FINAL

Comment Response Document
Regarding the Total Maximum Daily Load (TMDL) of Sediment for the Seneca Creek Watershed, Montgomery County, Maryland

The Maryland Department of the Environment (MDE) has conducted a public review of the proposed TMDL of sediment for the Seneca Creek Watershed. The public comment period was open from July 7, 2010 through August 5, 2010. MDE received one set of written comments.

The sole commentor, the commentor's affiliation, the date comments were submitted, and the numbered references to the comments submitted are identified below. In the pages that follow, comments are summarized and listed with MDE's response.

List of Commentors

Author	Affiliation	Date	Comment Number
Meosotis Curtis	Montgomery County Department of Environmental Protection	August 5, 2010	1 – 4

Comments and Responses

1. The commentor agrees with the approach used by MDE to develop a TMDL for the Seneca Creek that is specifically related to the support of aquatic life. The commentor states that, similar to MDE's Biological Stressor Identification (BSID) analysis for the watershed, Montgomery County's stream resource condition monitoring has also identified flow and associated sediment as one of the causes of the biological impairment in the non-tidal Seneca Creek. The county is currently using the results of their stream resource condition monitoring to set priorities for retrofit and restoration project inventories for the Seneca Creek.

   Response: MDE is pleased to learn that the county's biological monitoring data and subsequent stressor identification analysis are in agreement with the Department's analyses.

2. The commentor points out MDE's reference to Montgomery County's third-round Phase I municipal separate storm sewer system (MS4) Permit (MDE permit #: 06-DP-3320; National Pollutant Discharge Elimination System (NPDES) permit #: MD0068349) in Section 5.0, the Assurance of Implementation, of the main TMDL report and in the point source technical memorandum. This revised permit was issued in February, 2010. The revised permit contained a significant increase in requirements for watershed restoration and pollutant reductions. The county is currently developing a comprehensive watershed restoration implementation strategy, which will provide an inventory of best management practices, costs, associated impervious acres, pollutant load reductions, and timelines for addressing bacteria, nutrient, sediment, and trash being discharged through the County's storm drain system.

Response: MDE is pleased to learn that the county has already begun work on the required implementation plans. If the county needs any guidance from MDE's Science Services Administration (SSA) or Water Management Administration (WMA) in the development of these plans, please do not hesitate to contact these administrations within MDE.

3. The commentor claims that Sections 4.5, 4.6, the Assurance of Implementation, and the point source technical memorandum do not accurately describe the County's MS4 permit requirements for watershed restoration. The permit does not require a 20% retrofit of existing urban land area where there is failing, minimal, or no stormwater management every permit cycle (five years). The commentor says that the actual language in Section III. G. of the permit issued by MDE states that the County "complete the implementation of restoration in a watershed, or combination of watersheds, to restore an additional twenty percent of the County's impervious surface area that is not restored to the Maximum Extent Practicable (MEP)." There is a significant difference in total urban land, as per the TMDL language, compared to impervious surface area, as per the revised MS4 permit.

   Response: The commentor is correct, and the language in the TMDL has been revised appropriately, specifically Sections 4.5, 4.6, and 5.0 (Assurance of Implementation) of the main TMDL report as well as the point source technical memorandum. Thus, when referencing the exact requirements of the revised Montgomery County Phase I MS4 permit, the TMDL now explicitly states that the retrofit requirement is strictly for existing impervious area with failing, minimal, or no stormwater management. Based on guidance from MDE's Stormwater Program, however, any retrofitting activity meant to treat existing urban impervious lands, by default, also treats adjacent urban pervious lands within its drainage area. Thus, constant reductions from both pervious and impervious urban land are accounted for within the TMDL's corollary analysis, which estimates how much of the existing total urban area (i.e., urban areas developed prior to 2002) would need to be retrofit to achieve the required urban land use sediment load reductions. The language in the TMDL documentation has been revised to clarify these principles.

4. The commentor states that the 20% retrofit stipulation in the county's revised MS4 permit is a countywide requirement, so it is very likely that some watersheds will have greater than 20% of the impervious surface area with stormwater management and other watersheds will have less than 20%, perhaps significantly less than 20%, of the impervious surface area with stormwater management. The commentor continues and says that the county will set priorities for implementation to meet the 20% impervious goal based on a combination of factors, including cost-effectiveness and ease of implementation. Additionally, although they are not readily correlated with impervious surface area in the contributing watershed, the county intends to implement stream restoration projects in areas where streambank and channel stabilization is a high priority. The county expects that these projects will provide significant reductions in sediment loadings, as well as other pollutants.

   Response: MDE recognizes that the 20% retrofit requirement to its existing impervious area with failing, minimal, or no stormwater management, as per the county's revised MS4

permit, is a countywide requirement. The language within the TMDL does not state that this requirement is per watershed, but rather the report states that it is countywide. Furthermore, MDE recognizes that the amount of impervious area lacking sufficient stormwater management within the county varies among different watersheds, primarily based on age of development.

Based on the current Montgomery County Phase I MS4 permit requirements and the theoretical extension of these requirements to all urban stormwater sources, MDE anticipates that the urban sediment load reductions necessary to achieve the TMDL will be achieved by retrofitting impervious areas within the watershed that were developed prior to 2002 (i.e., approximate areas with failing, minimal, or no stormwater management), or an equivalent reduction in sediment loads from other types of stormwater retrofits is necessary. This equivalent reduction in sediment loads can be achieved by methods such as stream restoration, as referenced by the commentor, or other practices, examples of which are listed in Section 5.0, the Assurance of Implementation, of the main TMDL report.