MDEStat Meeting
July 5, 2011

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Table 1: Tentative Schedule for Development of Phase II WIP

Jan/Feb	•Form Local Team (will take some time) •Study background material (come up to speed on the issues)
Feb/March	•Start with: -Current Capacity (Info solicitation) -2-Year Milestones, using current capacity information as a starting point. -Tracking & Reporting -Accounting for Growth (State working group initiated) •Begin writing the document (Current Capacity & Tracking Sections)
April	•Current Capacity: Local Responses to Info Request •Tracking: Continue documenting existing systems •2-Yr Milestone Guidance (tentative) •Initiate documentation of local Watershed Planning Frameworks: How do local watershed planning frameworks relate to the WIP? •Provide BMP Information to Local Teams for review
May	•Continue writing the document: -Current Capacity -Local Tracking & Reporting -Watershed Planning Frameworks •Document Preliminary 2013 Milestones •Land Use Comparisons •Introduce MAST for reduction scenario development: Discuss current BMP implementation and remaining opportunities. •Study Phase I WIP Strategies as Starting-point for Phase II

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June	•Liaison Training June 8 (For June Team Meetings) –Current Capacity Documentation: Seek Closure –Tracking Documentation: Seek Closure •Webinar - June 13: –Phase I WIP Strategy Review –MAST Training Agenda Overview •WIP Stakeholder Advisory Committee Meeting – June 20 •Federal Facilities Meeting - June 21 •Liaison Conference Call – June 22 •Liaison Training - June 29 (For July Team Meetings) –Strategy Development Issues & Guidelines –2013 Milestones: Provide State Guidance EPA Allocations to States - June 30
July	•State Comments on EPA Allocations Due July 7 •Bay Workgroup – July 7 •Webinar – July 14: Rural Jurisdiction Issues •EPA Provides Final Allocations to States - July 15 •Webinar – July 19: MAST Training Preliminary Material •MAST Trainings: July 12 (State staff), 26, 28 •Liaison Conference Call – July 20 •MDE processes allocations for Bay Workgroup (Jul 15-29)

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August	•Bay Workgroup/Cabinet Finalize Numbers for Locals (Aug 1-5) •Finalize Allocations for Local Teams (Aug 8-15) •Webinar - TBD •Liaison Training - TBD •Liaison Conference Call - TBD •Draft State WIP 2017 Input Deck to EPA (Aug 22) •Draft State WIP 2020 Input Deck to EPA (Aug 28)
Sept	•Webinar - TBD •Liaison Training - TBD •Liaison Conference Call – TBD •Regional Workshops – After Labor Day Holiday •Draft State WIP 2017 Input Deck to EPA (Sept 12) – If needed •Draft State WIP 2020 Input Deck to EPA (Sept 19) – If needed •Draft Local 2012-2013 Milestones Due to State (Sept 30)
Oct	•Webinar - TBD •Liaison Training - TBD •Liaison Conference Call – TBD •Draft 2012 – 2012 Local Milestone Input Deck to EPA (Oct 11) •Draft Local WIP Input Decks due to State (Oct 24)

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Nov	•Preliminary 2012-13 Milestone Input Deck to EPA (Nov. 1) •THE FOLLOWING IS SUBJECT TO CHANGE •Process Local Team Input Decks (Nov 1-8) •Submit Final Local Team Model Runs (Nov 8) •Receive Model Runs & Finalize WIP for Sr. Review (Nov.14-16) •Sr. Sign-off on EPA Review WIP (Nov 17-23) •Eat Turkey & Stuffing (Nov. 24-25) •Finalize WIP (Nov. 28-30)
Dec 2011	•Submit pre-public review Draft WIP to EPA Dec. 1 •Solicit EPA Preliminary Comments •Finalize Model Runs •Finalize WIP for Review by Sr. State Officials
Jan 2012	•Sr. Sign-off on Public Review WIP •Post Public Review WIP to Web •Start Public Review Jan. 15 •Receive EPA Comments Jan. 31

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Feb	•End Public Review Feb. 15 •Address EPA and Public Comments •Conduct Final Model Runs if Necessary
March	•Finalize WIP Document •Sr. Sign-off on Final WIP •Final WIP to EPA - March 30 •Submit WIP to EPA

Table 2: 319(h) Grants Summary

319(h) Grants Summary			
Grant Year	**TOTAL Federal Funds**	**Total Expenditures** As of 5/31/11	**Encumbrances** Note: Total Expenditures reported includes encumbrances below
FFY 2010	$2,575,000	$1,802,981.56	$1,068,613.48
FFY 2009	$2,575,782	$2,117,085.31	$299,778.96
FFY 2008	$2,653,500	$2,221,011.86	$137,377.56
FFY 2007	$2,598,601	$2,380,698.32	$227,675.16
TOTAL	$10,492,883	$8,521,777	$1,733,445

Summary of Anticipated FFY2011 319(h) Grant Application (1)	
Maryland allocation (as revised 5/18/11)	$2,237,000
Supplement Funds (to host EPA Region 3 annual meeting)	$15,000
EPA Region 3 distribution of unobligated/carryover funds (6/23/11)	$90,400
TOTAL Anticipated Grant Application (6/21/11 information)	$2,342,400
(1) EPA Region 3 approved MDE's request to preserve existing 319(h) FFY2011 Base Grant-funded FTEs. Within the FFY2011 grant, this increased the Base Grant allocation, which is primarily used to fund NPS program staff, up to $1,199,667.	

Table 3: Permits/Approval That Have Or Are Undergoing An Antidegradation Review

Permit/Approval	Total Received	Open	Closed	Monitoring
NonTidal Wetlands and Waterways	102	42	62	5 (2 pending)
Water and Sewer Plan Amendments	39	27	12	-
Industrial Discharges	2	1	1	1
Mining	11	2	9	1
Toxic Materials	2	2	0	1

Table 4: Category 5 Listings that may not meet MOU Timeline (10) (Continued)

Basin Name	Impairment	Current Status/Actions
Atkisson Reservoir	Nutrients and Sediments (2)	Previous report: EPA has cut all funding to this project, and as of now, we cannot fund this TMDL. Thus, it is not likely to meet the 9/30 deadline. UPDATE as of 6/23/2011: EPA has located funding for this project. Since the RFP process had started and had to be stopped based on funding, the contract process is further along and EPA is preparing to award the contract. Given the timing, it is still not likely to meet the 9/30 deadline but a schedule could be developed.
Aberdeen Proving Ground	Toxics (1)	Previous report: Findings of TetraTech report suggest that additional monitoring is required to assess specific toxic impairments in order to refine general Toxics listing. MDE plans to develop a preliminary monitoring plan and cost estimate. EPA has informed MDE that they will no longer be able to continue funding this project. UPDATE as of 6/23/2011: EPA has located funding for this project. EPA is meeting with MDE to prepare a scope of work for a new contract to be submitted by 7/15/11. • The contract will fund a monitoring effort to identify specific toxicants impairing the tidal waters of APG in order to refine the Toxics listing for TMDL development.Given the timing and volume of work needed, it is not likely to meet the 9/30 deadline.

Table 4: Category 5 Listings that may not meet MOU Timeline (10)

Basin Name	Impairment	Current Status/Actions
Bodkin Creek	Copper (1)	•EPA plans to complete draft saltwater Cu BLM criterion in Summer 2011. •MDE plans to conduct monitoring survey Summer 2011 to reassess listing based on new criterion.
Baltimore Harbor	Metals (2) Curtis Bay (zinc) Middle Harbor (zinc)	Previous Report: Work continues on development of sediment quality guidelines for MD. Wye Research & Education Center (WREC) is developing a second sediment toxicity test for clam species. New sediment toxicity test will be applied in the second phase of the sediment spiking study to develop site-specific criteria for Cu/Pb/Zn in the Baltimore Harbor. **Update 6/17/11:** •Work on state-wide sediment quality criteria development has not moved forward as the technical advisory committee was unable to come to an agreement on applying existing sediment quality guidelines as numeric criteria. Work continues on development of clam sediment toxicity test.
Upper Pocomoke River (UPR)	Nutrients (1)	Previous Report: The model has been set up and calibration is expected to be finished at the end of march. The calibrated model will be used to run different scenarios to determined phosphorus TMDL. Will try the Chesapeake Bay interim (2017) scenario loads in the Upper Pocomoke watershed as a first attempt. If the 2017 CBP load allocations for the UP meets the required DO and Chla WQ criteria, it will be used to set the TMDL for the watershed. Completion of the Draft TMDL is expected by the end of April, 2011. Update 6/14/2011: Original plans for the development of this TMDL had changed after data analysis and results from an empirical WQ model suggested that the low DO in the mainstem of the Upper Pocomoke River is not caused by nutrients over enrichment but by excess organic carbon input to the stream. However, the same can't be confirmed for the tributaries (1st to 4th order streams) of the UPR. Original model segmentation did not include tributaries of the Upper Pocomoke River, therefore, further and more detailed modeling of the smaller tributaries is necessary to complete the phosphorus TMDL in these tributaries. A WQA for nutrients (phosphorus) has been developed only for the mainstem of the River. The WQA report is under SSA internal review and is expected to be submitted to EPA in September 2011. Before September 2011, MDE will send a letter to EPA, explaining that the TMDL for the UPR will not be submitted complete, it will be a partial submittal, MDE will submit only the WQA for Phosphorus for the mainstem of the River.

Table 4: Category 5 Listings that may not meet MOU Timeline (10)

Basin Name	Impairment	Current Status/Actions
Upper Pocomoke River	Sediment (1)	Previous report: Still considering reference watershed, looking for most appropriate references, Eastern Shore or Western Shore. Also researching literature for TSS threshold values or ranges that may be use as endpoints. Final decisions have not been taken on how to develop the TMDL. **Update 6/14/11:** Reference watershed: Reference watershed analysis shows that Upper Pocomoke has a lower forest normalized sediment load than reference watershed on the Eastern Shore. However, it is uncertain is the reference watersheds are compatible with Upper Pocomoke. USGS Cluster analysis (Preston, 2000) was reviewed. No reference watersheds exist in the "cluster" that includes Upper Pocomoke. TSS threshold: A number of articles regarding the relationship of TSS and aquatic life were reviewed. Most articles were fairly narrow in scope (i.e. geographical area of study, biological species) and were not applicable to the Upper Pocomoke. For those areas that have established suspended sediment criteria, there is a wide range of values (30 – 150 mg/L). Several of the articles also cited a lack of TSS data as an obstacle to determining TSS limits.
Susquehanna River/Conowingo Dam	Nutrients/ Sediments (2)	Previous report: MBSS and SRBC Biological data were used to reassess the support of the Aquatic Life and Wildlife Use in the watershed. The SRBC study was funded by MDE and is comparable with MBSS methodology and meets the Biological Listing Methodology criteria. The total number of sites assessed in the watershed is 15. Only three of the sites had a failed for biology, which results in the watershed fully supporting the Aquatic Life and Wildlife Use, and therefore, confirming the Category 2 listing of the watershed for supporting its biological uses. Since the watershed supports its Aquatic Life and Wildlife Use, it is also concluded that is not impaired by nutrients or sediments. WQAs for both phosphorus and sediments have been developed and are currently under SSA internal review. Update 6/14/11: WQAs for both nutrients (phosphorus) and sediments have been developed and are currently under SSA internal review. They are expected to be submitted to EPA before September 30th 2011.

Table 5: TMDL/WQA Projects Submitted but Require Additional Action (i.e., follow up action required, not approved) (8)

Basin Name	Impairment	Current Status/Actions
Baltimore Harbor	Metals (5) Inner Harbor NW Branch (Cr) Inner Harbor NW Branch (Pb) Inner Harbor NW Branch (Zn) Bear Creek (Cr) Bear Creek (Zn)	Wait for results from sediment spiking study.
Baltimore Harbor Deep Channel	Nutrients (2)	•Bay TMDL shows attainment in Deep Channel and will replace existing Nutrient TMDL(s) •Existing TMDL evaluation report in internal review
Edgewater Village Lake	Nutrients (1)	•Identify SSA workgroup to determine UAA process •Per previous MDEStat meeting it was agreed that there were higher priorities given current workload. Consequently, at this point in time, no further action is planned.

Table 6: Justification for Schedule Change and Impacts to MOU

Watersheds/pollutants	Advantages of extending schedule	Impact to MOU
Antietam Creek – nutrients Catoctin Creek - nutrients Double Pipe Creek – nutrients Upper Monocacy River – Nutrients Lower Monocacy River – nutrients Rock Creek – nutrients Liberty Reservoir – nutrients and sediment	1.Credibility in using Phase 5.3.2, better science, better tracking and understanding of implementation issues 2.Submitting the non-tidal TMDLs by June 30, would allow WIP teams to focus on Bay water quality goals 3.MAST could be used to aid in the development of non-tidal nutrient TMDLs scenarios 4.Evaluation of non-tidal nutrient criteria per ARRA grant could be considered in the revision of nutrient TMDLs	<u>Current Status:</u> As of Dec. 2010, MDE has completed 92% of the 1996/1998 Listings on the 2010 Integrated Report. In addition to addressing 1996/1998 Listings, Maryland has attended to 62% of the 2002 list, 36% of the 2004 list, 51% of the 2006 list, 29% of the 2008 list and 20% of the 2010 list. <u>Impacts:</u> These projects comprise approximately 2% of the total MOU agreement for submittal by September 2011.

Table 7: SSA Vacancies with Approved Exceptions OR With Exception Request Recently Submitted by OBF Based on New Vacancy Prioritization

PIN	Vacancy Date	DBM approval rcvd? Y/N	MS22 ready? Y/N	Questions ready? Y/N	Overdue for Action by Admin? Y/N – if yes please explain
063971	12/28/10	Y	Y	Y	N - Interviews to be completed 6/30/11
073051	12/01/10	Y	Y	N	Y – waiting on interview questions and letter to candidates
081062	01/31/11	Y	Y	N	Y- waiting on interview questions; letter to send to candidates forwarded to OHR 6/23/11 for approval