



18 July 2024

Mr. Stewart Comstock
Maryland Department of Environment
Water Science Administration
1800 Washington Blvd
Baltimore, MD 21230
Via email to: Stewart.Comstock@Maryland.gov

Subject: Tentative Determination for the National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System Discharge Permit for the State Highway
Administration (Permit No.MD0068276, 24-DP-3313,

Dear Mr. Comstock:

We represent the Friends of Sligo Creek (FOSC), a nonprofit volunteer group dedicated to improving Sligo Creek and its Watershed. Sligo Creek is in Montgomery County and Prince George's County, Maryland. Our watershed is part of the Anacostia Watershed and ultimately drains into the Chesapeake Bay. We take our role in contributing to the quality of the Anacostia Watershed and the Chesapeake Bay very seriously and have numerous programs in place to protect our Creek and its receiving waterways.

We are writing to submit the comments below on the Maryland Department of Environment's tentative determination to renew the MS4 Permit for the MDOT Maryland State Highway Administration. These comments are in addition to comments we joined along with other organizations, in support of the submission by Maryland Choose Clean Water Coalition.

FOSC is concerned that the renewed MS4 Permit for the State Highway Administration will fall short in key areas:

1. Winter salt application and chlorides. You should be aware that MDOT/SHA's salt application last winter was terrible for Sligo Creek (and thus the Anacostia Watershed and the Bay). Using IWLA SaltWatch test kits, our large and active citizen monitoring team measured chloride levels far exceeding toxic minimum thresholds on more than one occasion after roads that frame our watershed were treated for winter storms. Both MCDOT and SHA's road salt practice on

roadways in our watershed and private and other practice on surrounding impervious surfaces were most certainly all responsible for our excessive Sligo Creek chloride levels.

We do not know to what extent significant damage has been done to Sligo Creek and its receiving waterways by the excessive chloride levels. While there were no reports of immediate fish and/or salamanders kills (which we had experienced a few years earlier under similar excessive chloride application, thought to come from the Capital Beltway), it is hard to imagine that there have not been negative effects, given the high levels of chloride that were measured.

From other contemporaneous reports, it appears that excessive treatment occurred throughout Montgomery County, although we cannot verify this empirically.

Attached, for your information, is the letter FOSC sent MDOT/SHA after toxic chloride levels were measured in Sligo Creek. Our basic point is that the MDOT/SHA program in place falls woefully short of what should be done. We have suggested numerous areas which SHA should rethink and make improvements. We strongly urge that these improvements be reflected – if not required - in the Permit. If MDE – and SHA – are serious about addressing the chlorides challenge, it is not sufficient simply to continue implementing the MDOT SHA's Maryland Statewide Salt Management Plan without change.

2. Construction Sediment. The draft Permit does not sufficiently address the problem of sediment generated by road construction that ends up in our waterways. This is a huge problem for our watershed - and, we understand, many other watersheds in the State. While MDOT/SHA is not the only responsible party for construction-related sediment, it does have responsibility. FOSC's Water WatchDog Program often gets citizen reports of pollution generated by MDOT/SHA construction sites. By the time the reports are received, it is often too late to prevent sedimentation of our waterway and creek clean-up is problematic. We urge MDE specifically to address construction sedimentation in the Permit. The current system is not protecting our streams sufficiently. We have noticed, for example, that contractor training and knowledge could be significantly improved. In addition, daily on-site enforcement by a trained and skilled officer could prevent problems before it is too late.

3. Stormwater Management: The Role of Trees, Tree Canopy and Natural Stormwater Controls. MDE should recognize trees as natural stormwater management instruments, by including trees in its formulaic estimates of on-site stormwater management for specific projects. It is time to recognize this gold standard of stormwater management, rather than continuing to rely primarily on inferior technical solutions, as we have for too many years. A consensus of how to model this addition is well within our technical reach at this point. This comment applies to stormwater policy, not simply the MDOT SHA permit renewal.

4. Accounting. As the CCWC submission implies, fiscal accounting as currently applied falls short of analyzing the real cost of any proposed storm water management project. A broader accounting concept is needed, so that the true costs and benefits of a particular design are better

understood. Without knowing the true costs, we will keep ending up with second- and third-rate storm water management and disappointing results.

5. Climate Change and Forecasts. We strongly agree with the CCWC comments that the assumptions and forecasts used to estimate key elements like precipitation and precipitation intensity should be updated in view of the likely breaks from recent history due to climate change.

Thank you for the opportunity to comment.

Sincerely,

Kit Gage
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attachment: FOSC letter to MDOT/SHA