

**1000 Friends of Maryland • Back River Restoration Committee
Baltimore Harbor Waterkeeper • Blue Water Baltimore
Chesapeake Bay Foundation • Chesapeake Stormwater Network
Clean Bread & Cheese Creek • Clean Water Action • Greater
Baltimore Group Sierra Club • Gunpowder RiverKeeper
Maryland Bass Nation • Maryland Conservation Council
Mid-Atlantic Council of Trout Unlimited • North County
Preservation, Inc. • Sparks-Glencoe Community Planning Council**

September 28, 2013

Honorable Kevin B. Kamenetz
2014 Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

**RE: Opportunities To Enhance Growth Benefits
With Fewer Environmental Impacts**

Dear County Executive Kamenetz:

We, the undersigned organizations, wish to express our concern about the status of Environmental Site Design (ESD) in Baltimore County. As you know, the aquatic resource benefits of ESD are far superior to past stormwater management approaches. However, it appears that only a fourth of Baltimore County development proposals are achieving the full benefits of ESD, which is far lower when compared to other counties.

We are anxious to support the County in finding ways of making greater use of ESD so we can gain the benefits of growth without the substantial aquatic resource impacts associated with past development practices. For example, we understand that the Department of Environmental Protection & Sustainability (DEPS) recently lost half of their eight stormwater review staff. We strongly support filling these positions at the earliest date. We would also like to work with DEPS staff to determine what other steps may be needed to achieve far greater use of ESD on proposed development projects.

Our concern about ESD was prompted by a review last July of the Residences at Sparks Valley, a townhouse development planned in Hunt Valley, within a mile of Loch Raven Reservoir. The original development plan included no ESD practices. Of course this project is

still under review by the Department and we understand increased use of ESD is in the works. Nevertheless, the initial lack of ESD at the Residences raised the question as to whether this project was atypical or representative of other projects proposed for Baltimore County.

To address this question we compiled a list of all development plans approved by the County's Administrative Law Judges in 2012 and 2013, which totaled 16. We then carried out an assessment of ESD use on the 16 projects by:

- examining the 16 development plans for ESD and structural practices;
- reviewing the Department's stormwater files to gain additional detail on ESD and structural practices along with information on how ESD requirements were being met; and
- we asked the engineers who prepared the plans to confirm our findings.

We found that of the 16 projects, five were not required to meet ESD, nine were required to meet ESD requirements and two received an ESD waiver. We understand that while other Maryland counties have issued an average of a dozen ESD waivers each since 2010, Baltimore County has granted 371.

We then compared the use of ESD on each project with the requirements set forth in the *Maryland Stormwater Design Manual*. Chapter 5 sets forth the procedure for computing the amount of stormwater that must be treated, which ranges from 1.0- to 2.7-inches of runoff from proposed impervious surfaces. This amount is termed the *ESD volume*.

The Manual requires that the ESD volume be treated with one or more of the 15 ESD practices listed in Chapter 5 to the Maximum Extent Practicable (MEP). Once opportunities to use ESD practices have been exhausted, the design engineer can then propose the use of the "structural" practices shown in Chapter 3 of the manual, which include bioretention, filters or ponds. Of course ESD practices are far more effective than the structural measures in protecting aquatic resources.

We found that of the eleven Baltimore County projects required to use ESD only three (27%) treated all of the ESD volume with ESD practices. In contrast, we recently completed a similar study in Montgomery County where we found that 19 (95%) of 20 projects made full use of ESD.¹ Harford County is achieving at least an 80% compliance rate. Anecdotal evidence from other urban counties indicates that ESD use is more akin to that in Montgomery County than Baltimore.

Of course Montgomery County and Baltimore County are similar, but not identical. So next we reviewed the reasons given in each project stormwater report for not making greater use of ESD. However, the reports were either vague or silent as to why greater use of ESD was not

¹ See: <http://ceds.org/audit/MontgomeryCountyESD-Report.pdf>

made. None of the reports noted consideration of the option of minimizing impervious area as a way to achieve greater ESD compliance even though applicants are required to consider this option.

Frankly, we see no reason why a much larger percentage of the runoff volume could not be treated with ESD practices. After all, it is generally accepted that ESD practices are substantially more effective in protecting aquatic resources when compared to the structural practices.

Though new residential, commercial and other forms of growth bring tremendous benefits, this sector is also the only source of pollution which is increasing in our County and throughout the Chesapeake Bay watershed. Full compliance with ESD offers the possibility of preventing further increases and could even reduce pollution loads on a number of sites. About 40% of Baltimore County is developed to a degree that the waters within this area are likely degraded. There's no home in Baltimore County which is more than a 15-minute walk from the nearest waterway. But for 90% of our neighbors, the nearest waters are degraded by past development. These waters could offer tremendous recreational opportunities but are instead attractive nuisances to children who find them appealing yet are unaware of the risk to their health and safety. The recently adopted [Stormwater Remediation Fee](#) will make it possible to restore many of these waters to a condition suited for our use. However, failure to make full use of ESD will result in new development degrading waters and making restoration all that more difficult.

In closing, we reiterate our collective desire to support you and the Department of Environmental Protection & Sustainability in restoring stormwater review staff to full capacity and in raising ESD compliance rates closer to that achieved in other Maryland counties. Should you have any questions then please contact Richard Klein at 410-654-3021 or at Rklein@ceds.org.

Sincerely,

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