

WIP Stakeholder Advisory Committee Meeting
Maryland Department of the Environment
8/11/10

Attendees:

Members

Les Knapp - Maryland Association of Counties (MACo)
Candace Donoho - Maryland Municipal League (MML)
Katie Maloney - Maryland State Homebuilders Association
Jen Aiosa Chesapeake Bay Foundation (CBF)
Bill Satterfield - Delmarva Poultry Industry Inc.
Bruce Williams - Chesapeake Bay Local Government Advisory Committee
representative
Lynn Hoot - Maryland Association of Soil Conservation Districts (MASCD)
Jamie Brunkow - Sassafras River Association
Terry Matthews - State Water Quality Advisory Committee (SWQAC) (Sarah Taylor-Rogers alternate)
Katherine Freeman - Coastal & Watershed Resources Advisory Committee (CWRAC)
Lisa Ochsenhirt – Maryland Association of Municipal Wastewater Agencies,
Inc.(MAMWA)/ Point Sources
Alisa Harris - Utilities/Conowingo Dam
Jim Gracie - Sport Fisheries Advisory Commission
Richard Young - Tidal Fisheries Advisory Commission
Tom Filip – P/B
Jen Dindinger – Choptank
Julie Pippel – Upper Potomac
Rupert Rossetti – Upper Western Shore
Carlton Haywood – Middle Potomac
Bob Boxwell – Lower Potomac
Ginger Ellis – Lower Western Shore
EB James – Lower Eastern Shore/Nanticoke River Conservancy

Staff

Beth Horsey – MDA
John Rhoderick – MDA
Sara Lane – DNR
Jeff Horan – DNR
Frank Dawson – DNR
Catherine Shanks – DNR
Mike Bilek – DNR
Claudia Donegan – DNR
Chris Aadland – DNR
Rich Eskin – MDE
Jim George – MDE
Maria Levelev – MDE

Tom Thornton – MDE
Lee Currey – MDE

Catherine Shanks- Opened the meeting at 2:00

Frank Dawson, Rich Eskin and John Rhoderick - Thanked the committee on behalf of the Bay Cabinet and Governor. Frank mentioned that it is the responsibility of all citizens of the state to meet the TMDL objectives.

Rich Eskin gave a presentation that provided an overview of the TMDL, purpose and requirements for developing a Watershed Implementation Plan and Maryland's process and along with the status. Questions and answers regarding the presentation followed:

1. If we find that water quality in the Bay is not recovering in spite of our implementation efforts do we start over and reevaluate the TMDL? Yes, if water quality standards do not start improving, the WIP and TMDL will be reevaluated.
2. When will we see the sediment load allocations? They are scheduled to be provided on Friday, August 13th.
3. Will you need to focus more on sediment TMDLs in order to control sediment? Because phosphorus binds to sediments, we will first see if controlling phosphorus will be sufficient to also meet the sediment loads. However, if phosphorus strategies focus on wastewater treatment plants, then additional NPS controls might be needed to achieve the sediment loads. In addition, there might be localized sediment issues that necessitate local sediment TMDLs
4. Are there clear enforcement and tracking pathways for non regulated sources? This is where reporting will be critical. The reporting will need to be validated.
5. Will non-regulated sources become regulated? No. New tracking and reporting will help us and EPA keep tabs on progress.
6. If MD meets its TMDL but other states don't, will EPA come down harder on MD because we get things done? It is hoped that EPA regulates in a fair and equitable manner. They should hold all states equally accountable.
7. How are you accounting for growth? We can allocate for growth in permits and will require offsets for additional growth in loads.
8. When we will have draft allocations? The draft allocations will be available for the September public review.
9. How can you assure that local governments can put together an implementation plan and carry it out? Adaptive management will be written into the WIP.

10. Have the local elected officials been educated on this process? The plan is for local elected officials to be briefed as the WIPs are being developed. MACO and MML will participate in the education process. Bay Cabinet has met with some elected officials during the listening session and we plan to have briefings for local elected officials in conjunction with the Tributary Team regional meeting in October.
11. If a local WWTP is given a load, will MDE assist that plant in upgrading to meet its load allocation? MDE through the Bay Restoration Fund will help these plants meet their given allocations.
12. Will all stakeholders step forward and help contribute to meeting the non point source goals? So far our experience with the pilot WIPs has been that stakeholders, such as the Federal Government, have stepped up and participated in the process.
13. There is a concern at the local level with local governments that this will be viewed as an unfunded mandate. What assistance will be provided to assist local governments with meeting their obligations? Through the WIP development process, which will involve creative thinking and planning to meet these mandates. In addition, as new permits expire they will be more inline with stricter permits such as the Montgomery Co.MS4 permit.
14. How will post construction aspects be implemented in new MS4 permits? . 2007 SW Act addresses new development, regardless of MS4 jurisdiction. The State WQ law also requires inspection & maintenance of existing SW facilities. Otherwise, post construction for past practices are address via retrofit requirements in MS4 permits.
15. Need to educate elected officials so they understand that BMP costs need to be incorporated into future budgets. It is hoped that the offset program for example will help pay for some of these unfunded mandates.
16. When will EPA start enforcing the TMDL? In 2017? EPA will not wait until 2017 to start enforcing the TMDL. The EPA could take over permitting for a given county at any time who is not in compliance. For example, they could prevent any more hookups to local WWTPs. Negotiations will take place to try and solve issues before the consequences kick in. Future loads need to be calculated as part of the planning process.

Catherine Shanks- Went over the outcomes from this meeting:

1. Get everyone up to speed on the WIP, the TMDL and the Maryland process;
2. The expectations for this group over the next 3-4 months;
3. Discuss the process for stakeholder input for the WIP and the TMDL to include the Tributary team sponsored meetings and the EPA meetings; and,
4. Agree on a meeting schedule and the date for the next meeting

She announced that Carlton Haywood has agreed to Chair this committee. She reviewed the documents provided to the members that included the membership list, the dates and locations for upcoming public meetings, and the web links to all the current information about the WIP and Bay TMDL. The online Survey Monkey BMP suggestion Box will remain online through the WIP process. Comments to date will be made available in some form to this committee for review.

General discussion and questions;

1. How will comments from this group be reported? Hopefully a consensus on certain issues will come out of the group and be reported to the Bay Cabinet. Hopefully the committee will come up with innovative ideas, programs and BMPs during the WIP process. The committee can also identify contingencies and additional resources for implementation. At the end of October we will compile comments for submission to the Bay Cabinet from the committee.
2. Can we organize who from this committee will attend both the Trib Team and EPA public meetings? The expectation is that each member will try to attend one or more of these public meetings. We can use Doodle or a similar tool to organize who goes to what meeting.
3. When will committee get to see draft WIP? A final decision has not been made but we hope it will be around Sept. 1st when the draft is delivered to EPA. Public comment period begins Sept. 24th. The committee will collect its comments for submission to the Bay Cabinet. After reviewing Phase I we will move on to working on Phase II.
4. How does the WIPSAC differ from the general public in submitting comments if we don't see the Phase I WIP before the general comment period? The work of the committee will not end with Phase I but will continue through Phase II. Phase II is where more detailed information will be needed at a local scale and it is hoped the committee will help identify the best approaches for both gathering that information and engaging local stakeholders. The committee will serve to reach and inform the constituency that the members represent.
5. What will the Phase I WIP look like? It currently is a 200 page document, not including the appendix, and is expected to grow. It will address the eight elements which were outlined in Rich Eskin's presentation and provide allocations for the 58 segments in Maryland. The elements will address statewide programs, policies and actions so it is broad in scope. Many changes will be made in Phase II especially with the changes to be made in the Bay Model. Phase II will be more detailed and allocations will be provided at the County level scale.
6. Can an executive summary or synopsis be presented to the committee due to the limited time line? Jim George said that yes an executive summary is planned to be developed and can be provided to the committee.

7. The committee requested a presentation at their next meeting to walk them through the draft WIP. They also requested the wastewater treatment plant load allocations be provided. These allocations are already in the State Cap Maintenance Strategy.

Mike Bilek spoke about the 4 regional Trib Team sponsored public meetings on the Phase I WIP. There will be a separate briefing for elected officials prior to the public meetings at the same location. Exact times will be sent out as soon as the locations are confirmed. The power point presentation was requested to be available for members of the SAC who may want to present to the groups or committees they represent or in which they participate.

There was a discussion regarding the difference between the EPA public meetings scheduled for October and the Trib Team sponsored public meetings. The Trib Team sponsored meetings will be focused on the MD Watershed Implementation Plan and will be taking ~~recommendations~~ on how to close the identified gaps. The EPA meetings will be primarily focused on the Bay Wide TMDL, which is the amount of N, P and sediment that Maryland will be allowed to discharge into its waterways. Comments will need to be submitted in writing to be considered part of the formal comment period and to be included in the response document to be prepared at the end of the process.

The next meeting will be Monday Sept 13th 2pm-4pm at the MML offices in Annapolis.

The meeting adjourned at 4:00.

Comment [s1]: Need to be clear that these recommendations are NOT part of the formal comment process. They need to send comments in writing. Being clear on this is in their interest to ensure they know to send in written comments.