



Memorandum

Date: 10/17/2018

To: Maryland's Municipal Separate Storm Sewer System (MS4) Community

From: Maryland Department of the Environment (the Department), Sediment, Stormwater, and Dam Safety Program (SSDS)

Re: Stream Restoration Crediting for MS4 Permitting Purposes

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In January 2017, the Department provided a letter (see attached) to Resource Environmental Solutions, LLC (RES) concerning the use of stream restoration as a practice to meet NPDES MS4 permit requirements. As noted in the 2017 letter, the Department supports the Bay Program's use of site specific stream restoration monitoring data for calculating nutrient credits. The Department also confirms that these same site specific data can be used to calculate individual stream restoration project impervious acre equivalencies. However, the credit will be capped at the actual impervious area draining to the most downstream point of the stream restoration project.

Please consider this correspondence as confirmation that the Department does allow the NPDES Phase I MS4 regulated community to use site specific stream restoration monitoring data for calculating nutrient credits, and by extension, individual project impervious acre equivalencies. The application is not limited to RES projects. The Department requests that all MS4s or others applying for site specific impervious acre equivalencies submit the more specific stream restoration data as described in Recommendations of the Expert Panel to Define Removal Rates for Individual Stream Restoration Projects, Chesapeake Bay Program Urban Stormwater Workgroup, Schueler and Stack, 2014 (Schueler and Stack 2014), in their MS4 annual reports and in the geodatabase. The Department also requests that a short report showing how individual credits were calculated accompany these data.

Currently, the nutrient and impervious area credits associated with stream restoration and determined using the protocols found in Schueler and Stack, 2014, are valid for five years, and may be renewed depending on the results of additional monitoring and field performance (e.g., maintenance) inspections. Also, please be advised that the Chesapeake Bay Program Urban Stormwater Workgroup (USWG) continues to research stream restoration. Most notably, the USWG is developing guidance for verification of stream restoration practices.



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

January 25, 2017

Mr. Don Seaborn
Region General Manager
Resource Environmental Solutions, LLC
10055 Red Run Boulevard #130
Owings Mills, MD 21117

RE: Stream Restoration Projects

Dear Mr. Seaborn:

Thank you for your letter to me regarding opportunities for restoring Maryland's urban streams and meeting local municipal separate storm sewer system (MS4) permit requirements. Restoration in the urban environment offers unique challenges and Maryland Department of the Environment (Department) recognizes the need for flexibility and adaptive management. The Department will work with all MS4s, Resource Environmental Solutions, LLC (RES), and others to accommodate new ideas based upon site specific monitoring data.

Specifically, RES asks, "Can the impervious acre equivalent method be used to calculate the number of impervious acres generated by a stream restoration project utilizing project specific nitrogen, phosphorus, and sediment (nutrient) reduction calculations and data?" Yes, the Department's *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated, August, 2014 (Guidance)*, encourages and supports the use of site specific monitoring data. In fact, the *Guidance*, which relies upon the Chesapeake Bay Program's *Recommendations of the Expert Panel to Define Removal Rates for Individual Stream Restoration Projects*" (*Schueler and Stack, 2014*), describes protocols for the use of specific stream restoration site data for calculating nutrient credits.

These same nutrient data may then be used to calculate individual stream restoration impervious acre equivalencies, as long as the actual impervious acres draining to the monitoring site are not exceeded. The Department requests that all MS4s, RES, or others applying for these site specific impervious acre equivalencies submit the more specific stream restoration data described in *Schueler and Stack, 2014*, in MS4 annual reports in the prescribed best management practice (BMP) database. In addition to the monitoring data, a short report shall also be submitted to show the work behind the calculations and credits.

Thank you again for your letter and desire to improve Maryland's environment. Let me know if I may be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Lynn Buhl".

Lynn Buhl
Assistant Secretary

cc: Lee Currey, Acting Director, Water Management Administration
Jennifer Smith, Acting Program Manager, Sediment, Stormwater, and Dam Safety Program