

June 3, 2024

To: Maryland Department of the Environment
Water and Science Administration

Attn: Stewart Comstock

Subject: NPDES MS4 permit for MDOT SHA, NPDES Permit Number:
MD0068276, MDE Permit Number: 24-DP-3313

Maryland's NPDES Municipal Separate Storm Sewer System (MS4)
Permits

The following is my oral testimony and public comment # 1,
presented at the Public Hearing held at MDE on 6/3/2024

Good afternoon, thank you for this opportunity. My name is Sharon Boies and I'm speaking on behalf of Protect Our Streams.

Is it fair to say at this point that the TMDL/MS4/NPDES/Mitigation bank credit system has failed us? Think about it.

What may have seemed like a good idea to some, at first, has not turned out for the better. The debit and credit system has not achieved the desired outcome after all these years.

This philosophy is based on economics, not science or you would have stopped this years ago. This system has failed the bay, our wallets, the environment, our streams, native wildlife and aquatic species, and the residents. It has allowed environmental degradation of waterways, neighborhoods, and public lands. The system allows contractors to profit from pollution, without curing it.

It allows development and paving of sensitive areas, and it allows unmitigated polluted runoff to continue to pour into the bay, while producing credits.

Most projects have little to no baseline and post construction testing and monitoring to produce measurable results to ensure success. We've seen very little oversight, and no penalties for projects that fail. The SHA has a mandatory need for credits, the contractors are paid regardless of the results and in cases where stream restorations take place in neighborhoods and parks, the residents and wildlife are left stunned, disrespected, disappointed and disregarded. It leaves a bitter taste to be told you're helping the bay as you watch your neighborhood forest leave stacked on the back of a log truck. Reforestation rates fail but go unnoticed until residents speak out. Would a 49 percent success rate for bridges to remain standing, be an acceptable success rate to the engineers at SHA? Like the success rate for the reforestation was, at the SHA project in Columbia?

By approving this permit with the stream restoration component in it, you will be allowing irresponsible, expensive, experiments to continue in our streams, you will be allowing projects that contribute to climate change, species die off and global warming. You will be allowing the conversion of thriving mature bio-diverse forests to invasive species filled, green plastic tube forests and full of life streams to warm, stagnant, murky, deoxygenated, rock lined stormwater conveyance facilities. You will be allowing the degradation of our neighborhoods and quality of life. You will be responsible for the people who lay awake at night stressing about if they should move before the restoration destroys the neighborhood forest they were told would always be there. This assault on our streams and riparian forests and eco-systems must stop.

Who decided these streams and forests belong to them over the residents? And that the SHA should be allowed to degrade our neighborhoods and expose all of us to the negative impacts associated with these projects and leave us powerless to stop them? Why are private contractors allowed to profit from our natural resources that have been preserved for all these years? MDE must give more consideration to the next generation. Who decided that nitrogen, phosphorus, silt and sediment are more important than aquatic species or mature forests? Or that cutting down a tree mitigates cutting down a tree?

The authors of the Clean Water act meant for it to be a tool for the agencies to use for protection, not permission.

The TMDL system has failed us, all of us and it's time for a paradigm shift. That's what the CESR report says, that's what the health of the bay and our environment says and it's what the most current science says. I don't believe that the SHA cares how the credits are produced, they just need them. Which raises the question why doesn't MDE just sell them the credits, like a sin tax and not require any accompanying environmental harm?

MDE has permitted 700 to 900 stream restorations, you've allowed the annihilation of thousands of miles of streams and acres of forest for hundreds of millions of dollars. MDE is responsible for the death of billions of living organisms. 700 to 900 experiments should be more than enough to have produced the desired results but they haven't. I'm requesting that the permit be amended to exclude all proposed stream restoration projects and include evaluation of all prior SHA projects to ensure that all have achieved ecological uplift, improved water quality and all other stated goals and objectives before we allow anymore.

This is a stormwater runoff and development issue, not a stream issue.

If we are to keep this imperfect system, the MS4 credit guidance document must be updated to reflect lessons learned and current science. Credit values should be reduced or eliminated for stream restorations and increased for the 31 other techniques currently listed. We should expand what qualifies for a TMDL to include PCB's, PFAS and chloride, and maintenance on existing BMP's.

But first you must ask yourselves, has the TMDL system failed us?

Please amend the SHA permit to exclude all stream restorations.

Thank you for your time and consideration.

Sharon Boies

Columbia, MD

Protect Our Streams