



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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December 7, 2005

Mr. Ed Murtagh
Friends of Sligo Creek
1904 Ventura Avenue
Silver Spring MD 20902

Dear Mr. Murtagh:

The Maryland Department of the Environment, Water Management Administration (MDE/WMA) would like to thank you for participating in the November 29, 2005 public informational meeting to discuss Montgomery County's National Pollutant Discharge Elimination System (NPDES) stormwater permit application. We are in the early stages of drafting a permit to guide future efforts to improve the water quality in Montgomery County. It is important that we receive as much input as possible before the permit is finalized and we appreciate your help in the process. A brief summary of comments made during the meeting is enclosed for your information. Also, please let us know if there are errors on the contact information list that is attached as well.

As we mentioned at the meeting, WMA hopes to have a draft permit available to the public within the next few months. Your assistance throughout the process will be essential to develop a sensible permit to improve water quality. Thank you again and if you have any questions, please contact Richard Trickett or me at (410) 537-3543.

Sincerely,

Brian S. Clevenger
Water Management Administration

enclosures

Montgomery County

**National Pollutant Discharge Elimination System (NPDES)
Public Informational Meeting
November 29, 2005 (see sign-in sheet for attendees)**

Handouts

- NPDES Fact Sheet
- Montgomery County's existing NPDES stormwater permit
- Montgomery County's PowerPoint presentation
- Natural Resources Defense Council (NRDC), Chesapeake Bay Foundation (CBF), & Audubon Naturalist Society's (ANS) nine proposed permit changes
- Friends of Cabin John Creek Watershed comments
- Anacostia Watershed Society (AWS) comments

Brian Clevenger - Maryland Department of the Environment (MDE)

Presented opening remarks and introduction

Informal proceedings

Annual report serves as the application

Receipt of application and informational meeting has been advertised in local paper to solicit public input

Federal regulation became effective in 1990 - this initiated a 2-part application process

Initially issued a consent order in 1994 requiring the County to submit an application

Montgomery County's first permit was issued March 1996 – March 2001

Second permit issued July 2001 – July 2006

Plan is to reissue 3rd generation permit in July 2006

Draft permit conditions will be negotiated with County and MDE will subsequently issue a tentative determination

Stated that the permit has no bearing on the ICC and the County will not be required to address any impacts associated with the project - there is a stormwater, erosion and sediment control, and wetland and waterway process that addresses the project

It appears that we have a government that moves at glacial speed and a frustrated environmental community

The permit is a 5-year work plan that cannot be so stringent that work cannot be accomplished

Litigation slows things down

Meeting a 98% reduction in bacteria at the DC line is unattainable and conditions that result in lawsuits are not needed

If 100% of the human and pet waste were eliminated, a 98% reduction would still not be obtained

Meo Curtis – Montgomery County Department of Environmental Protection (DEP)

Presented a summary of NPDES activities (see handout)

Unique features include the countywide stream monitoring and assessment work

Control of flow and sediments are the main thrust of improvement strategy

Current plans are to conduct outfall screening for illicit discharges in the Anacostia during the next permit term

The analysis of the 2000-2005 monitoring should indicate measurable results

Panel presentation by NRDC, ANS, AWS, ~~Friends of Northwest Branch~~ regarding the nine proposed permit changes (see handout)

CBF

Melanie Shepherdson – NRDC

Permit should be designed to meet water quality standards and Total Maximum Daily Loads (TMDLs) should be the driver
TMDLs are being developed for bacteria, nutrients, and sediments and their associated Waste Load Allocations (WLA) should be included in the permit
Administration of the permit is fragmented
Monitoring should be based upon the County's watershed needs, not tied to the State's needs
Permit needs to have measurable goals
More watershed restoration is needed and at a faster pace
Water quality charge is not used to its fullest extent and needs to be increased

Lee Epstein – CBF

CBF endorses the nine proposed changes
The County has a strong record but we are at the cusp of an opportunity to revisit and strengthen the permit – everything can be strengthened
Stormwater pollution typically accounts for 11% of the nitrogen, 15% of the phosphorous, and 9% of the sediment delivered to our streams
However, in the Middle Potomac, the contributions are 30%, 60%, and 50% respectively
There is a strong impetus to address this pollution by the 2000 Chesapeake Bay Agreement and the Anacostia Agreement
Pollution prevention is a central theme and the flow regime needs to be addressed
Environmentally Sensitive Design/Low Impact Development (ESD/LID) is explicit in the 2000 Maryland Stormwater Design Manual (Manual) and its use needs to be more prevalent in Montgomery County
The permit needs to make the County manage the animals

Diane Cameron – ANS (on behalf of Neal Fitzpatrick)

The permit is a critical tool for the protection of local waters and it needs to be a legally binding commitment
Protection and restoration needs to be built into the permit
ANS opposes the InterCounty Connector (ICC) because impacts cannot be mitigated and any damage should be offset by County efforts
Drinking water protection needs to be addressed
Biological criteria is needed – MDE has not established biological criteria related to water resource protection
Need to write Park and Planning requirements into the permit
Water quality standards need to be the driving force behind the Countywide Strategy
The watershed restoration requirements are not comprehensive enough – 10% is inadequate
There are four watersheds with TMDLs

Jim Connolly – AWS

Montgomery County has set the bar high relative to Prince George's County and the District of Columbia
Velocity and volume needs to be addressed

Masaya Maeda – AWS

Erosion is prevalent in Northwest Branch (see handout)
Local ordinances need to be modified to accommodate the Manual
There is too much focus on monitoring and there needs to be more implementation of discharge control
Need peak discharge limitations
Coliform discharge for dry weather flows needs to be addressed

Open Discussion

Ginny Barnes – citizen

Volume and velocity are not addressed
The Washington Suburban Sanitary Commission (WSSC) has to move its water intake due to sediments from Watts Branch
Setting the bar low is not acceptable

Judy Koenick – citizen

The State of Maryland affects County waters – does the County have the ability to exercise its authority over State projects?
Stated concerns regarding Meadow Brook Stables and alleged that mud, silt, and fecal matter was being piped to Rock Creek

Caren Madsen – Montgomery County Civic Federation

Supports proposed change #9 (Public Participation in Stormwater Plans) as it corresponds to Park and Planning's lessons from Clarksburg
Need to require developer to meet with citizens prior to plan approval
Present Forest Conservation Law needs to be strengthened

Suzanne Shoemaker – ANS

Need to use citizen-monitoring data

Ed Murtagh – Friends of Sligo Creek

Children are exposed to leaking sewer lines
There is a need for restoration and infiltration needs to be encouraged
Need more public participation similar to the landscaping project for the Long Branch sand filter
Action plans should include public agency LID projects
All schools should have a rain garden
Improvement is not happening quick enough
There is fragmented administration of the forest conservation requirements – Park and Planning is concerned with aesthetics, not protection
Clarksburg plans did not adequately protect resources
There needs to be more monitoring

Steve Saari – Friends of Rock Creek’s Environment (FORCE) and a DC resident

Trees are beneficial

There needs to be interaction between Montgomery County and the District during permit development

How can we make it better?

The permit has no bar and is not a work plan

Maintaining an “acceptable” program as a permit condition is too subjective

John Fay – Sierra Club/Neighbors of Northwest Branch

Government’s good intentions have no political clout

Need teeth in the permit

Can the County violate any permit condition?

The permit needs to be explicit regarding the level of effort and results

Bruce Gilmore – CBF

The Center for Watershed Protection (CWP) has developed literature regarding watershed development and its impacts

The literature addresses in-fill development and states 11 principals to minimize runoff from redevelopment

There is literature that tells communities how to recognize “hot-spots”

These (above) need to be turned into permit conditions and requirements need to be measurable

The existing permit is silent on specific programmatic requirements

Meet-able standards is an abysmal starting point

Vince Berg – citizen

The State stormwater program does not address volume and velocity for redevelopment

Rick Brush – Montgomery County Department of Permitting Services (DPS)

Stated that County’s stormwater program addresses volume and velocity for redevelopment

Cameron Wiegand – DEP

Current fee is approximately \$20.00 per year and the County has committed \$24 million for restoration

It seems that the development community is focused on structural controls

In Clarksburg, the maximum road grads, widths, and other requirements resulted in excessive mass grading

Larry Silverman – Attorney

Permits 101 – Does the County have the authority to manage stormwater? No

This should be a finding of the State and criteria to manage stormwater should be developed

Have things gotten better or worse? We measure success by slowing degradation

Anti-degradation needs to be addressed – water quality will not be worse in 5 years

What’s wrong with litigation?

If you can’t meet the water quality standard, you do a use attainability analysis

Concrete trapezoidal streams need to be avoided

We are not wining the war

Bill Howard - Neighbors of Northwest Branch/Anacostia Watershed Citizens Advisory Committee

Outcome standards are needed

Partnerships with nonprofits and citizen groups are needed

The County needs outreach staff

Bruce Gilmore and Lee Epstein – CBF

Proposed that a workgroup be formed to work with MDE and Montgomery County

Meeting Adjourned