

**Comment Response Document
Regarding the Baltimore City Trash TMDL Implementation Plan**

The Baltimore City Department of Public Works (DPW) conducted a public review of the Trash TMDL Implementation Plan. The public comment period was open from December 3, 2015 through January 2, 2016. DPW received written comments from 6 individuals and/or organizations. The following is a list of those individuals and organizations that provided public comment:

Affiliation	Author	Date Submitted
Blue Water Baltimore	Halle Van der Gaag & David Flores [HVanderGaag@bluewaterbaltimore.org]	12/30/2015
Chesapeake Bay Foundation	Alison Prost & Terry Cummings [TCummings@cbf.org]	12/31/2015
Citizen Comment	Phil Lee PLee@moffatnichol.com	12/28/2015
Citizen Comment	William Miller @WilliamPMiller1	1/2/2016
Interfaith Partners for the Chesapeake	Bonnie Sorak bonnie@interfaithchesapeake.org	01/02/2016
Trash Free Maryland	Julie Lawson [Julie@trashfreemaryland.org]	12/30/2015

GENERAL COMMENTS

1. Thanks to the efforts of the Department to collaborate with advocates and other stakeholders during the planning process, our comments are limited. We very much appreciate the Department’s transparency and responsiveness!

Response: Thank you. During the development of the Implementation Plan, DPW shared with the Stormwater Advisory Committee (SWAC) and the Healthy Harbor Steering Committee draft plans at the 30% and 75% stages (May 2015 and October 2015, respectively). We appreciated the comments that we received during the process and were able to incorporate them into the plan development prior to the public comment period.

2. We appreciate that the plan notes that current practices may well already meet (in fact, exceed) the Waste Load Allocation (WLA), while the Harbor and its watershed clearly are not yet free of trash. The baseline measurements may be incorrect, or the modeling may be incorrect, or both. We applaud the City’s commitment to reevaluating the practices and continuing to work toward the intended goal of the TMDL.

Response: In Fiscal Years (FY) 2015 and 2017, the City will work with Baltimore County to develop a comprehensive monitoring plan to test the accuracy of the Waste load Allocation (WLA) methodologies identified in the document. Also, the Milestone schedule identifies a re-evaluation of the baseline in FY 2020 (p. 62).

3. We recommend that the Department commit, as planned, to both structural and nonstructural best management practices until the water quality standard is achieved and maintained, which may follow the effort to meet the WLA.

Response: Agreed. Several structural and nonstructural practices are already being implemented, including storm drain inlet screens and preventive inlet cleaning.

4. We also recommend that the Department work with the Maryland Department of the Environment (MDE) and Baltimore County to develop and begin implementation of both project and long-term MS4 discharge monitoring, in accordance with MDE guidance, before the end of the current permit cycle.

Response: See Response to Comment #2. This is also noted on page 63.

5. We request that the Department continue to closely partner with stakeholders, providing opportunity for our review and input on program evaluation, adaptive management, and future implementation plans.

Response: The success of meeting the Trash TMDL will need to include partner agencies and stakeholders. DPW will continue to involve partners in the development and implementation of the practices outlined in the Implementation Plan.

6. In Partnerships, there are references in Education to campaigns, school presentations, and events/community presentations. These are good, but to change the culture and be sustained, the youth must be addressed. This can be accomplished by changing the Public/Private school curriculum. There should be an environmental component to the K to 12 curriculum, in which at least a few hours, weekly, environmental issues are discussed. A few schools have this. Change is slow. This will take a few generations to have a lasting impact. Therefore, adopting and implementing an environmental curriculum in public and private K-12 schools should be included in the Implementation Plan.

Response: DPW will continue to work with the Baltimore City Public School System, the Office of Sustainability, Recreation and Parks, and others to incorporate environmental education opportunities for City youth.

7. A TMDL is a quantitative exercise that requires commitments as to how much, by when and using what specific resources. The implementation plan is heavy on programmatic narrative descriptions but lacks specific numeric milestones, other than the 100% goal.

Response: As noted on page 50 of the Implementation Plan, employing current practices achieves the 100% reduction requirement of the TMDL. However, DPW will continue to monitor, track, and report on the implementation of the plan and its associated trash reduction.

8. Education and volunteer clean-up programs should be structured on the Community Statistical Areas (CSAs) as an identified neighborhood. The implementation plan took the pains to explain that system and provide a useful map, but then prescribes no specific outreach strategy or set of actions that will correspond to those neighborhoods. The CSAs provide a reasonable local sense of place and organizing geography for outreach and education efforts to target behavior change in those places, as opposed to centralized events which generally attract self-selecting audiences.

Response: While the CSAs are an easy way to group the 240+ neighborhoods in the City, the success of volunteer activities is typically at the community, if not block, level. Baltimore Clean Corps is working with an initial 20 neighborhoods throughout the City, which include communities where the municipal can program was piloted as well as where the storm drain inlet screens will be located.

9. Section 2.3.3 identifies contractors and unlicensed trash haulers as a source of illegal dumping, but the implementation plan offers no enforcement disincentive to change that behavior. CBF applauds the use of remote cameras for the purpose of catching such acts but we see no description of whether follow up actions, enforcement or citations were issued. The role of the Department of Housing and Community Development in enforcing littering and illegal dumping laws needs to be quantified as an existing level of activity, and a specific commitment to increasing the enforcement of those laws should be evidenced by an increased budget or staffing level specified in the implementation plan. A strong commitment to enforcement, penalties and prosecution for extreme offenders should be explicitly described in this document and made clear to residents with symbolic cases being well advertised in local press as a deterrent to would-be polluters. Similar comments were delivered in 2014 as part of the MS4 public

meeting but do not appear to have been adopted as a critical part of the strategy. The Implementation Plan, at page 34, outlines several specific actions including the hiring of additional sanitation inspectors and cameras for enforcement and an additional attorney for prosecution of littering and illegal disposal using revenues from the Local Impact Grant Funds. These are appropriate, specific enforcement plans and actions. The draft plan does not indicate whether these actions have been taken or are pending.

Response: Illegal dumping is defined as a Load Allocation (LA); the implementation plan is focused on the waste load allocation (WLA) as required in the City's MS4 permit. . However, the City is committed to continuing to improve its enforcement efforts. As identified in the document, the Department of Housing and Community Development (DHCD) has increased its capacity to catch, cite, prosecute, and fine individuals illegally dumping. DPW will continue to work with DHCD and communities to reduce illegal dumping. Finally, page 34 of the implementation plan cites recommendations made in the South Baltimore Gateway Master Plan, which are pending.

10. The implementation plan should include budget requests that indicate a commitment to programmatic increases above baseline levels of activity for all aspects of the implementation plan that fall to existing City departments. Statements in the implementation plan lack any specific quantification that would allow for tracking by third parties.

Response: Several proposed practices, including the municipal can program, storm drain inlets screens, proactive inlet cleaning, and Baltimore Clean Corps, are already part of the adopted budget for FY 2016. Specific budget requests and forecasts will be included in future MS4 Annual Report. For efforts funded by the stormwater fee, these forecasts will also be included in the bi-annual Financial Assurance Reports.

11. The implementation plan mentions phasing out some of the collection devices and ceasing some program services by FY 2035 without an explanation as to why or what criteria will be used to justify the cessation of those devices or programs. It is appropriate in the adaptive management plan to identify program successes and failures, progress on meeting the TMDL goal and recommendations for changes, but it is completely premature to suggest a program reduction for an arbitrary date even before the program begins.

Response: The goal of the Implementation plan is "Prevention as a sustainable method." It is expected that changing behaviors will reduce the need for, and cost of the operation and maintenance of structural practices. As noted, any reduction or phasing out of services will be evaluated as part of adaptive management.

12. As we expressed last year with the [MS4] WIP, requesting input during the holiday season is particularly challenging for our [faith-based] constituency.

Response: DPW understands the difficulty in timing of the release of the Trash TMDL Implementation Plan for public comment, and appreciates the effort to share with constituents. However, as noted in the Response to Comment #1, drafts of the Implementation Plan were shared with key stakeholder groups, who were encouraged to share these with constituents and solicit feedback during the development of the Implementation Plan.

13. The following are recommendations to be included in the Implementation Plan:

- Curb-side compost pick up.

Response: In this document, "trash" is defined as man-made litter, and excludes organic materials like sediment and vegetation (compost material). However, the comment will be forwarded to the Office of Sustainability.

- Styrofoam pick-up.

Response: As noted in the document, Styrofoam cannot be collected as part of the City's single-stream recycling program. Instead, DPW partnered with the Dart Container Corporation in 2012 to provide Styrofoam recycling at the Northwest Citizen's Convenience Center.

- Phasing out plastic bags.

Response: In the past when State legislation has been introduced for a plastic bag ban or fee, DPW has reviewed it and has been generally supportive of the concept. DPW will continue to consider future legislation and may provide support where appropriate..

14. The Respondent (a member of DPW's SWAC) reiterated the need for an integrated, well-planned and on-going public information campaign as outlined in "SWAC Outreach and Communications Sub-Committee Recommendations to the City on a Communications Strategy July 25, 2015" (attached with the comments letter). Transparency about fee collection and how the fees are funneled to project funding is also tantamount to positive public perception.

Response: Recommendations made by the SWAC Sub-committee were considered in the development of Baltimore Clean Corps and will be considered during the development of an anti-litter campaign. Additionally, a financial report is required as part of the MS4 Annual Report, which will outline where stormwater fee revenues are being used.

15. One comment (via Twitter) was made that the proposed municipal trash cans would not work in the resident's community.

Response: DPW's Bureau of Solid Waste is working with all communities to identify any obstacles for implementing the municipal can program. The comment was forwarded to Solid Waste.