



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

Welcome,

Today is Wednesday, December 15th and it is approximately 1:00 PM.

Before we continue, I would like to reiterate that all of today's participants must follow current Maryland Health Department Guidance, public health protocols, and CDC guidelines. Please observe proper social distancing rules and wear a facial covering that covers your nose and mouth during these proceedings. Also, if you are providing comments, please speak clearly into the recording equipment.

Today's public hearing is regarding the Maryland Department of the Environment's (the Department's) tentative determination to issue National Pollutant Discharge Elimination System (NPDES), municipal separate storm sewer system (MS4) permit, number 20-DP-3314 MD0068284 to Prince George's County.

My name is Stewart Comstock and I am the Sediment and Stormwater Program Review Division Chief within the Department's Water and Science Administration's (WSA) Stormwater, Dam Safety, and Flood Management Program. With me today from the Department are (introduce Department personnel in the room):

- Pat Depkin, MDE/WSA/Stormwater, Dam Safety, and Flood Management Program
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Also with us today from the County are:

- Andrea L Crooms, Director
Prince George's County Dept. of the Environment (DoE)
- Jeff DeHan, Associate Director, Stormwater Management Division, DoE
- Jerry Maldonado, Stormwater Management Division, DoE

Thank you to everyone from the Department and the public officials from Prince George's County who helped in getting us to today's proceedings.

We will first provide an introduction to the subject of this hearing, and then review the permit history and requirements of the new permit. We will provide instructions on how to make comments, and then offer local government and elected officials and the general public the opportunity to provide comments.

Introduction

In accordance with Maryland's Administrative Procedures Act, a tentative determination to issue Prince George's County's MS4 permit has been published in the Maryland Register and advertised in the Washington Post on November 5th and 19th, sent out to the Department's interested party list, and publicized on the Department's web page where the proposed permit and supporting fact sheet material can be found.

Everyone who registered will be added to the Department's interested party list and will receive notice of any actions regarding Prince George's County's MS4 permit. If you want to be on the Department's interested party list for this permit and did not sign in, please do so before the end of today's hearing.

The purpose of today's hearing is to accept public comment on the Department's tentative determination to issue Prince George's County's MS4 Permit. This permit authorizes the discharge of stormwater into, through, or from all MS4's owned or operated by the County, including all incorporated municipalities within the County except the City of Bowie.

The Department has some introductory remarks regarding this action and will then offer local government and elected officials and the general public the opportunity to provide comments. Today's hearing is scheduled for 90 minutes and we would like to provide everyone who registered to speak an opportunity to do so. Please note that this hearing is being recorded, and by presenting testimony today, you are giving your consent to being recorded.

Permit History

For background, Maryland has been delegated authority by the United States Environmental Protection Agency, EPA, to administer the NPDES program in the State. Final stormwater regulations were adopted by EPA in November 1990 according to Section 402(p) of the Clean Water Act. These regulations require in part that owners or operators of storm drain systems serving populations of greater than 100,000, including Prince George's County, apply for a Phase I NPDES municipal stormwater permit.

Based on 1990 census data, Prince George's County was considered a Phase I municipality due to its population. The County submitted a two-year, two-part application and was issued an initial MS4 permit in November, 1993. The County's first permit laid the foundation for a comprehensive approach to controlling runoff. This was done 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.

This permit was reissued on January 12, 1999, October 13, 2004, and most recently, on January 2, 2014. To improve local water quality and the Chesapeake Bay, Prince George's County's most

recent MS4 permit included a requirement for the restoration of 20% of the impervious surface area within the County that was not already managed for stormwater to the maximum extent practicable. To meet this requirement, the County was required to restore 6,105 acres of impervious area.

NPDES permits last for five years and a reapplication is required to be submitted as part of the County's fourth year annual report. The County submitted its fourth year annual report on January 2, 2018. Since that time, the Department has held numerous meetings and had many conversations with individual citizens, environmental advocates, the EPA, and other local government officials that are affected by the MS4 permit program. The result of these meetings and conversations is the draft permit that we take up today.

This permit requires Prince George's County to continue restoring impervious acres for the reduction of nutrients and sediments, and implementing pollution reduction plans targeting specific pollutants that impair local waters such as PCBs, trash, or bacteria. This permit builds on new scientific knowledge as well as lessons learned under the previous permits. With these advancements, Prince George's County will continue to be a leader in reducing stormwater pollutants locally and nationally.

Most significantly, the new permit:

- Incorporates the County's implementation of stormwater best management practices (BMPs) for impervious acre restoration using the County's TMDL Restoration Plans and BMP Implementation Strategy;
- Establishes annual impervious acre restoration benchmarks throughout the five-year permit term;
- Provides incentives to implement green stormwater infrastructure to increase the use of natural designs and BMPs that provide a climate resiliency co-benefit;
- Strengthens the illicit discharge detection and elimination (IDDE) program including a requirement to prioritize outfall screenings in areas with the highest pollution potential;
- Improves winter management of deicing and anti-icing materials to further reduce chlorides, a pollutant of emerging concern; and
- Encompasses the new 2021 Accounting Guidance that includes the Phase 6 Chesapeake Bay Watershed Model and new and updated BMPs.

These and all other remaining permit conditions have been developed for abating the discharge of pollutants from the County's storm drain system and working toward meeting the State's receiving water quality criteria.

Instructions

I would like to give Prince George's County, the permittee, an opportunity to comment, and any local elected officials that desire to speak. After that we will work down the list of speakers

who signed up to give testimony today. We will then accept testimony from any individuals who did not add their names to the sign in sheet.

For all participants who are providing comments, I will call on each of you individually. We will provide each individual 5 minutes to provide comments. After all commenters have had the opportunity to speak and there is still time, any commenter can speak more than once.

Now I would like to ask if anyone from Prince George's County government would like to add comments to the record at this point. (*Let the record show that nobody from the County provided comments*)

Are there any local elected officials present that would like to comment to the record? (*Let the record show that no elected officials were present at the hearing*)

OK, let's get started with hearing from individuals who signed up to provide testimony. Please start by stating and spelling your name for the recording and if you are affiliated with an organization, let us know who that is for the record. Again, please remember that by offering testimony today, you are consenting to being recorded. (*Let the record show that no outside individuals were present at the hearing*)

Does anyone else wish to speak?

Public Comments

Anybody that wants to submit written testimony after today can do so up until February 4, 2022. Comments can be submitted to:

Mr. Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, Stormwater, Dam Safety, and Flood Management Program, 1800 Washington Boulevard, Suite 440, Baltimore, Maryland 21230-1708; or email at raymond.bahr@maryland.gov.

After the comment period has closed on February 4, 2022, the Department will develop a response to comments document. Anyone who added their name to the sign in sheet today will be added to the Department's interested parties list for Prince George's County and will be kept apprised of all permit actions via e-mail announcements.

I want to thank everyone for attending today's public hearing and for your participation in these important matters. Have a good afternoon and please stay safe.