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Tier II High Quality Waters 101

Angel Valdez
Antidegradation Policy Implementation Coordinator
Water and Science Administration
Maryland Department of the Environment

Antidegradation Regulation: COMAR 26.08.02.04-2 (est. 2004)

- Defines how to designate Tier II waters
- Defines when an Antidegradation Tier II Review is required
- Defines when there is no assimilative capacity, e.g., Tier II conditions are not maintained
- Lays out the social and economic justification procedure when approval is granted, and water quality will be lowered

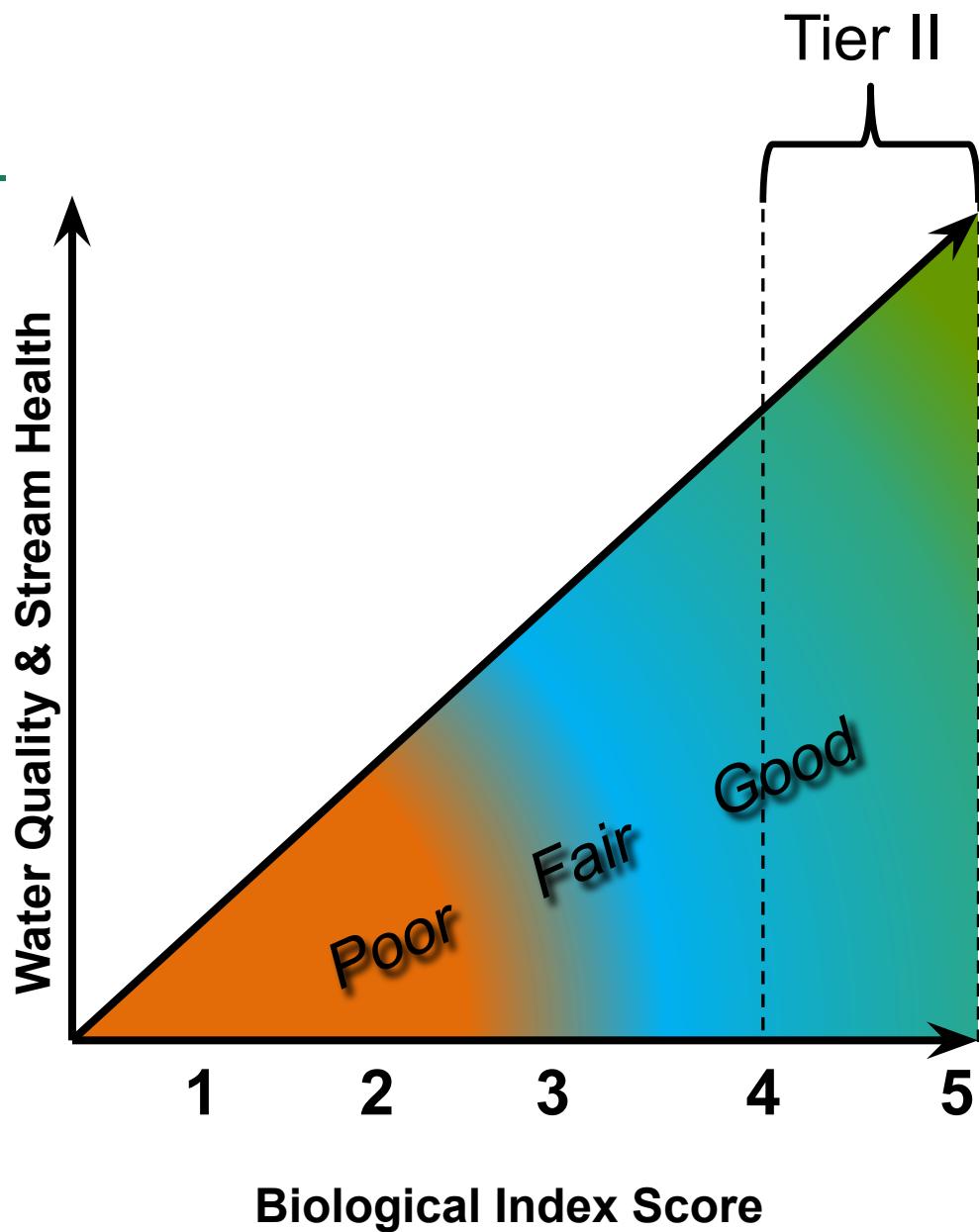


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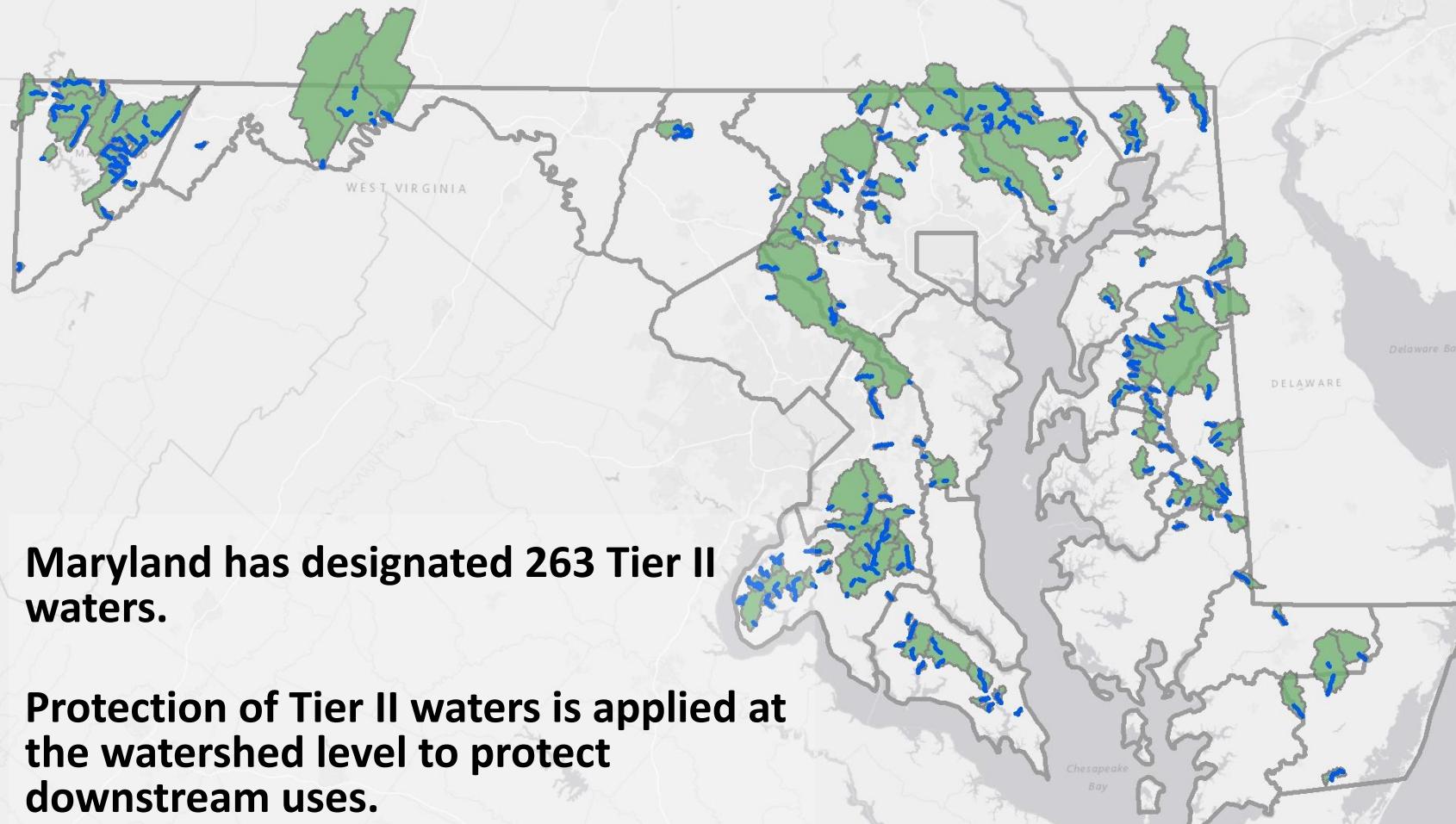


Tier II Waters: Designation

- Streams are sampled using the Maryland Biological Stream Survey (MBSS) protocols
- MBSS assigns scores for stream benthic (bug) and fish assemblages
- To be designated Tier II, both scores must be ≥ 4.00



DESIGNATED TIER II WATERS



Tier II watersheds cover approximately 20% of the State.



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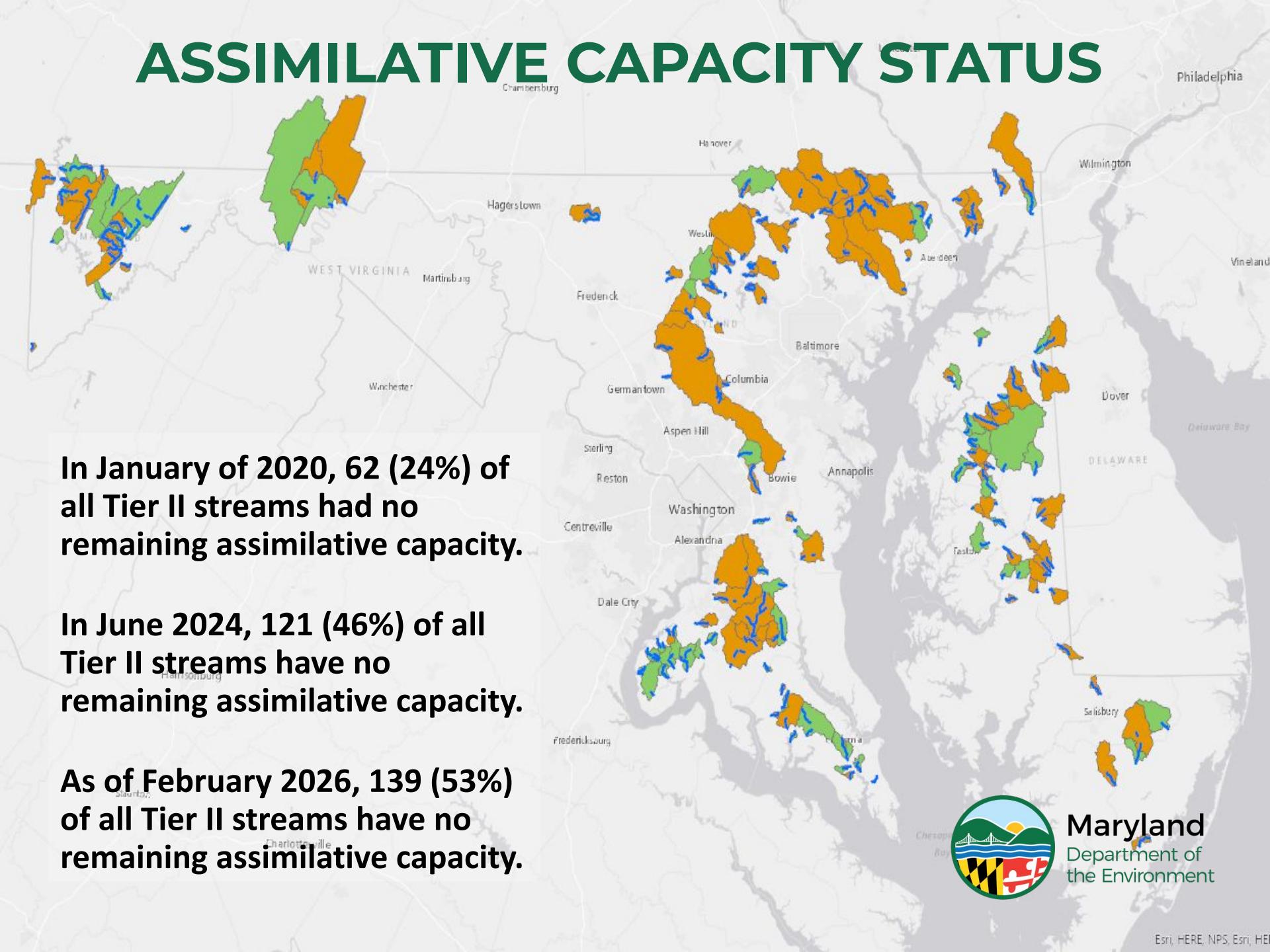
Assimilative Capacity

- Assimilative Capacity is a quantitative way to determine if a designated Tier II stream is still of high quality, or if it has degraded.
- An assimilative capacity threshold IBI score accounts for natural variability. One threshold is developed for fish while a second is developed for benthics.
- If new data indicates that either the fish or benthic score falls below their perspective thresholds, the stream has no AC.
- Streams with no remaining AC are still Tier II streams. The stream never lose their designation.



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ASSIMILATIVE CAPACITY STATUS



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Processes Screened for Tier II Review

- Water and Sewer Plan Amendments
- State Clearinghouse
- New NPDES permits or major modifications of an existing discharge permits
 - WWTP
 - General Permit for Stormwater Associated w/Construction Activity (NOI)
- Nontidal Wetlands and Waterways Construction Permits
- Surface Mining
- PPRP (solar, powerlines, other energy projects)



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Water and Sewer Plan Amendments: Early Awareness

- Identify all portions of the plan or amendment impacting Tier II stream or watershed
- Include avoidance and alternatives recommendations in letters that
 - May reflect Tier II review status and other important information in amendment language
 - May indicate that future Tier II coordination is necessary



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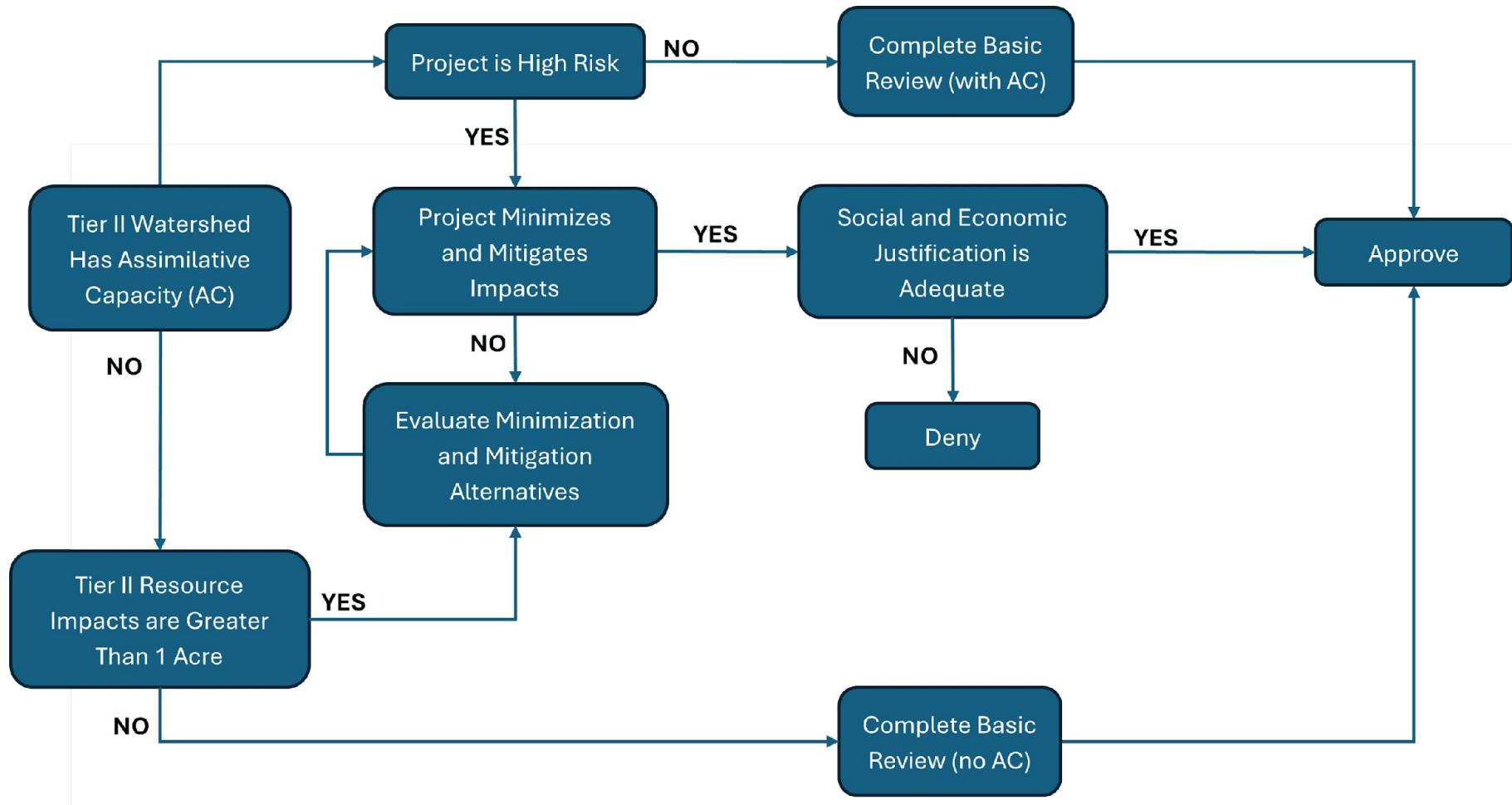
Wastewater Treatment Plant (WWTP) Reviews

- Applicant prepares Antidegradation Report for MDE review & comment
 - Avoidance (alternative site evaluation)
 - Minimization (alternative configurations and treatments)
 - Monitoring plans and Water quality monitoring data to determine additional permit conditions
- WWTPs with outstanding compliance issues are not eligible for Tier II Review unless the compliance issue will be resolved through the permit modification

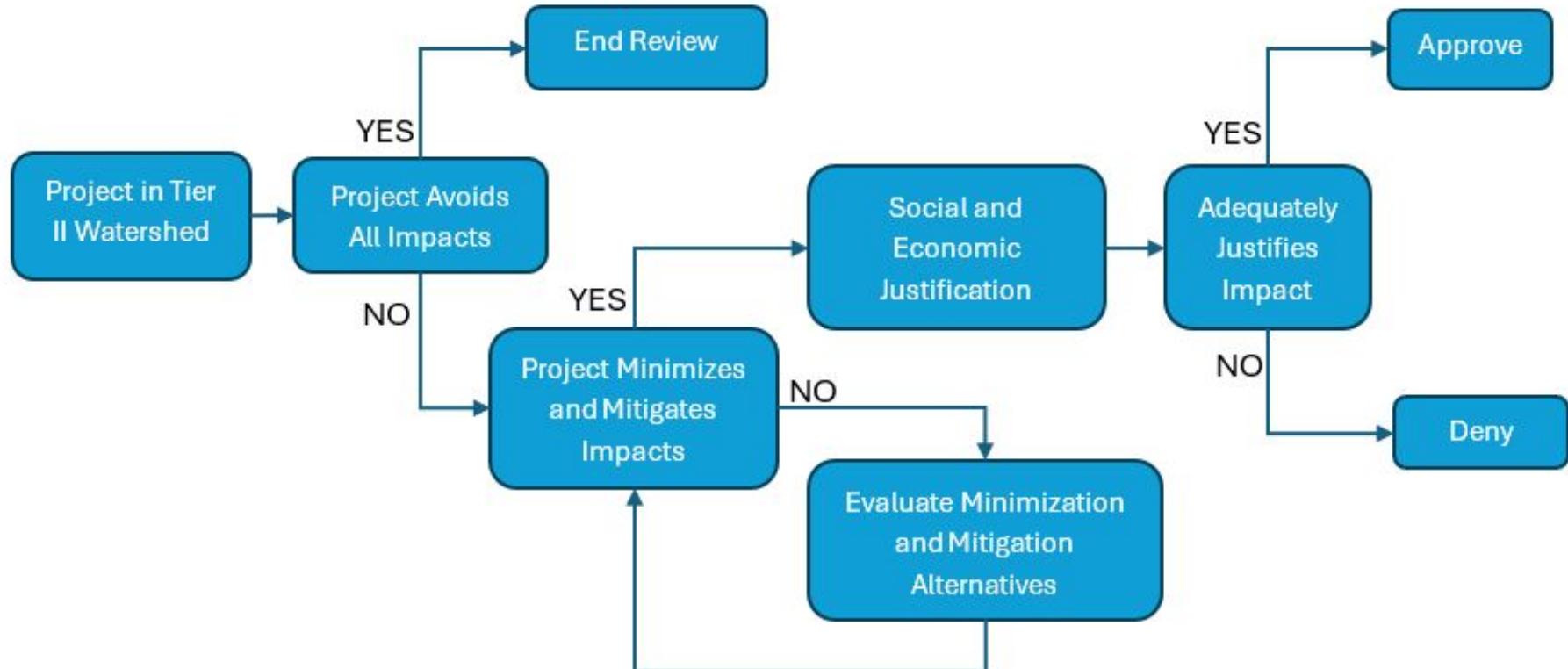


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Land Disturbing Activities Review (Nontidal Wetlands and Waterways Construction)



Land Disturbing Activities Review (20-CP)



Tier II Resources

- For Additional Information:
 - [Maryland's High Quality Waters Webpage](#)
 - [Maryland's High Quality Waters Outreach Page](#)
- For Screening: [Tier II Web Map](#)
- Contact: Angel Valdez
[\(angel.valdez@maryland.gov\)](mailto:(angel.valdez@maryland.gov))



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