Anacostia Watershed

Citizens Advisory Committee

August 27, 2012

Via electronic mail

Ms. Kaitlyn Bendik
U.S. Environmental Protection Agency, Region 3
NPDES Permits Branch, Mailcode 3WP41
1650 Arch Street
Philadelphia, PA 19103-2029
bendik.kaitlyn@epa.gov

Re: Comments on Draft Limited Modification of the District of Columbia Municipal Separate Storm Sewer System (MS4) Permit No. DC0000221

Dear Ms. Bendik:

Thank you for the opportunity to comment on the proposed improvements to the District of Columbia MS4 permit. I am the Chairman of the Anacostia Watershed Restoration Partnership's Citizen's Advisory Committee (AWCAC) and submit these comments on behalf of the citizens represented by the Committee who work so hard on vacation days, after work on weekdays, and on the weekends to clean up and restore the Anacostia watershed.

As you may know, the Anacostia watershed, a portion of which lies within the District of Columbia, our Nation's capitol, is, one of the most polluted in the nation. AWCAC members support the urgent need for the US Environmental Protection Agency, the Maryland Department of the Environment, and the District of Columbia to correct this complex and shameful situation. The TMDLs for the Anacostia are very clear: the destruction of the "chemical, physical, and biological" integrity of the Anacostia results, in large part, from the vast and increasing volumes of polluted runoff from the stormwater point sources of Prince George's County, Montgomery County and the District of Columbia. Additionally, each jurisdiction discharges tons of trash and other more toxic pollutants into the watershed. We look the MS4 to provide a remedy through education, infrastructure and enforcement.

The US Environmental Protection Agency (USEPA) has set a clear deadline to eliminate the vast majority of the combined and sanitary sewage overflows from the river. In contrast, the Environmental Protection Agency (EPA) and the Maryland Department of the Environment (MDE) have never set any interim or final deadlines for the Counties and the District to manage stormwater discharges and meet their TMDL wasteload allocations, despite the tons of trash and other more toxic pollutants discharged. The many green infrastructure improvements to the stormwater management system that are needed to help the Anacostia will be a great boon to our communities, greening and beautifying them, creating jobs and raising property values. This work would be no more expensive or technically difficult than the work currently done by DC Water and WSSC.

The Clean Water Act is clear that the EPA (and the states to which it has delegated permitting authority) is to establish compliance schedules with deadlines when the permit applicant cannot meet water quality standards immediately. The current permit proposal instead calls for the District to create TMDL implementation plans. As citizens, we are concerned that EPA delegates its authority to set deadlines, to the regulated party. Further, we do not understand the difference between stormwater discharge and sewer overflows, in their need for specific deadlines by EPA. Tons of pollutants, including trash, are now fouling the river that runs through our Nation's capital. We understand that zero trash and other TMDLs are difficult to attain, but given our current distance from attaining zero it is reasonable to set and enforce goals.

If EPA will not set deadline(s) for the District to meet TMDL wasteload allocations, the proposed changes to the permit will at least insure that milestones and benchmarks are established for specific dates, and are enforceable. We endorse the comments of NRDC and Earthjustice as to why the proposed changes are the minimum necessary. We also urge EPA to carefully review the proposed MS4 permit for the City of Baltimore from MDE. That proposed permit contains no deadlines for compliance with wasteload allocations, and no real timeframes for Baltimore waters to be cleaned and restored. Also missing is policy to reduce the volume of stormwater that is necessary to truly restore Baltimore's streams. The critical importance of volume reduction, in tandem with correcting other offenses to our waters is supported by peer reviewed literature as provided by other commenters.

The Administrator has declared that the the Anacostia River and Baltimore Harbor are important "urban waters" of great consequence to our Nation. Citizen members of AWCAC believe it is time for the regulatory programs of the EPA and MDE to be consistent with that spirit.

Sincerely,

Cary Coppock
Chair, Anacostia Watershed Citizens Advisory Committee