

Resolution No.: 15-1562  
Introduced: July 25, 2006  
Adopted: August 1, 2006

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Perez and Andrews, Council Vice President Praisner, and  
Council President Leventhal

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**SUBJECT:** Montgomery County Municipal Separate Storm Sewer System, National Pollutant Discharge Elimination System Permit

**Background**

1. Pursuant to the federal Clean Water Act, the State of Maryland Department of the Environment (MDE) has been delegated the authority to prepare and oversee the implementation of a municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit for Montgomery County and nine other Phase 1 Maryland jurisdictions and the State Highway Administration. Montgomery County's NPDES permit was first issued in 1996 and renewed in 2001; the current permit expires in July, 2006.
2. The goal of such federal stormwater NPDES permits, prepared by MDE in consultation with local permittees, is to eliminate, to the maximum extent practicable, stormwater pollution from entering our Nation's waters and to aide in water quality standards attainment and maintenance including restoring designated uses through implementation of pollution limits (Total Maximum Daily Loads or TMDLs).
3. Montgomery County's waters include the Upper Patuxent River and tributaries of the middle Potomac on which millions depend for their clean drinking water, and tributaries of the Anacostia River which are significant for recreational uses. All County waters are crucial for the support of aquatic life and the restoration of the Chesapeake Bay, yet are subject to ongoing degradation by stormwater flows from impervious surfaces. Fully two-thirds of our County's waters are impaired, according to the Maryland Department of the Environment (MDE) impaired waters lists.
4. In Montgomery County, the lead agency is the Department of Environmental Protection (DEP), whose watershed studies and programs of stream restoration and protection are national models. DEP's data analyses have given the public detailed stream health reports indicating that over a third of our County's waters have declined in biological health, while only 11% have improved, since 1994. The Departments of Permitting Services and Public Works and Transportation also participate in stormwater permit implementation.

5. In late 2005 and early 2006, a number of Council sessions and other proceedings were held related to improved stormwater management. These include the June 22, 2006, Transportation and Environment Committee session during which DEP and the Montgomery County Stormwater Partners Coalition presented information and recommendations relating to the NPDES permit renewal.
6. During these recent proceedings in Montgomery County, a number of new policies and technical approaches to stormwater management have come to light. Many are in place in other communities in the nation and are showing promise. Before a new NPDES permit is put into place, the most important of these possible improvements deserve fair and thorough consideration.

### Action

*The County Council for Montgomery County, Maryland approves the following resolution:*

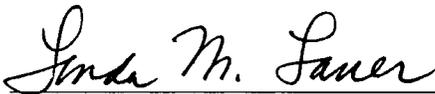
The Montgomery County Department of Environmental Protection prepare and submit to the County Council by September 15, 2006 a report detailing the status of the renewed stormwater NPDES permit. In order to ensure that the permit will effectuate, to the maximum extent practicable, the best stormwater pollution protection to Montgomery County waterways and the Chesapeake Bay, the report shall describe how the following four elements are addressed in the proposed renewed permit:

1. Total Maximum Daily Loads (TMDLs), including requirements for implementing approved TMDLs through a program of Best Management Practices (BMPs) selected and applied to attain specific TMDL pollution limits on a watershed-by-watershed basis; appropriate selection of milestones; monitoring for progress in meeting target limits; and adaptive management provisions for mid-course corrections on BMPs used to meet TMDLs;
2. Better site design standards, based on the 2000 Maryland Stormwater Design Manual's Environmentally Sensitive Design criteria in Chapter 5, for new development and redevelopment projects, selected and applied in order to mimic pre-development groundwater recharge rates; to protect and maintain the quality of streams of Excellent and Good biological status and in general to protect all receiving streams from further degradation;
3. More effective and expanded watershed restoration targets for already urbanized and degraded watersheds, including the most cost-effective on-site stormwater best management and LID practices that can aid in attaining more natural stream flow regimes and of lessening the flood impact of storm events; and

4. Adequate provision, including multi-agency coordination and cost-sharing, for stream flow and quality monitoring and modeling, including requirements for a permanent stream flow gaging and stream quality monitoring network.

The report shall also detail how all appropriate Montgomery County agencies are providing input on the renewed permit and are increasing their level of coordination with respect to stormwater management, and how Montgomery County citizens are effectively participating in the process of improving County stormwater programs and developing a new and stronger permit.

This is a correct copy of Council action.



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Linda M. Lauer, Clerk of the Council