



**GUNPOWDER
RIVERKEEPER®**

July 10, 2013

Via U.S. First Class Mail and E-mail
Mr. Brian Clevenger
Manager, Sediment, Stormwater & Dam Safety Program
Maryland Department of the Environment
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THEAUX M. LE GARDEUR
Executive Director
RIVERKEEPER®

RE: Comments on Draft MS4 Permit No. 11-DP-3317 MD0068314
for Baltimore County, Maryland

~~16928 York Rd~~ **PO Box 156**
Monkton, MD 21111

410-967-3526

keeper@gunpowderriverkeeper.org
www.gunpowderriverkeeper.org

My name is Theaux Le Gardeur, 16938 York Rd, Monkton, MD 21111. I serve as the Gunpowder RIVERKEEPER® (GRK) and the director of a 501(c)(3) member based nonprofit characterized by the IRS under natural resources protection and conservation. Our members work, live and recreate along the 53 miles of Gunpowder River and its 217 miles of tributaries.

I'd like to thank Baltimore County and MDE for the opportunity to provide comments on the MS4 permit and recognize that Baltimore County has a storied history of land preservation and is nationally recognized for its protective zoning and responsible land use.

Gunpowder Riverkeeper views the Baltimore County MS4 as another way for the county to lead the way in the state in stormwater protection.

Respectfully, I offer that the current draft MS4 needs revisions to be legally defensible and to avoid the potential for an appeal.

The Baltimore County MS4 should be framed in a context relating that it is protective of CWA language not simply, "moving towards compliance and namely that deadlines for implementation are absent from the draft permit.

Recent history in stormwater management exemplified in a Baltimore Sun article May 26, 2010-reported that Baltimore County led the state in granting 75% of the 400 stormwater waivers filed statewide.

This type of grandfathering of state mandated pollution laws and subverts MDE's good work on sediment control. Comar is clear that Environmental Site Design waivers are permissive and discretionary by the director. GRK

Gunpowder RIVERKEEPER®, (GRK) values the biological, recreational and economic aspects of the river.

GRK champions enforcement and compliance of environmental laws within the watershed to protect and conserve the river for all users.

GRK Project Areas Include:

- Monitoring Industrial Activities
- Stormwater Runoff Compliance
- Invasive Species Containment and Outreach
- Agricultural Runoff Compliance
- Environmental Monitoring and Mapping
- Lawn Fertilizer Nutrient Loading and Outreach
- Sewage Overflow Compliance





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suggests that Maximum Extent Practical should relate to implementation of ESD not waivers.

Based on existing TMDL's for Prettyboy and Loch Raven Reservoirs, the MS4 should adopt chemical monitoring of Mercury and PCB's.

Despite the Baltimore County Sanitary Sewer Consent Decree, overflows in dry conditions in March and April attributed to vandals accounted for hundreds of thousands of raw sewage entering the Gunpowder and its tributaries. These events are illegal and must be prevented.

Over 1,000 miles of tributaries drain into the reservoirs. The current finished water supply of Baltimore city contains 20 mg/l of sodium. The lower limit for those that are on sodium restricted diets. For this reason, levels of chloride and sodium must be addressed. Reductions must also be made in the use of fertilizer, pesticides and deicing compounds to protect local drinking water supplies for 1.8 Million people metro area residents

The County master plan 2020 highlights Tier II waters and suggests that the county meets antidegradation requirements of the CWA. A strong MS4 will link needed reductions in attainment of Water Quality Standards with an emphasis on antidegradation statutes.

Baltimore County has 2,100 miles of streams, a majority of which host wild brown and native brook trout. Protecting coldwater habitat in the upper watershed with respect to safeguarding streams from thermal pollution will protect vital drinking water supplies in the reservoirs and in part safeguard habitat for crabs, perch and rockfish in the lower Gunpowder as it enters the Chesapeake Bay.

Sincerely,

Theaux M. Le Gardeur

