

STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



December 3, 2021

Mr. Raymond Bahr
Maryland Department of the Environment
1800 Washington Blvd, Suite 440
Baltimore, MD 21230

Dear Mr. Bahr,

We, the Stormwater Partners Network (SWPN) of Montgomery County,¹ have reviewed the final Montgomery County National Pollutant Discharge Elimination System (NPDES) stormwater permit (MS4 permit) and are disappointed to see so few of our prior comments^{2,3} addressed. Most importantly, the impervious surface restoration (ISR) requirements are insufficient to restore our streams and watersheds, insufficient to respond to the rising threat of climate change and its greater storms, and insufficient to account for the increased and deadly threat of flooding.

We recognize that the level of effort is based on a calculation of effort at the “maximum extent practicable” (MEP) - but not included in those calculations is whether it is practicable to increase the water quality protection charge (WQPC) or find additional ways to pay for more stormwater management (and associated monitoring, etc) in the County. The recent Infrastructure Investment and Jobs Act (IIJA) affords a once-in-a-generation opportunity to do more - an opportunity that was not known at the time of the permit's development, but which could be leveraged for voluntary actions by the County to address the urgent climate-fueled increases in flooding and heavy precipitation that are exacerbating the impairments to our waterways and reducing the resilience of our communities. If these funds are used to relieve the county of bond or loan financing obligations on existing capital improvement projects (CIP), the money that would have been spent on financing should be returned to additional stormwater management.

We also recognize that the incentives that drive the content of these permits, contained in the Accounting Guidance, are in some cases perverse—such as overincentives for street sweeping and stream restoration, as we have argued in multiple prior comment letters. In all cases, they merit review to ensure they are driving the greatest progress towards Chesapeake Bay *and* local restoration goals, and enhancing Maryland’s ecological and social needs.

We commend the intent to plan for future climate stresses by incorporating changes recommended by the Advancing Stormwater Resiliency in Maryland, Maryland’s Stormwater Management Climate Change Action Plan or “A-StoRM” stakeholders group, as well as the new requirements for public education around flood risks and mitigation. We note, however, that flood risks and hazards are increasing *now*, and

¹ The Stormwater Partners Network is composed of organizations and individuals who support more effective stormwater policies and management in Montgomery County, MD, with the goal of clean and healthy streams throughout the county. We have worked collaboratively with county and state agencies and legislators to modify existing policies and practices so that they foster water infiltration rather than runoff. A full list of our current membership can be found on our website, www.stormwaterpartnersmoco.net.

² [Stormwater Partners Network comments on Montgomery County draft Stormwater Permit — Stormwater Partners Network \(stormwaterpartnersmoco.net\). January 21, 2021.](#)

³ [Stormwater Partners Network Members join other Maryland groups in Commenting on Stormwater Accounting Guidance — Stormwater Partners Network \(stormwaterpartnersmoco.net\). February 10, 2021.](#)

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in the years that the Department had to work on these permits, it did not make any updates that would help protect communities and the environment from these risks. We also do strongly applaud the recognition for stricter, multi-faceted monitoring of projects.

We are not requesting judicial review at this time. Rather we look forward to working with the County and the State to identify additional ways both can advance the needs of Montgomery County's watersheds above and beyond this permit and to start work on the next permit as soon as possible so we have a stronger tool at that time.

Sincerely,

Jeanne Braha
SWPN Co-Chair
Executive Director
Rock Creek Conservancy

Eliza Cava
SWPN Co-Chair
Director of Conservation
Audubon Naturalist Society (ANS)

CC:

Montgomery County Department of Environmental Protection
Montgomery County Council
Montgomery Parks