Sincerely,



Jim Long
President
Mattawoman Watershed Society

³ *Project 3, Fisheries and Habitat Interactions Project: Development of Habitat-based Reference Points for Chesapeake Bay Fishes of Special Concern: Impervious Surface as a Test Case*, in the *Chesapeake Bay Finfish / Habitat Investigations*, U.S. FWS Federal aid project F-61-R-5, 2008-2009, J. Uphoff, M. McGinty, R. Lukacovic, J. Mowrer, B. Pyle, and M. Topolski., Maryland Department of Natural Resources, Fisheries Service, DNR report F-61-R-5 (2009). <http://www.dnr.state.md.us/irc/docs/00015592.pdf>

⁴ *Performance report for federal aid grant F-63-R, Segment 1: Marine and estuarine finfish ecological and habitat investigations*, J. Uphoff, M. McGinty, R. Lukacovic, B. Pyle, M. Topolski, and S. Bornhoeft, MD. Dept. Nat. Res. Fisheries Service (2010). www.dnr.state.md.us/fisheries/fhep/pdf/2010_FHEP_Annual_Report.pdf

⁵ *The Case for Protection of the Watershed Resources of Mattawoman Creek: Recommendations and Management Initiatives to Protect the Mattawoman Ecosystem*, The Interagency Mattawoman Ecosystem Management Task Force. Prepared for: Charles County Department of Planning and Growth Management to support the County Comprehensive Plan update. December 2011. Final report March 2012. http://www.dnr.state.md.us/ccp/pdfs/MEPR_Dec2011.pdf