



ANACOSTIA WATERSHED CITIZENS ADVISORY COMMITTEE

Dedicated to the protection and restoration of the Anacostia River and its tributaries

March 7, 2014

Robert Perciasepe, Deputy Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Bob:

I have been asked to write to you on behalf of the members of the Anacostia Watershed Citizens Advisory Committee (AWCAC) regarding the development and issuance of so-called MS-4 stormwater management permits by the State of Maryland to counties and municipalities, in particular Montgomery and Prince Georges Counties, which comprise the upper portions of the Anacostia River watershed.

In the course of renewing and issuing these permits, the Maryland Department of the Environment (MDE) seems to have been setting a number of precedents which are disturbing to members of AWCAC, and which it appears may have had EPA support.

Turning first to Montgomery County, we understand that a number of citizen-based environmental groups have successfully brought suit challenging the permit for deficiencies in the content and specificity of its standards for enforcement, as well as the clarity of its ties to water quality standards. Furthermore, we have been told that EPA is supporting the appeal of this suit, despite the judge's rather scathing opinion concerning these deficiencies. It is not clear why EPA and the State are taking this stance; some allege it is fear of setting precedents that might be less politically acceptable in other areas of the State, or other states in the Region. We would like clarification of EPA's rationale, if you do support the appeal.

The situation as we understand it in Prince Georges County is even more alarming. We have been told that environmental groups and the County Department of the Environment came to agreement on far-reaching state of the art provisions to place in the permit, but that MDE refused to do so. We find this a strange position for Governor O'Malley's environmental agency to be taking and wonder if EPA supports their actions in this case.

We can understand EPA's desire to get these permits issued after a long period under development. However, steps should be taken to assure the permits carry up-to-date and enforceable provisions at this time. And if local groups and the county ask for additional items to be placed in the permit, as is what we understand to be the case in Prince Georges, the state and EPA should be cooperative since the result will be improved water quality. In addition, permits should provide for re-opening to accommodate

c/o Metropolitan Washington Council of Governments
777 North Capitol Street, NE, Suite 300
Washington DC 20002-4329
anacostia@mwcog.org



ANACOSTIA WATERSHED CITIZENS ADVISORY COMMITTEE

Dedicated to the protection and restoration of the Anacostia River and its tributaries

advances in technology or understanding of stormwater issues, so that the public can have regular opportunities to press for improvements throughout the term of the permit.

Thank you for considering these comments; we look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Matuszeski', with a long, sweeping flourish extending to the right.

William Matuszeski, AWCAC Chair

cc: Robert Sommers, Secretary, MDE
Shaun Garvin, Region 3
Jon Capacasa, Region 3

c/o Metropolitan Washington Council of Governments
777 North Capitol Street, NE, Suite 300
Washington DC 20002-4329
anacostia@mwkog.org