

February 21, 2011, sent via e-mail.

Ansu John
Public Education and Outreach Specialist
Department of Environmental Protection
Montgomery County, MD

Dear Ansu,

I am preparing comments for the Little Falls Watershed Alliance on the MS4 permit draft implementation strategy and plans. I will be attending a Stormwater Partners Network meeting in early March where the strategy/plans will be discussed. Below are my questions..

1. The Anacostia Watershed Implementation Plan (draft of 2/16/11) states on page 40:

"In general, trash reduction strategies fall into four categories: (1) Structural; (2) Educational; (3) Municipal; and (4) Enforcement. For purposes of the restoration strategies, structural stormwater BMPs [Best Management Practices] were assigned 95% removal credit for trash from the contributing drainage area. BMPs, while not specifically designed to capture trash, are also not very good at passing trash, and debris is prone to build up in the forebays, around plants and interior elements, and around the outlet structures. Periodic maintenance is needed for the best performance of these BMPs. Instream controls from trash nets or traps are also assumed to have 90% capture efficiency if maintained periodically."

Similar statements are made in other watershed implementation plans. See, e.g., Muddy Branch and Watts Branch Subwatersheds Implementation Plan (draft of 2/16/11), at page 13. In a presentation at the Alice Ferguson Foundation's trash summit last September, a representative of the Montgomery County Department of Environmental Protection (DEP) said that trash maintenance of structural devices is expensive. Do the implementation plans for the Anacostia and other watersheds include the expense for trash maintenance in their cost estimates? If so, would you please provide me with a breakout of the trash maintenance costs? If not, would you please provide me with a rough estimate of these costs? Also, am I correct in assuming that measures taken to abate trash at its source (streets, sidewalks, parking lots, etc.), if effective, will reduce the structural BMP trash maintenance costs?

2. The Montgomery County Coordinated Implementation Strategy (draft of 2/16/11) (MCCIS) states on page 19 that programmatic practices such as education and enforcement were not modeled for pollutant-load-reduction potential in watersheds without total maximum daily loads (TMDLs). For trash, only the Anacostia Watershed has a TMDL. During this permit cycle, do you anticipate implementing any watershed-specific, trash-reduction programmatic practices for any watershed but the Anacostia? If so, could this include the Lower Potomac Direct Watershed's Little Falls subwatershed, which is in the pre-assessment phase during this permit cycle? Regardless of the answers to these questions, will the Little Falls subwatershed benefit from stepped-up trash enforcement during this permit cycle through the implementation of proposed countywide programmatic practices (called "trash good-housekeeping efforts" on page 32 of the MCCIS)?

3. The first proposed trash good-housekeeping effort/strategy on page 32 of the MCCIS is to, "Significantly increase funding for trash reduction programs..." Can you describe for me generally what trash reduction programs are being targeted, and the anticipated time frame for consideration and adoption of increased funding?

If this question is answered in Appendix E of the Implementation Plan Guidance Document, as suggested on page 32 of the MCCIS, please let me know how I can gain access to the guidance document.

4. The fifth proposed trash good-housekeeping effort/strategy on page 32 of the MCCIS is to, "Improve enactment and enforcement of laws to reduce trash..." Regarding enactment of laws to reduce trash, does this mean that DEP will support legislation that would require businesses to remove litter from the public spaces (sidewalks, grass strips, street gutters, etc.) adjacent to their business premises, which legislation I previously have discussed with you and Director Hoyt? If no decision has been made on this yet, when will DEP decide, and what process will it use to make its decision? Regarding enforcement of laws to reduce trash, does this mean that county

solid waste inspectors will begin issuing notices of violation under Montgomery County Code sec. 48-24(b)(3) to businesses that fail to keep their private spaces (parking lots, driveways, lawns, etc.) free of litter?

I note that Appendix E of the MCCIS, Public Outreach Stewardship Education Practice No. 3, Anti-Littering Education and Outreach Campaign, talks about stepped-up enforcement, but is vague about the types of enforcement being contemplated. Its table summarizing Delivery Techniques does not include businesses as targets of enforcement other than as trash can/dumpster owners or users, or as waste removal contractors. It includes as a Key Message, “Allowing Trash to accumulate near businesses and neighborhoods personifies unhealthy conditions and creates a negative public image reducing economic benefits and property values.” But will this be just an educational message, or will it be supported by enforcement?

Also regarding enforcement of laws to reduce trash, does this mean that the county police department will be called upon to increase the number of tickets issued for littering? There are several statements in Appendix E of the MCCIS, Public Outreach Stewardship Education Practice No. 3, Anti-Littering Education and Outreach Campaign, suggesting that more citations for littering will be issued. If so, why are not persons who litter included among the targets of enforcement in its table summarizing Delivery Techniques? The Appendix E, Practice No. 3, twice mentions a litter hotline. Does this contemplate establishing a hotline where people can report witnessing someone littering, or does this just refer to the county’s existing hotline to report dumping?

If these questions are answered in Appendix E of the Implementation Plan Guidance Document, as suggested on page 32 of the MCCIS, please let me know how I can gain access to the guidance document.

5. The sixth proposed trash good-housekeeping effort/strategy on page 32 of the MCCIS is to, “Increase trash monitoring-related data collection, generation, and dissemination efforts....” On pages 33-34, the MCCIS states that the MS4 permit requires the annual reporting of, “the number and nature of enforcement actions....” Appendix E of the MCCIS, Public Outreach Stewardship Education Practice No. 3, Anti-Littering Education and Outreach Campaign, likewise mentions tracking and reporting of littering citations in Delivery Technique Description and Measuring Program Success. Do these statements mean that notices of violation issued by county solid waste inspectors will be made available to the public, and that the county police department will begin to keep records of the number of littering tickets issued, making that information available to the public?

If these questions are answered in Appendix E of the Implementation Plan Guidance Document, as suggested on page 32 of the MCCIS, please let me know how I can gain access to the guidance document. Thank you very much.

Yours for clean water and clean neighborhoods,

Richard Yates
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Little Falls Watershed Alliance, Inc.

cc: Bob Hoyt, Director, Montgomery County Department of Environmental Protection
Diane Cameron, Director, Conservation Program, Audubon Naturalist Society of the Central Atlantic States
Dan Dozier, Co-President, Little Falls Watershed Alliance