

WIP Webinar Nov 28 -- WIP Update and Future Direction

Questions and Answers

Q1: MD State Highway Admin: Is it possible to get a copy of the draft Phase II General Permit?

A1: Jim George - MDE: To SHA: You may request the draft Phase II permit from MDE water management administration.

Q2: David Duree: Please spell out more about septic systems as a priority.

A2: Jim – Septic Task Force study indicated that septic systems will be prioritized (above SW). This might be in the 2012 amendment to the Bay Restoration Fund (BRF) law.

Q3: David Duree: Do the verification procedures include testing for nutrient reduction?

A3: John Rhoderick – MDA: Go to MDA website for Ag reg compliance procedures: examination of plan; responses to complaints; enforcement actions including fines and levies; compliance stats on website. They will verify the Nutrient Management Plan (NMP) record – the plan and whether farmer is following the plan and that the plan is according to stds and specs

Q4: City of Rockville: Can you chat about the urban nutrient implementation being coordinated by AG?

A4: Jim George - MDE: To Rockville: Urban NM is addressed under Fertilizer Act topic to follow.

Q5: David Duree: The original septic bill called for implementation of shared facilities, such as spray and drip dispersal systems. Is there still any discussion about that option to be a more cost effective means of nitrogen and phosphorous.

A5: MDE would recommend the cost effectiveness of all wastewater disposal options be explored. The Department generally does not dictate what options a permittee or applicant should explore. There has been discussion that there may be an economy of scale achieved by using shared facilities over individual systems.

Q6: Chester River Association: Are there any funds to assist in converting homes from septic systems to connections to municipal WWTP?

A6: Amendments to the Bay Restoration Fund allows for this option provided that the replacement of the onsite sewage disposal system with service to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment is more cost-effective for nitrogen removal than upgrading the individual onsite sewage disposal system; or the individual replacement of the onsite sewage disposal system is not feasible.

Q7: Izzy Patoka: Does upgrading 1,200 septic systems per year, mean that it will take 150 years to address the problem (181,000 system upgrades needed)?

A7: Jim - This is what the planning numbers indicate if no additional funding is identified or no other alternatives to septic system upgrades are identified. The WIP is a planning tool intended to be a starting point for modifications. For example, there is discussion of additional controls on atmospheric sources of TN, like Tier III fuel standards, that could achieve reductions thereby reducing the burden on septic systems. Clearly the costs associated with upgrading 181,000 septic systems, which is now in the State's plan, will provide motivation to seek lower cost alternatives, which is part of the overarching funding strategy of the WIP. (See Section 1.10.2 of the Phase II WIP).

Q8: Jen Dindinger: How will the candidate minor WWTPs be selected?

A8: Jim – The subject of upgrading large minor WWTPs was discussed briefly at the October 4, 2012 meeting of BRF Advisory Committee. The BRF Advisory Committee is a public forum and it is likely that this issue will be discussed in future meetings. The next BRF Advisory Committee meeting is January 17, 2013. The Advisory committee and MDE will decide which minors to upgrade. Key factors in setting priorities will likely include facility size, cost-effectiveness, and consideration of smart growth issues.

Q9: John Groutt: where can we find draft regs for growth?

A9: Paul Emmart - MDE SSA: Go to:

http://www.mde.state.md.us/programs/Water/TMDL/TMDLImplementation/Pages/Accounting_For_Growth.aspx

Q10: Jen Dindinger: If 2013 milestones aren't met, what are the consequences?

A10: Jim – Could depend on the good faith effort demonstrated. For example, an understandable delay in finalizing construction on a treatment plant that is critical to meeting the State's milestones may not trigger consequences from EPA. The key is to demonstrate a willingness to make progress, not digging in heels or being obstructionist. See Section 4 of the Phase II WIP for examples.

Q11: Claudia Friedetzky: Any plans for addressing county concerns over funding wip implementation?

A11: Jim – To be addressed later in the presentation and in follow-up over the coming year.

Q12: Chester River Association: Are there any plans to strengthen and improve the MAST?

A12: Yes. MAST is now being maintained by the Chesapeake Bay Program. We will be discussing this during the Technical Meeting Series to be introduced later in the presentation.

Q13: Cecil County: Will MDE impose consequences on counties prior EPA placing consequences on the state?

A13: Jim – It is likely the State would hear from EPA before imposing consequences on locals. However, the State already imposes “consequences” in its compliance oversight role.

Q14: Chester River Association: And, when will the model inaccuracies be corrected? For example, Kent County was given 10,000 extra ag acres that they don't have.

Q15: Christine Finamore: Calvert County - Same question on model inaccuracies above.

A14 & 15: Jim – This question will be addressed in the technical section of this webinar.

Q16: Heather Forsyth, CRA: You might also touch on the push back by Dorchester County, and others, represented by Funk & Bolton, arguing that the TMDL/WIP process is fundamentally flawed and that counties shouldn't work on WIPs until the Conowingo Dam has been "fixed" Will the State be coordinating a response to this effort?

A16: Jim – Many of you may be aware of the F&B efforts to organize local jurisdictions to resist working on Bay restoration, arguing the sediments discharged during large storms overwhelms the benefits of Bay restoration actions. We reject that. It is well established that water quality conditions in our tidal rivers, particularly at the head of tide where non-tidal waters meet the tidal waters, are affected by local sources. We acknowledge there is an issue of sediments built up behind the dam, which we will all have to address collectively ... Please stay tune on that one.

Heather Forsyth, CRA: We reject it too! But we need help communicating that to local county officials!

Rupert Rossetti: Amen!

Q17: Christine Finamore: Is the slideshow available to participants? Either by email or online?

A17: Jim: The presentation will be posted on MDE's web site and a link will be sent to local team leads, who can distribute them to other interested parties.

Q18: Cecil County: What is the estimated timeframe to go through the process to include new/innovative BMPs in the Bay Model? If a BMP is being constructed now with monitoring to begin this spring - what is the likelihood of inclusion in the 2017 Bay Model update?

A18: Jim – depends on the BMP. It can take years if research has not been done yet. But it could be shorter if good research exists and it is only a matter of assembling the research and making the case to the Bay Program.

Q19: Karen Lukacs: Can you give more detail on the local feasibility analyses? Is it more than just the stormwater?

A19: Yes, there is also the septic piece that needs to be analyzed. The principle is the same: Higher-cost sectors being able to raise revenues and pay for lower-cost reductions. This can take many forms. It can be permanent, e.g., paying for upgrading a treatment plant or planting forest buffers, or it can be temporary, e.g., paying for upgrading a treatment plant that doesn't need to use the new capacity immediately, but over time, as the nonpoint source reductions are made, can re-claim the water capacity. In addition to this realm of paying for lower-cost reductions, the State will be pressing the federal government to kick-in, which would help make it more feasible.

Q20: Paul De Palatis: If I missed the question and its answer, will the answers to the questions be posted and distributed or available?

A20: Jim – We will make the Q & A available, certainly by January, but hopefully sooner.

The WIP Webinar host, Jim George, asked if local teams would like to continue to have WIP liaison support.

Q21: Sue Veith: Yes [In response to the question do we need/want WIP liaison support].

A21: Rupert Rossetti: Liaisons, yes, but we frequently need much deeper technical expertise in the liaisons who do come out.

Q22: City of Rockville: We suggest that you maintain direct communications with each of the Phase I and Phase II communities. Do not count on third parties to spread the word.

A22: Jim – Please contact Meo Curtis WIP team Lead for Montgomery County. That said, we could also include you in direct correspondence if you provide your contact information.

Follow up: Meo Curtis: I am the [Montgomery county] lead and I do forward all e-mails and other notices received from MDE about the stormwater permit and the WIPs. However, I can understand that a locality with a specific permit would appreciate direct communication from the agency holding that permit.

Dan DeWitt: Allegany County is in support of continued use of liaisons.

tw: yes to liaisons (for munis would be good!!)

Vocal comment – yes, liaisons valuable to counties (Meo Curtis) and need to keep them available to foster state and county connection. We are aware that they have other day jobs to do but would like to see them engaging the counties as frequently as possible.

Christine Finamore: yes to liaisons

Q23: Jim posed the Q: Do we need to have a state and local funding initiative?

A23: Paul Emmart - MDE SSA: The MDA map and info is available at:
http://mda.maryland.gov/resource_conservation/tmdl_wip/index.php

Q24: Chris Rogers: Who will assure that BMPs are in place for developers to use in the Accounting for Growth Regs. Will they require permanent easements?

A24: John R—Not sure if this refers to ag BMPs – each is inspected. Each BMP has a contract life unless recertified and re-inspected.

Q25: David Duree: Is there a plan to make the WIP model more flexible as issues arise?

A25: The Bay watershed model is undergoing refinement as part of the midpoint assessment discussed later in the webinar. The MAST tool, that is a simplified version of the Bay model, will be refined as needed to match the Bay model. Other ‘flexibility’ can be accommodated along the way, e.g., adding new BMPs. All of this said, nothing prevents us from using good common sense to do the right thing, even if it take some time for the Bay modeling and other accounting systems to catch up.

Q26: Cecil County: Must BMPs installed by NGO's be held in a permanent easement to receive WIP credit? Emmett Duke: Cecil County question extension: If so, please define "permanent".

A26: For the Ag sector permanent means as long as it is verified and maintained (this applies to urban stormwater and septic upgrades too). Receiving credit will depends on the sector.

Q27: Chester River Association: Back to an earlier question: Where is the State on the Funk & Bolton solicitation? Where is MDE? We need your involvement!

A27: Jim The Governor is part of the State. He maintains a blog that addressed some of the F&B inaccuracies with assistance from the Chesapeake Bay Foundation:
<http://www.governor.maryland.gov/blog/?p=7092>

In addition, the University of Maryland is part of the State. Dr. Don Boesch President of the University of Maryland Center for Environmental Science, has recently written letters to county councils that addresses Funk & Bolton inaccuracies. This is a factual argument and facts will speak for themselves. As noted before, the sediments behind the dam are an issue of some legitimate concern and everyone acknowledges this; however, it is not a reason to stop our efforts toward restoring the Chesapeake Bay.

Q28: Cecil County: urban BMPs

A28: Jim- I don't really have an answer for NGOs. But, as a similar example, home owner's associations are responsible for some BMPs, but they often don't have the knowledge or capacity to maintain them. Many counties do not want the HOAs to be responsible and take control of the maintenance. In general, it is best for the local government to have a role in verifying and reporting the BMP, and taking over responsibility for maintaining the BMPs. So, NGOs that install BMPs without coordinating with local governments risk not getting credit for them.

Q29: Daryl: Takoma Park: Does verification include efficiency verification of BMP?

A29: Yes, from the standpoint that verification needs to ensure they were built according to design, which includes calculations of the amount of rainfall captured from which efficiency can be determined. At present, 'efficiency' is based on BMP type and area treated. This is transitioning to a 'volume captured' approach, and more will be said about this in follow-up technical meetings we will conduct with you, or you can review the urban stormwater BMP recommendation, which gives an good idea of future approach to crediting urban BMPs:
http://www.chesapeakebay.net/channel_files/18147/wqgit_panel_recommendations.pdf

Q30: Jeanne Minner: when will slides be available?

A30: Jim – Prior to Christmas. Will be posed to MDE web page and the link will be shared with the local WIP team leads.

More info on Bay Program BMP Verification Committee:

http://www.chesapeakebay.net/groups/group/best_management_practices_bmp_verification_committee

Paul Emmart - MDE SSA: The SW Manual can be found at:

http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Pages/programs/waterprograms/sedimentandstormwater/stormwater_design/index.aspx