



Mr. Isiah Leggett
County Executive
101 Monroe St.
Rockville, MD 20850

November 26, 2012

Dear Executive Leggett:

The Water Quality Advisory Group (WQAG) has been actively reviewing progress made by our county to meet obligations and requirements of the MS4 permit, as well as other water quality regulations. To further this progress, we believe that the county should review and update the Clean Water Act's "Tier 2" stream designation – a critical tool for protection for future generations of high quality waters at risk of degradation. Although Montgomery County has taken actions through the MS4 permit to enhance our position in the state as a leader in water quality protection, several of our highest quality streams could warrant Tier 2 designation and benefit from the additional protection it confers.

Maryland Department of the Environment, as a delegated state agency, is required by the Clean Water Act to develop and implement policies to protect and maintain existing high quality waters and prevent those at risk of degradation from degrading. Any future growth or development in watersheds with Tier 2 waters will need to be planned and managed to prevent degrading the water resource below that high quality level—which is well above merely "fishable-swimmable". At this time, only two stream segments in Montgomery County are designated as Tier 2: Goshen Run Upper Tributary #1 and Patuxent River Upper Tributary #1. In comparison, there are currently 235 Tier 2 stream segments in other areas of Maryland, with 15 in neighboring Prince George's County.

The WQAG recommends that the County Executive and Montgomery County DEP undertake two actions:

1. Perform a timely review and develop a report with recommendations on additional Tier 2 designations that should be made in our county. This report could be shared with the Maryland Department of Environment, DNR, the Council, and the public.

WATER QUALITY ADVISORY GROUP

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2. Request that MDE provide its own evaluation of streams based on the county's report, an assessment of streams in parkland by the Maryland-National Capital Park and Planning Commission, and input from our network of volunteer watershed stewards to identify if there are indeed other streams in the county worthy of Tier 2, and perhaps even Tier 3, protection.

We believe that these two progressive steps will put the county in a better position when dealing with planning issues, or when planning future expenditures for MS4 permits. Thank you for your attention to our recommendation. Please do not hesitate to contact us if you have any questions related to this information.

Sincerely,

Danila S. Sheveiko

Co-Chair

Patrick J. Walsh, PhD

Co-Chair