Casey Trees®
WASHINGTON DC

May 13, 2010

Mr. Garrison D. Miller
United States Environmental Protection Agency
Office of NPDES Permits and Enforcement (3WP41)
1650 Arch Street
Philadelphia, PA
19103-2029

RE: **Washington DC - DRAFT MS4 Permit**

Dear Mr. Miller:

Thank you for the opportunity to provide comment on the proposed Draft NPDES Permit No. DC0000221 (MS4 for Washington, D.C.). Casey Trees is a District-based non-profit whose mission is to restore, enhance, and protect the tree canopy of the Nation's capital.

1. We applaud the inclusion of the Fiscal Resources provision of Item 2.2.

2. We applaud the inclusion of the Tree Canopy provisions of the August 2008 agreement in the Required Program Stormwater Elements of the 2010 permit (Table 1). **However, we have significant concerns that the following items required in the August 2008 agreement have not yet been completed:**
   - Draft strategy for the District to achieve optimal tree canopy;
   - Development and implementation of a schedule to achieve an optimal tree canopy goal, due August 2008;
   - Final detailed plan for achieving the optimal District tree canopy goal, due August 2009; and,
   - Annual documentation of the survival rate of the total trees planted along with an annual estimate of storm capture rates to determine the volume of storm water that is being removed from the MS4 system in a typical year of rainfall as a result of the maturing tree canopy over the life of the permit.

3. We request that in addition to any other requirements, any Off-Site Mitigation (4.1.1.d.) be required to be performed within the same subwatershed (10-digit) as the related impact.

4. We applaud the inclusion of the Green Landscaping Incentives Program (4.1.1.e) and offer to participate in any working groups involved with creating the scoring system.

5. We applaud the inclusion of the Tree Canopy (4.1.3) provision. **However, we have significant and ongoing concerns with the apparent contradiction between the permit's inclusion of the provisions of the 2008 agreement and the wording of the present provision as the former required development of a strategy to achieve a canopy goal, development of a**

schedule to reach the goal by August 2008, and a tactical plan to reach the goal by August 2009, while the latter requires development of a strategy to expand tree canopy within one year of the issuance of the permit. This appears to be an unfortunate step backward in process. We would like to note that the Mayor has adopted a 40% tree canopy goal. This goal requires a 5% increase in Tree Canopy citywide by 2035. <u>This goal should be memorialized in the current permit.</u>

6. We applaud the inclusion of a performance standard of 4,150 trees annually within the DC MS4 Permit Area. **We strongly suggest that this provision be amended to state: "achieve a minimum annual tree planting rate of 8,600 trees citywide annually and 4,150 in the DC MS4 Permit Area in order to make progress toward the Mayor's 40% Tree Canopy Goal".**

   We would also like to note that the link to Urban Forestry Administration (UFA) planting standards is not an active, accurate link. We also find it inappropriate to use a street tree planting standard as the legally required standard for the MS4 Permit as we hope and anticipate that in addition to the many street trees planted under this permit, many trees will be planted in other settings. We instead recommend that the permit specify that plantings occur in accordance with the Planting Specifications issued by the International Society of Arboriculture (http://www.isa-arbor.com/publications/cadDetails.aspx) as appropriate to the site conditions. These standards should be in harmony with UFA standards, but also apply to many other situations as well.

7. We applaud the inclusion of the performance standard requiring annual documentation of the total trees planted and estimate of the volume of stormwater being removed from the MS4 system (and combined system, as relevant) in a typical year of rainfall as a result of the maturing tree canopy over the life of the MS4 Permit. **We do have a significant concern that this same performance standard was a requirement of the 2008 permit <u>but we can find no evidence of compliance</u>.** Finally, we suggest that you also include the number and size of trees removed from the MS4 system in order to assess total net change.

Thank you again for your time and for the opportunity to comment. Should you have any questions, please feel free to contact Mr. Michael Galvin, Deputy Director, at: 202-349- 1909.

Sincerely,

Mark Buscaino
Executive Director

cc: Mike Galvin, Deputy Director
Maisie Hughes, Director, Planning and Design
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