

"Federation Corner" column
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Environmental bureaucrats biggest obstacle to cleaner water in Montgomery County

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On June 22, 1969, the Cuyahoga River in Cleveland, Ohio caught on fire. It took fire tugs 30 minutes to put out flames that shot up 50 feet in the air and damaged a railroad bridge. Although this river in this industrial city had caught fire nine times in the previous 100 years, this was the time that it caught the nation's attention. Time Magazine wrote on August 1, 1969 that the river "oozes rather than flows." Cleveland residents joked that "Anyone who falls into the Cuyahoga does not drown [but] decays." A Federal agency reported that "The lower Cuyahoga has no visible signs of life, not even low forms such as leeches and sludge worms that usually thrive on wastes." As a direct result of the publicity about this fire on this heavily polluted river, the Clean Water Act was passed in 1972.

Since then, the Environmental Protection Agency (EPA) has been responsible for enforcing the Clean Water Act with our nation's rivers and streams. The states help by issuing and enforcing water permits with counties and cities. The Maryland Department of the Environment (MDE) works with the Montgomery County Department of Environmental Protection (DEP) to enforce the Clean Water Act in our county through a permit, which is up for renewal in 2006. MCCF is part of a group called the Stormwater Partners Coalition that wants to ensure that the new permit builds on the successes of the previous one by including eleven new recommendations that are far more effective than past practices.

Unfortunately, the environmental bureaucrats who run both MDE and DEP have become the biggest obstacles to doing more to clean up our county's waterways in four ways:

1. MDE says that DEP should decide what the new permit should say, while DEP says that MDE should make the decision.
2. Both agencies claim that "outside influences" are controlling county residents and organizations in what they say they want in the new permit.
3. DEP says that enforcing a stronger permit would cost millions more and that the county would never agree to spend \$2 to \$4 million more per year in an annual budget of nearly \$4 billion to make our rivers, streams and drinking water cleaner and safer.
4. After these agencies ridicule and challenge the legitimacy of our organizations and our recommendations, and we write to their bosses about their behavior, they then complain about that. They say that the timing of our letters casts a pall upon the process because we are putting such a "negative" political spin on what was supposed to be quiet and friendly negotiations.

The discussion should only be about the best way to clean our dirty water and to keep our clean water clean. We recommend setting specific goals to clean the water and then carefully measuring progress to achieving that goal. We recommend determining what makes the water dirty, and then deciding how much can be allowed each day without making the water too dirty, whether nitrogen, bacteria or sediment. This is called TMDL, or Total Maximum Daily Load. If we, the government, go over it, we have to take actions to lower it or we will be fined for every day we go over. For example, if sewer pipes next to a stream leak raw sewage, the bacteria can contaminate the stream, causing canoeists to get serious infections from the water that splashes on them, a danger similar to that of the Cuyahoga River years ago. This happens, and fines are motivating WSSC to inspect and maintain its sewer pipes to prevent new leaks.

Development has a worse effect on streams. In a natural area, the forests and the fields absorb most of the rain which later enters the streams through underground springs. Until 30 years ago, we handled runoff from roofs, parking lots and other impervious surfaces by directing it to the streets and into storm sewers that emptied right into the streams. This caused the stream banks to erode with the eroded sediment then smothering aquatic insects, plants and fish eggs so that nothing could live. We now have streams in Montgomery County as lifeless as the Cuyahoga River once was.

We switched to building big, ugly expensive stormwater retention ponds that don't control the runoff in the biggest summer thunderstorms, instead releasing hot water from roofs, roads, and the ponds themselves into the streams, also killing whatever lives there.

We now know that controlling stormwater at the source is the most affordable and effective way to control erosion and pollution. We let nature do the work through biofilters in an approach known as environmentally sensitive design. This could be a large trench full of sand next to a parking lot that holds contaminants and puts the water into the ground where it can later emerge as a streamside spring. It could be a rain garden, with house downspouts emptying into a small area that has been dug out and refilled with sand, compost and water loving plants that absorb the runoff and can be very beautiful.

Setting measurable TMDLs and other goals and using environmentally sensitive design are some of the new requirements that we want to see put into the new permit. These requirements will help clean up our dirty streams and better protect our clean streams. MDE and DEP are fighting us on this, arguing about irrelevant issues while claiming they are doing a great job using older methods, even though 35% of our streams have gotten worse and only 11% have gotten better. However, if we don't stand up to these environmental bureaucrats and insist on a permit with much more ambitious goals that are still very realistic and achievable, not only will our streams and drinking water get worse in the next 5 years, but the rest of the state won't have us as the role model to follow as they have with previous permits, and all of Maryland's water quality will suffer. The Cuyahoga River and Montgomery County's and Maryland's waterways are much cleaner than they were in 1969, but they still have a long way to go to be clean.