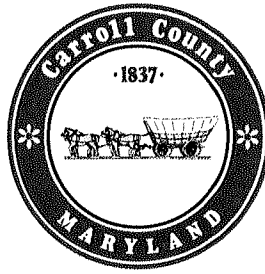


Thomas S. Devilbiss, Director
410-386-2949, fax 410-386-2924
Toll-free 1-888-302-8978
MD Relay service 7-1-1/1-800-735-2258
LRM@carrollcountymd.gov



Department of
Land and Resource Management
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

January 21, 2021

Water and Science Administration
Attn: Raymond Bahr, Sediment, Stormwater, and Dam Safety Program
Maryland Department of the Environment
1800 Washington Boulevard, Suite 440
Baltimore, Maryland 21230-1708

Re: *Comments on Tentative MS4 Permits for Anne Arundel County, Baltimore City, Baltimore County, and Montgomery County*

Dear ^{Roy} Mr. Bahr:

As a medium MS4 jurisdiction, understand that our permit will be based on and modeled after the large jurisdictions' permits. We have concerns with certain aspects of these permits, as these issues would carry over to our permits if not addressed at this time. It should be noted that our comments are not necessarily representative of those jurisdictions' ability to comply with or implement the issues of concern but, rather, our own ability to implement a similar or identical permit.

- **PART IV.C. Source Identification:** The referenced 2017 MS4 **Geodatabase does not provide the schema necessary** to submit the required stormwater infrastructure data. As currently written, permit compliance would not be possible. **The language should be revised.**
- **PART IV.D.3. Illicit Discharge Detection and Elimination:** Previously, it was understood that the focus was on major MS4 outfalls. The tentative permit language reads "all County outfalls." The level of effort between major outfalls and "all" outfalls, particularly if it includes non-MS4 outfalls, is huge. **This should be clarified to focus on major outfalls.**
- **PART IV.E. Stormwater Restoration:** Assigning of restoration goals for the permit is appropriate. Current maturities of local NPDES programs should allow completion of permit requirements within the permit term and not require year-to-year "management" by MDE and others through an annual restoration benchmark schedule. Many factors contribute to the timing of projects, such as scheduling, contract processing, budget process, and weather. Implementing an annual schedule is unreasonable and overly burdensome and would be setting local NPDES programs up for failure from the beginning. Rather, the permit should **maintain the current permit language that reads "during current permit term."**
- **PART IV.E.4. Stormwater Restoration:** The last sentence of this section indicates that benchmarks "generally are not considered to be enforceable." The word "generally" in the context of enforcement is not appropriate. **It should read that is either is enforceable or is not enforceable, although we believe they should not be enforceable in this context.**

- PART IV.F.3. Countywide TMDL Stormwater Implementation Plan:
 - This section appears to be requiring the creation of a separate annual document. The counties were already required under current permits to develop TMDL implementation plans for each individual watershed in the county. **Any reference to a “Countywide Stormwater TMDL Implementation Plan” should only be one that is a compilation of the individual watershed plans that have already been completed and approved by MDE.** This should be clarified and referenced as such.
 - Carroll County already includes in the appendices of its annual report the status of TMDL implementation. **Any reporting requirements should be incorporated to the annual report rather than a separate document.** Section F.3. still references plans as multiple documents.
 - **The actions that would trigger the public interaction phase should also be clarified.** Switching of a project already in the plan from one year to another should not constitute a change that triggers the public interaction process.
- PART VI Special Programmatic Conditions: Requiring accounting of reductions resulting from these specific programs would result in a huge burden of additional work and grossly overestimates local jurisdictions’ ability to address this requirement at this level. Most of these programs are more qualitative in nature, and requiring quantitative assessments, tracking, and reporting would be an impossible task to implement in an easy, rational, and consistent way. Rather, the **statement in the last sentence should indicate that the jurisdiction is assumed to be in compliance if implementing these programs.**
- PART VII.C. Emergency Reporting Requirements: The **types of non-compliance that are included,** and whether they are over and above those things we normally would take care of via our stormwater management and soil and erosion control programs, **needs to be clarified.**

If you have any questions regarding our comments, please contact me at 410-386-2639 or tdevilbiss@carrollcountymd.gov.

Sincerely,



Thomas S. Devilbiss
Director