

**STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

I. Introduction

The Little Falls Watershed Alliance, Inc. (LFWA), welcomes the opportunity to comment on the MS4 permit draft implementation strategy and plans proposed by the Montgomery County Department of Environmental Protection (DEP). LFWA is a tax-exempt, section 501(c) (3) charitable, educational, and environmental organization dedicated to the restoration, improvement, and stewardship of the Little Falls Watershed.

These comments address many of the problems LFWA has identified throughout the watershed without regard to County jurisdictional boundaries. We understand that the Maryland-National Capital Park and Planning Commission, for example, may be the permit holder in the Little Falls Stream Valley Park. However, from the perspective of the community and LFWA, the environmental degradation and impacts on citizens living in the watershed crosses jurisdictional and bureaucratic lines, as must the solutions.

II. The Little Falls Watershed

The Little Falls Watershed, identified in the Montgomery County Coordinated Implementation Strategy (draft of 2/16/11) (MCCIS) as a sub-watershed of the Lower Potomac Direct Watershed, is located in the southwest corner of Montgomery County in Bethesda and Chevy Chase, MD, and in a portion of the northwest section of the District of Columbia. The waterways of the Little Falls Watershed consist of the Willet, Little Falls and Minnehaha Branches and several smaller tributaries. The Willet Branch flows into the Little Falls Branch, which continues to the Potomac River. The Minnehaha Branch flows into the Potomac to the north of the Little Falls Branch.

Within the watershed are the commercial districts of the Bethesda Central Business District, Friendship Heights, Westwood Centers I and II, and stores along River Road near the Kenwood neighborhood. In the District, it includes parts of Tenleytown, AU Park, Spring Valley and Palisades. Two country clubs, Kenwood and Chevy Chase, are located in the watershed with the latter containing one of the headwaters that flows into the Little Falls Branch. In the Montgomery County portion of the watershed is the Little Falls Stream Valley Park, owned by the Maryland-National Capital Park and Planning Commission. With the exception of some smaller parks, schools, and houses of worship, and the commercial districts referenced above, the watershed consists of residential housing, including high-rise and low-rise buildings and single family houses. Initial development of this area began just before World War II and in earnest immediately after the War. The trees and shrubbery in these neighborhoods are typically old and dense.

The watershed features several subway stations along the Red Line of the Washington Metropolitan Area Transit Authority's railway system (Metro). To encourage the use of mass transit, Montgomery County has designated much of the watershed for high-density

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

development. New construction of high-rise commercial and residential buildings has grown apace, including a complete redevelopment of Friendship Heights, downtown Bethesda and the commercial area around the Towntown Metro station. Many older, single-family homes have been supplanted by larger houses.

The MCCIS states on page 8 that: “The area inside the beltway in the more urban core has lower water quality (fair to poor)...” The Little Falls Watershed is no exception, as shown by Figure 2.1 in the County Watershed Resource Conditions, page 9 of the MCCIS. Problems facing the watershed include excessive stormwater runoff, intermittent pollution discharges, regular exposure to lawn chemicals and road salt, wildlife and plant degradation, and a heavy trash load. Despite the significance of the watershed’s problems, DEP has not proposed an implementation plan for it. The watershed is in the pre-assessment phase, with a promise to have a completed implementation plan sometime during this permit cycle (that is, by 2015). (MCCIS, at page 6.)

Our comments focus on the various problems confronted by the Little Falls Watershed and how the LFWA proposes to address those problems through the implementation plan under development and through countywide initiatives. We urge completion of the implementation plan as early as possible during this permit cycle. Moreover, pending its completion and thereafter, we believe that countywide programmatic efforts, particularly education and enforcement initiatives, should be implemented so as to directly and immediately benefit the Little Falls Watershed and other watersheds having similar problems.

III. Stormwater Runoff and Pollution

Dense development from the post-World War II era and increasing density in the watershed have caused the watershed to become progressively more covered with impervious surface areas, including paving from streets and parking lots, and both commercial and residential construction. Because of the large runoff from these impervious surfaces, less water is percolating into the ground; instead, it is diverted directly into storm drains. During heavy rain storms, torrents of water cascade into the watershed’s branches via the storm drains or directly from the streets, causing major erosion and damage to plants and wildlife.

In an effort to control erosion and especially to prevent flooding, much of the watershed’s original headwaters and tributaries were piped or contained in concrete channels, developments that occurred without any regard about the health of the watershed. Channelized and piped areas throughout the watershed deliver flows into downstream channels at accelerated velocities, and often with very high temperatures after flowing through open concrete channels or across paved surfaces warmed by the summer sun. These storm flows severely affect the remaining natural channels downstream.

Several major pollution events during the past 50 years have had a devastating impact on the wildlife in the watershed. Although there have not been any major spills recently, the effects of these earlier events linger. Also, intermittent, illicit discharges of pollution into the watershed’s storm sewers continue to threaten the health of the habitat. Herbicides, pesticides, and silt

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

washed from the land, and particles like salt running off the streets also are a major threat to the watershed.

A. Stormwater Policy Recommendations

LFWA urges the County to undertake a full evaluation of the Little Falls Watershed to understand the options available to reduce and eliminate the stormwater problems described above. Once the evaluation of the watershed is complete, the County should present a range of options designed to address watershed problems and to improve water quality to the local residents, and should encourage a vigorous discussion within the community about the options, the costs of implementing the options, and the effect the options would have on the community and neighborhoods.

Much of the Little Falls and Willet Branches flow through concrete lined channels. There are many areas where the natural creek could be restored without threat to adjacent homes. A comprehensive plan for the Little Falls watershed should address these areas. Further, the banks along the Willet and Little Falls Branches need to be re-vegetated with native shrubs and trees. Restoring a proper riparian buffer where ever possible will help to manage the stormwater.

Attention should be paid to building in the stream buffer and the county should take steps to enforce a no-building zone in the stream buffers. In at least one place, the Town of Somerset, the county gave permission for a building with a basement to be placed within 30 feet of the creek. The new permit should address inconsistencies such as these in stream management. Protecting our streams and preventing development along stream buffers – even for schools, towns and other ‘public’ uses -- is an important part of stormwater management.

The Little Falls Watershed is a good place for small rain gardens and curb cuts. Many areas have wide streets and sidewalks. The Bethesda Urban District has wonderful landscaping support. The Little Falls Watershed Alliance is very active and there are many civic associations. The County should take advantage of these civic organizations and aggressive recruit them to help with maintenance of simple Environmental Site Design solutions. In addition to treating rain water runoff, the rain gardens and curb cuts serve as valuable educational tools for citizens.

Moreover, as evidenced by the water quality testing required of the Washington Suburban Sanitary Commission (WSSC) consent decree, the streams of the Little Falls Watershed are often severely contaminated by fecal bacteria (see <http://www.fosc.org/AL-WSSCSuit.htm>). The County and WSSC should be required, as part of the MCCIS, to implement the sanitary sewer improvements as required by the consent decree. In addition, WSSC, the County and the Parks Department must inform the public by posting signs along the creeks warning people of the hazards they can face from exposure to water from the Branch. These signs should specifically state that hazardous levels of fecal bacteria have been detected in the creek to inform people of the reasons for the No Swim/Exposure signs.

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

IV. Wildlife and Plant Degradation

For many years, the Little Falls Stream Valley Park has suffered from a paucity of wildlife and a degradation of its native plant species. This is a result of the storm-water runoff and pollution problems just discussed, and from a continuing influx of exotic plants. Non-native, invasive plants crowd out native plants and native wildlife (including many insects) by depriving them of food and nesting areas, contributing to the failure of entire webs of life. The invasive plants also can cause chemical changes in the soil and allow for the spread of these plants to outlying areas. Invasive vines can strangle and kill trees, potentially destroying the entire forest. Invasive plants take nutrients from the soil or add poisons to the soil which crowd out native plants, damage trees, drive away insect and bird populations, and erode soil at the banks of our waterways. Further, deer are eating the limited supply of tree seedlings and native plants which do exist, exacerbating the problem mentioned above, and preventing our wood canopies from replenishing. We recommend that the stormwater permit address the problem on invasive species as we are seeing loss of trees and stream buffers because of the effects of vines on the trees and native ground covers.

A. Wildlife and Plant Policy Recommendations

Citizen groups have been active in removing these non-native invasive plant species, as County and Park and Planning budgets do not allow for the type of labor-intensive weed removal activities necessary to even begin to manage the problem of invasive species removal. However, the Park Service has established rules designed to protect the native species in local woods and parks; these rules have had the perverse effect of hampering local citizen efforts to protect native species and remove the invasive species. We suggest that these rules be modified to enable volunteers from local neighborhoods to be more effective. We understand that many of our following suggestions should be directed to the Park Commission, however, as we have pointed out in these comments, the fact that there are different permits is an example of the typed of bureaucratic distinctions between different governmental entities that citizens find difficult to understand and not particularly useful when considering environmental protection measures. We suggest the following policies be either incorporated into the MCCIS or otherwise be required by the Park Commission.

First, allow local citizens organizations to remove the roots of invasive species by volunteer efforts and not simply, as under the current rules, just the surface plant. Second, allow native plants and seedlings to be planted and caged by volunteers. Third, provide citizen volunteers deer fences and organic deer preventive sprays at low or no cost to the volunteers. Finally, the Park Service should provide plantings, seedlings and protection material at cost at a location convenient to volunteers. The Park Service should require an email address and or phone number on each cage, fence or sign, and Park Service employees could certainly remove any improperly installed, maintained, or written signs, or improperly planted seedlings.

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

The basic principle is that the Park Service can and should work more closely with citizens' organizations, and utilize volunteers to assist in the very difficult mission of managing and removing invasive species.

V. Trash

When it enters our waterways, trash destroys wetlands -- the cradle of life on earth -- by interfering with the establishment of emergent aquatic plants, is hazardous to wildlife through ingestion and entanglement, and releases toxins as it decomposes in the water. See the Alice Ferguson Foundation and the Ocean Conservancy websites, respectively, at: http://www.fergusonfoundation.org/trash_initiative/trash_index.shtml and http://www.oceanconservancy.org/site/News2?abbr=icc_&page=NewsArticle&id=12551.

The creeks of the Little Falls Watershed are overburdened by heavy concentrations of trash that cling to their rocky banks and vegetation until the trash is washed farther downstream into the Potomac River and the Chesapeake Bay. Besides the just-noted environmental hazards it poses, trash impairs the public's use and enjoyment of the Little Falls Stream Valley Park. Because the watershed is located in an urban setting, much of the trash in the watershed originates as litter on the parking lots, streets and sidewalks of the nearby commercial areas, and is washed by rainwater through the storm sewers into the branches.

We commend the DEP for making trash abatement a goal of the MS4 permit, not just in the Anacostia Watershed, but in all of Montgomery County. By incorporating a reference to the Alice Ferguson Foundation's Potomac River Watershed Trash Treaty (MCCIS, at page 7), the MS4 permit sets the stage for serious initiatives to rein in the trash problem.

However, at this point the MCCIS lacks many of the necessary details to insure that the promise of the Trash Treaty is kept. We have a number of questions about the proposed strategies in the MCCIS and draft watershed implementation plans, which we have posed to DEP staff. in an earlier communication. Our questions concern mainly the proposed enforcement strategies, because we believe that without effective enforcement the campaign against trash has no hope of success.

Our comments below focus on the policies and actions we believe need to be undertaken regarding trash management. We agree with the emphasis in the MCCIS on the need for public outreach and stewardship. See, e.g., MCCIS, at page 7. This is a goal of the Trash Treaty, and will be essential to marshal resources adequate to the task.

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 were assigned 95% removal credit for trash from the contributing drainage area. BMPs, while not specifically designed to capture trash,

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

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 can be found in other watershed implementation plans. See, e.g., Muddy Branch and Watts Branch Subwatersheds Implementation Plan (draft of 2/16/11), at page 13. The 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). As of now, only the Anacostia Watershed has a TMDL for trash.

The MCCIS budgets \$175,050 during the start-up period (up to 18 months) for countywide anti-littering programmatic practices (called "trash good-housekeeping efforts" on page 32 of the MCCIS). MCCIS, at 31, Table 4.3 Outreach Start Up and 5-Year Cost Projections.

These statements concerning BMPs in the MCCIS and draft implementation plans, along with the relatively small amount budgeted for countywide programmatic practices in the start-up period, suggest that structural stormwater BMPs will be the overwhelmingly favored strategy to meet trash reduction targets, especially outside of the Anacostia Watershed. We caution against overreliance on structural devices to achieve trash reduction goals for several reasons. First, as noted by a DEP representative presenting at the Alice Ferguson Foundation's trash summit last September, maintenance of structural devices and trash removal from them is expensive. The implementation of practices such as education and improved enforcement that are designed to abate trash at its source (streets, sidewalks, parking lots, etc.) should complement structural BMPs by helping to reduce their trash maintenance costs.

The failure to stress elimination of trash at its source will mean having to contend with even greater quantities of trash, because people are substantially more likely to litter in a place that is already littered. "Litter begets litter." See, "Littering Behavior in America," at page 7: http://www.kab.org/site/DocServer/KAB_Report_Final_2.pdf?docID=4581 published by Keep America Beautiful in 2009. Compounding this trash-multiplier effect is the risk that people already generally confused about how storm sewers function will hear that traps are filtering trash before it enters our waterways, and will think that it really is okay to use a storm drain as a trash can.

Next, targeting trash at its source will enable the formation of the most effective coalition of forces to tackle the trash problem. Apart from the environmental harm that it does, improperly disposed of trash produces a host of social, safety, health, and economic ills, as explained below in the discussion on education. Not everyone cares about trash for the same reasons, or assigns the same priority to alleviation of these various ills. But the vast majority of people care about trash. In a 2008 telephone survey of Potomac River Watershed residents (including Maryland, Virginia and the District of Columbia, and parts of Pennsylvania and West Virginia) conducted by the Alice Ferguson Foundation, 93% of respondents said they are bothered by the litter that

DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION STRATEGY & PLANS

they see. Nearly two-thirds said they are bothered "a lot." A similar percentage said that more government resources should be devoted to the problem. See the survey's executive summary at: http://www.fergusonfoundation.org/trash_initiative/08_OpinionWorksSurvey.pdf. Building the optimal coalition will require choosing strategies that address all of the ills that trash produces. Only source-based strategies can do that.

Finally, implementing strategies designed to abate trash at its source will help to keep the faith with volunteers who have been struggling for years to beautify their neighborhoods.

A. Trash Policy Recommendations

1. Municipal Trash Policy Recommendations

Montgomery County should sufficiently and expeditiously fund programmatic practices such as education and better enforcement to yield a substantial reduction of trash at its source throughout the county. Source reduction policies such as the bag fee proposed by County Executive Leggett and introduced by Council members Berliner and Reimer are another example of public policy that is much more cost-effective than trying to remove trash from the downstream waste stream. It is certainly more cost-effective to remove the source of the problem than it is to try to clean up after the waste material has been discarded into the environment. We strongly encourage the County, in this MCCIS and generally, to adopt waste minimization and reduction policies. Fees for material that is discarded into the environment are better for the environment – and more cost-effective – than spending limited public dollars to remove trash after it has been discharged into the environment. The MCCIS should recognize and support bag fees and other economic incentives to change behavior to reduce wastes that otherwise would be discharged into our waterways.

2. Trash Education Policy Recommendations

Education is an essential part of the campaign against trash. Years of ingrained behavior, reinforced by a sometimes anti-social culture, can only be overcome by forcefully conveying the message that improperly disposing of trash is harmful to everyone. The most effective message will stress all of the environmental, social, safety, health, and economic ills associated with trash. Apart from the damage it causes to our waterways, trash:

- Lowers property values (In the Keep America Beautiful, "2009 National Visible Litter Survey and Litter Cost Study," 93% of homeowners surveyed agreed, and 60% of appraisers surveyed said that they would lower a property's assessment if it was located in a littered neighborhood. See http://www.kab.org/site/DocServer/Final_KAB_Report_9-18-09.pdf?docID=4561), at pages 4-15 and 4-20, respectively;

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

- Discourages tourism (See, "Costs of Tobacco Litter in San Francisco" (2009), at page 13:[http://www.sfdpw.org/ftp/uploadedfiles/sfdpw/director/annual_reports/tobacco_litter_study_hecg_062209\[1\].pdf](http://www.sfdpw.org/ftp/uploadedfiles/sfdpw/director/annual_reports/tobacco_litter_study_hecg_062209[1].pdf));
- Presents health and safety threats ("Litter diminishes the beauty of the nation's capital and piles of litter attract rats and other pests." District of Columbia Department of Public Works, "<http://dpw.dc.gov/DC/DPW/Services+on+Your+Block/Litter+and+Graffiti+Removal/No+t+in+Our+DC+-+Litter+and+Graffiti+Prevention>"); and
- Creates an atmosphere of social disorder that is conducive to more serious crime ("Keeping streets and sidewalks clean also helps to keep our neighborhoods safe," said District of Columbia Police Chief Cathy Lanier in an April 10, 2009, press release heralding a crackdown on littering) See <http://newsroom.dc.gov/show.aspx/agency/mpdc/section/2/release/16702/year/2009/mont/h/4>).

Montgomery County should stress the broad scope of trash-associated ills in its educational messages.

3. Trash Enforcement Policy Recommendations

a. Anti-Littering Laws

Montgomery County police officers are charged with the responsibility within the county of enforcing state laws against littering. Years ago, Maryland established hefty penalties for littering, including fines ranging up to \$1,500. Yet, the problem only seems to be getting worse. Individuals inclined to litter are not deterred from doing so, because they do not perceive much risk of being detected and penalized. Data on citations for littering issued by county police officers are not even maintained or capable of being reported by their department. In a 2008 telephone survey of Potomac River Watershed residents (including Maryland, Virginia and the District of Columbia, and parts of Pennsylvania and West Virginia) conducted by the Alice Ferguson Foundation, only 6% of respondents believed that there is a good chance that someone who litters will be caught and have to pay a fine. See the survey's executive summary at: http://www.fergusonfoundation.org/trash_initiative/08_OpinionWorksSurvey.pdf.

While education can alter the littering behavior of some individuals, there are others for whom nothing but the threat of punishment will work. This became clear in focus group interviews conducted by the Alice Ferguson Foundation in April 2008, which one of our members witnessed. Moreover, this same hardened attitude is evident in the conduct of all too many individuals who harass some of our volunteers picking up roadside trash as they drive by, hurling insults at the volunteers and sometimes trash. For these and others, enforcement should be viewed as a necessary part of the educational process.

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

The Montgomery County Police Department should begin to keep records of the number of citations its officers issue for littering, and to periodically report this information to the public, broken down by police district. Without this information, there is no accountability and no deterrence.

The Montgomery County Police Department should strive to increase the number of tickets issued for littering countywide, and should publicize this campaign. Without a doubt, the police department has limited resources and many crimes to address that are much more serious than littering. But litter is harmful to the community as well as the environment, creating an atmosphere of social disorder that is conducive to more serious crime. (See above discussion on education.) Moreover, anti-littering laws can give police probable cause to investigate and root out individuals wanted for more serious offenses. The police department would not have to devote a lot of resources to this effort. The essential elements are better training of officers, a willingness to target littering as a part of routine policing activities, and publicity to leverage police activities into an effective message of deterrence.

To assist the police in enforcing anti-litter laws, Montgomery County should inaugurate a litter hotline by which persons witnessing someone littering could report the incident to the police for investigation and possible prosecution. The hotline, which should be widely publicized, also should be able to receive reports of trucks with improperly secured or improperly covered loads, a major source of trash along county roadways.

b. Solid Waste Laws

Enforcement of a variety of solid waste laws can help with trash abatement. The county evidently has made enforcement of some of these laws (e.g., recycling provisions) a priority. But one in particular has been neglected. Montgomery County Code (MCC) section 48-24(b)(3) provides that: "An owner or occupant of commercial or industrial property must not let solid waste accumulate on the property or be carried or deposited by the elements on any other public or private property."

In the Little Falls Watershed, many businesses are not complying with this provision, and are not being cited by the county for their noncompliance. They do not keep their waste storage areas, parking lots, driveways, or lawns free of trash, which eventually is propelled by wind and water onto nearby properties and into the storm sewers. This is especially a problem along the commercial strip of River Road between Little Falls Parkway and Ridgefield Road/Brookside Drive. With the windy weather we have been experiencing over the past several months, enormous amounts of trash have been blown regularly from the business properties located on that strip into the vines, bushes, and storm drains along Little Falls Parkway near its intersection with River Road, and onto neighboring residential properties on River Road.

It may be true that most of this trash originates with customers littering on the parking lots of these businesses, a matter that needs to be addressed by stepped up anti-littering enforcement as discussed above. Nevertheless, under MCC section 48-24(b) (3), the businesses are responsible

**DRAFT STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

for cleaning it up before it escapes their premises. When we have talked to businesses about this responsibility, a common response is that cleaning is futile because nearby businesses are not cleaning, and trash migrating from those businesses quickly replaces the trash just removed. Only consistent and uniform enforcement of MCC section 48-24(b) (3) can overcome this objection and counteract this lowest-common-denominator effect.

Apart from the responsibility to clean their private spaces, businesses should be required to maintain reasonably free of litter the public spaces (e.g., sidewalks, grass strips, street gutters) adjacent to their business premises. The county code currently does not address this, and many businesses are not cleaning these spaces voluntarily. We have discussed with DEP staff on several occasions the need for legislation to place this responsibility on businesses, and have shared with them draft language and a written justification for the legislation.

Montgomery County should increase enforcement of MCC section 48-24(b) (3) (and MCC section 26-10(d), to a similar effect), and publicize the intent to do so.

Montgomery County should amend the MCC to require businesses to maintain reasonably free of litter the public spaces (e.g., sidewalks, grass strips, street gutters) adjacent to their business premises. See attached draft language and written justification.

VI. Conclusion

The Little Falls Watershed Alliance appreciates the opportunity to comment on the MS4 permit draft implementation strategy and plans proposed by the Montgomery County Department of Environmental Protection. We believe that citizen involvement and neighbourhood-level care and concern about our waterways and other aspects of our natural environment are critical to the success of public policies designed to preserve and protect our environment.

The County government must take a leadership role, and the MCCIS must facilitate and encourage citizen concern and involvement to protect our watersheds and our environment. Citizen involvement in the implementation of stormwater control measures is essential to successful watershed protection.

As the great cartoon character Pogo once said “We have met the enemy and he is us.” We all have a stake in our watersheds -- we all have contributed to the problems -- we all have to become part of the solution.

**Attachment to the
STATEMENT OF THE LITTLE FALLS WATERSHED ALLIANCE
ON THE MONTGOMERY COUNTY MS4 PERMIT DRAFT IMPLEMENTATION
STRATEGY & PLANS**

The proposed amendment (see below) to the Montgomery County Code would require commercial and industrial property owners, and their tenants, to regularly remove litter from the **public spaces** (e.g., sidewalks, grass strips, alleys, street gutters) **adjacent to their business premises**.

If enacted, the proposed amendment would make a substantial contribution to the goal of the Potomac River Watershed Trash Treaty of achieving a trash-free Potomac by 2013. The Trash Treaty, which was initiated by the Alice Ferguson Foundation in 2005, has created a forum for recognition of the problem of trash in the watershed, as well as a commitment from political leaders to work towards solutions. Twenty-four Montgomery County elected officials, including town, city, and state representatives, that have signed on to support the Initiative. The trash treaty has been incorporated by reference in Montgomery County's newly adopted Municipal Separate Storm Sewer System (MS4) permit and in the Anacostia River's Trash TMDL (Total Maximum Daily Load) and in the County's MS4 Permit Draft Implementation Strategy & Plans.

Litter removal from public spaces will benefit the businesses, as well as citizens through increased aesthetic appeal, improved water quality, reduction in public funds for litter removal, and increased community pride. With this amendment, businesses will have the opportunity to lead by example - cleaning the public spaces adjacent to their properties which will lead to less trash on the streets, in the storm sewers, and in the Potomac. If businesses are more directly involved in the litter problem it seems probable that they will also be involved in long-term solutions such as public education campaigns, providing and maintaining sufficient waste removal bins, and encouraging enforcement of other anti-litter laws. This bill places the costs of litter where it belongs -- on those who benefit from the operations during the course of which the trash is generated.

Proposed Language for Litter Control Legislation

a. In General. Each owner and occupant of any commercial or industrial property must within a reasonable time during the normal business hours for the property remove any solid waste from any source that accumulates on:

i. so much of any adjacent public space as is located along the property line, and

ii. if the property lies at an intersection of public rights-of-way, so much of any adjacent public space as is located at the intersection.

b. Exception. Subsection a shall not apply to any adjacent public space that is located within a Montgomery County Urban District that has an urban district corporation, as defined in Montgomery County Code chapter 68A.

c. Definition. For purposes of this section, "adjacent public space" means any of the following that are adjacent to the property:

i. sidewalks, gutters, swales, grass strips, or other public spaces located between the property line and a public street, and

ii. alleys, bike or shared use paths, or unpaved rights-of-way, excluding the portions of such public spaces that lie beyond the center line of the space between the property and another private property insofar as the properties are located directly across from one another.