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613 Samantha Court
Annapolis, MD 21409

Mr. Raymond Bahr
Maryland Department of the Environment
Water and Science Administration, Sediment, Stormwater and Dam Safety Program
1800 Washington Boulevard, Suite 440
Baltimore, Maryland 21230-1708

RE: Public Comment - Anne Arundel County (AAC) National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Renewal (MD0068306)

Dear Mr. Bahr,

I am respectfully submitting the following public comment testimony concerning the renewal of Anne Arundel County's NPDES MS4 Permit. I am asking that some additional information be required in the annual NPDES MS4 Report concerning the contributions of privately-owned environmental site design (ESD) best management practices (BMPs) to improved stormwater management outcomes, as well as information on privately-owned stormwater conveyance systems.

The 2007 Maryland Stormwater Management Act established the requirement for new development and redevelopment to use ESD to the maximum extent practical (MEP) to assist with groundwater recharge and to improve the quality of stormwater runoff. This law led to a shift from mostly using fewer, large structural BMPs to building smaller and more numerous non-structural BMPs for managing stormwater runoff caused by development. In Anne Arundel County, the number and diversity of BMPs have grown exponentially since ESD was required, and the vast majority of the County's 25,615 registered BMPs are privately owned.

Considering the substantial impact ESD has had on putting numerous, non-structural BMPs throughout the property of new communities, and that AAC uses a 1-year, 24-hour rainfall event of approximately 2.7 inches for sizing stormwater BMPs as compared to the State's 1" requirement, one would think that there would be a keen interest by both the State and the County in tracking the implementation of ESD and the results – both private and public. That, however, is apparently not the case. Simply compare reporting in the NPDES MS4 Report on private ESD to other examples like the County's section on public stormwater management restoration efforts which includes substantial project and Total Maximum Daily Loads (TMDL) information, as well as a fiscal analysis.

Not only is there a lack of similar information for private BMPs in the NPDES MS4 Report, but there has not been a formal study to examine the results of the ten-year long ESD initiative, to include an analysis of the average construction, maintenance, and estimated future replacement costs of these BMPs. This is especially alarming to me as a board member of an HOA who owns and must fund the maintenance and eventual replacement of BMPs, as well as the associated privately-owned conveyance systems. I want to know these systems are not only delivering the intended results, but that there is public data – both performance and financial – that will clearly support any potential efforts to make more changes to ESD requirements whether it be based on forecast climate changes or any other reason.

Fortunately, Anne Arundel County completed its Urban BMP Database Historic Records Review in July 2018 which markedly improved the accuracy of its database and has since taken steps to manage the data more effectively. The County should now begin cumulative reporting, year-by-year, of the breakout of number and types of both private and public best management practices (non-structural and structural) that have been built and accepted under ESD. For privately owned BMPs, the data should be segregated according to category of ownership: individual homeowners, Homeowners (HOAs)/Condo Associations, and Commercial. Most importantly, the County should be reporting by category the amount of cumulative rainfall captured and added to groundwater recharge, as well as the estimated reduction in pollutant loads, provided by the BMPs. The information should also be presented according to each applicable watershed.

There is also a strong case to be made for reporting in the NPDES MS4 Report the annual/cumulative data on the number and type of newly built, privately-owned stormwater conveyance systems. The NPDES MS4 Report already includes information on public storm drain systems to include number of storm drain inlets, manholes, culverts and pipe. Why shouldn't the scope of the privately-owned conveyance systems and their contribution to stormwater management also be recognized?

The paradigm has shifted where once a larger share of local stormwater management was a public responsibility and an infrequent concern to most communities, to the situation today where communities must become knowledgeable about the regular operation and maintenance of entire stormwater management systems, fund all the associated expenses, and even submit to triennial County inspections. For this reason, private ESD must be given more print in the NPDES MS4 Report.

Sincerely,



Stephen J. Miller
President, Deep Creek Village POA
Director, Broadneck Council of Communities
Member, AAC Citizens Environmental
Commission

Cc: Mr. Chris Phipps, Director, AAC Department of Public Works (DPW)
Mr. Matt Johnston, Director, Environmental Policy, Office of the County Executive, AAC
Mr. Erik Michelson, Deputy Director, Bureau of Watershed Protection and Planning, DPW
Ms. Kate Fritz, Chair, AAC Citizens Environmental Commission