



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

APR 04 2014

Mr. William Matuszeski, Chair
Anacostia Watershed Citizens Advisory Committee
c/o Metropolitan Washington Council of Governments
777 North Capitol Street, NE Suite 300
Washington, D.C. 20002-4329

Dear Mr. Matuszeski:

Thank you for your letter of March 7, 2014 to the U.S. Environmental Protection Agency (EPA) concerning the development and issuance of Municipal Separate Storm Sewer System (MS4) permits by the State of Maryland. Specifically, your letter addresses permits issued to Montgomery and Prince George's Counties.

The Maryland Department of the Environment (MDE) is authorized to administer National Pollutant Discharge Elimination System (NPDES) permits, including permits for stormwater discharges from MS4s, while EPA retains an oversight role. In that capacity, EPA has been working extensively for the past few years with each of our jurisdictions to bolster the overall MS4 program throughout the Region in an attempt to address stormwater pollution and to improve water quality - particularly in the Chesapeake Bay watershed, where the communities which you mention are located.

MDE issued the most recent Montgomery County MS4 permit in 2010, before the completion of the Chesapeake Bay Total Maximum Daily Load (TMDL) and EPA Region III's updated focus on the stormwater program as a whole. Nonetheless, the permit as issued contained TMDL implementation and impervious surface restoration requirements, which at that time exceeded other MS4 permits both regionally and nationally. EPA is expecting MDE to expand upon these previously progressive conditions when the permit is scheduled for reissuance in 2015, so that it will be in accord with other permits in the Region and the State of Maryland.

With regard to Prince George's County, MDE issued a renewed permit on January 2, 2014 that represents a significant advance regionally in MS4 permit development based upon the concept of watershed restoration. For example, the permit establishes a clear path forward for both local and Chesapeake Bay water quality restoration through the development and implementation of Watershed Restoration and TMDL Implementation Plans. More importantly, the permit establishes clear enforceable requirements through the incorporation of implementation schedules for structural and non-structural controls as well as pollutant load reduction benchmarks and deadlines to demonstrate progress toward meeting TMDL allocations. Additionally, the enforceability of these plans is supported by MDE guidance regarding the



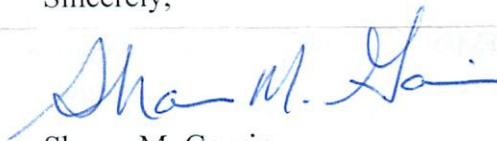
quantification of restoration efforts and comprehensive annual reporting requirements. These permit requirements represent a significant challenge for the County, in that extensive planning and budgeting efforts will have to occur in order to realize the benefits of these permit conditions.

EPA expects that the Prince George's County permit will serve as an excellent template for advancing the stormwater program in Region III. The additional conditions that Prince George's County requested to be placed into its permit represent a superior level of implementation beyond that required in federal regulations. EPA and MDE believe that it will be beneficial to monitor the effectiveness of this generation of MS4 permits and, if potential areas needing enhancement are noted, address them during the next cycle of permit reissuance. The agencies did not feel it was prudent to place the supplemental conditions into the Prince George's County MS4 permit, or any other reissued permit, at this time since that could subject the permittee to third-party lawsuits or enforcement action should those conditions fail to be met. It is important to note that permittees may elect to implement any additional projects that may be necessary to achieve its stormwater goals; specific permit requirements are not necessary for a permittee to put added tasks into practice.

There are a number of opportunities for stakeholder participation in the Prince George's County MS4 permit related to development of plans for permit implementation. These opportunities include provisions for public participation in the development of the Trash Reduction Strategy as well as the Watershed Assessments and Restoration Plans. There is also a condition in the permit requiring the County to allow for public participation in the TMDL implementation process, which includes requirements to solicit input and incorporate ideas from the public to aid in achieving TMDL allocations and water quality standards.

If you have any questions please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison at 215-814-2068.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn M. Garvin".

Shawn M. Garvin
Regional Administrator