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***Educate. Conserve. Advocate.***

Division of Water
89 Kings Highway
Dover, DE 19901

July 8, 2022

To whom it may concern,

The Delaware Nature Society appreciates the opportunity to comment on the Delaware Phase II MS4 Tier II General Permits. Updating the General Permits to include progressive standards for storm water management is crucial to protecting Delaware's waterways, of which 90% are considered polluted or impaired. We appreciate the updates that have been made since 2020 and respectfully submit the following comments:

- General:
  - Based on the 2010 census data, it is unclear how urbanized areas within unpermitted counties are being addressed. An explanation should be provided as to why Kent County and Sussex County are not permittees. Given the strong connection between stormwater and land use, county participation in the MS4 permits is critical to improved water quality.
  - Water quality: Requiring actual load reductions for Tier II permittees after the initial program setup phase should be considered.
  - Making public comments available would improve the public comment process.

- Part II. Storm Water Management Plan (SWMP):
  - Expanding the development date from 60 days to 6 months provides the opportunity for communities to develop more robust, comprehensive plans. We encourage the incorporation of resiliency and climate change consideration into the plans. Stronger guidance should be provided on the types of acceptable BMPs with attention to green infrastructure and resiliency.

- Part IV. Standard Permit Conditions B. Alternative compliance clause:
  - Additional clarity is needed to specify who has compliance authority or how enforcement would occur.

As a public hearing was not conducted in 2020, the Delaware Nature Society requests that a public hearing be held for the proposed NPDES MS4 Phase II permits. Clean water is a vital shared resource for all Delaware residents therefor, encouraging and providing opportunity for public engagement is critical.

Thank you for the opportunity to comment.

Sincerely,

*Kristen Travers*

Kristen Travers

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