

**Responsiveness Summary
for the
Federal Fiscal Year 2024 / State Fiscal Year 2026 Draft Documents**

This document provides details regarding comments received and actions taken by Maryland Water Infrastructure Financing Administration (MWIFA) in response to those comments, and any other changes/corrections made by MWIFA to the following draft documents that were available for a public comment period in accordance with the requirements of the Federal Clean Water Act and the Safe Drinking Water Act:

Draft FFY 2024/State FY 2026 Water Quality Project Priority List (PPL)
Draft FFY 2024/State FY 2026 Drinking Water PPL

Draft FFY 2024 Water Quality Revolving Loan Fund Intended Use Plan (IUP) Document
Draft FFY 2024 Drinking Water Revolving Loan Fund IUP Document

Draft FFY 2024 Water Quality Revolving Loan Fund IUP Table 1
Draft FFY 2024 Drinking Water Revolving Loan Fund IUP Table 1

Each IUP document contains details regarding the respective public comment periods.

Comments Received

The Department received the following comments during the comment period:

1. Sharon Boies, Columbia MD, representing the organization “Protect Our Streams,” emailed to recommend that MWIFA deny the funding for all proposed stream restorations in the Draft FFY 2024 WQRLF IUP Table 1, as well as eliminating stream restoration projects from being eligible for grant funds in the future. She specifically referenced projects in Prince George’s County titled “Restoration of Stormwater Ponds and Streams,” and offered examples of thirteen negative environmental impacts from the process and result of stream restoration, based upon citations to literature and urged that science be used to direct funding decisions for “truly” green infrastructure.

MWIFA Response: MWIFA thanks Ms. Boies for identifying potential negative impacts of stream restoration projects. The Department endeavors to employ the latest science and work in conjunction with Chesapeake Bay Program and USGS federal guidance when considering such projects. Stream restoration projects are a Chesapeake Bay Program approved restoration practice that helps the State and local jurisdictions meet their Chesapeake Bay Restoration goals by way of stormwater permit compliance and to meet Total Maximum Daily Load goals. The practices proposed for funding are eligible and were evaluated using MWIFA’s EPA-approved criteria called “Integrated Project Priority System for Water Quality Capital Projects Point Sources and Nonpoint Sources” The criteria are available on the web here:

<https://mde.maryland.gov/programs/water/WQFA/Documents/FINAL%20WQ%20IPPS%20Rev%206%20Amend%201.pdf>. No change was made to the score or the rank of this project.

A copy of these comments was forwarded by MWIFA to the MDE Stormwater Program for their consideration.

2. Kenneth Bawer, Rockville MD, representing the organization “Coalition to Stop Stream Destruction” emailed to urge MWIFA that the project titled “PRINCE GEORGE'S COUNTY CWP WATER QUALITY PROJECTS-PHASE 1 (CW0058)” on the Draft FFY 2024 WQRLF IUP Table 1 should be denied funding. In a lengthy brief, the organization provided arguments, photos, weblinks, citations and appendices with examples of stream restoration projects that - in their view - have caused more harm than good. Mr. Bawer’s arguments specifically focused on how stream restoration may work in ways that do not comport with the Clean Water Act goals; are not cost effective, nor sustainable and do not contribute co-benefits. Examples provided were from other local jurisdictions such as Howard, Harford, Cecil, Montgomery and Anne Arundel Counties. Therefore, the organization recommends that “funding should only go to out-of- stream practices that do not destroy our natural resources.” (Coalition to Stop Stream Destruction Water Quality/Clean Water Projects Comments at page 22)

MWIFA Response: MWIFA thanks Mr. Bawer for the detailed and thoughtful comments regarding the project on the Draft FFY 2024 WQRLF IUP as well as the other projects mentioned and pictured in the comments. Similar to the reply above, stream restoration projects are a Chesapeake Bay Program approved restoration practice that helps the State and local jurisdictions meet their Chesapeake Bay Restoration goals by way of stormwater permit compliance and to meet Total Maximum Daily Load goals. The practices proposed for funding are eligible and were evaluated using MWIFA’s EPA-approved criteria called “Integrated Project Priority System for Water Quality Capital Projects Point Sources and Nonpoint Sources” The criteria are available on the web here: <https://mde.maryland.gov/programs/water/WQFA/Documents/FINAL%20WQ%20IPPS%20Rev%206%20Amend%201.pdf>. No change was made to the score or the rank of this project. A copy of these comments was forwarded by MWIFA to the MDE Stormwater Program for their consideration.

3. Louise Schafer emailed to advocate for more governmental action to combat PFOS and micro plastics in water, air, soil and food. Perfluorooctane sulfonate (PFOS) is a man-made chemical that's part of a large group of compounds called perfluoroalkyl substances (PFASs). Her concern is that increased pollutants are impacting health outcomes and more action is required to inspect and label products such that public health is protected and restored.

MWIFA Response: MWIFA thanks Ms. Schafer for her email and recommendations. MWIFA funding intended to address health threats from PFOS comes from two programs: (1) BIL PFAS/EC is Drinking Water Bipartisan Infrastructure Law Emerging Contaminants funding and is 100% principal forgiveness via states to public water systems for projects with a primary purpose to address emerging contaminants in drinking water, including PFAS; and (2) EC-SDC stands for “Emerging Contaminants in Small or Disadvantaged Communities” and is a federal subgrant via states to public water systems in small or disadvantaged communities to address emerging contaminants, including PFAS. MWIFA is committed to providing as much funding as available for projects which mitigate emerging contaminants

when identified through sampling and other field practices. Environmental and human health protection is a guiding principle in allocating the limited funding available and the FFY2024 WQRLF IUP represents those projects which have been evaluated and ranked according to the highest priority.

Changes Made Subsequent to the Public Comment Period (other than any specified above)

1. In response to a review comment from EPA Region 3 that BIL General Supplemental Principal Forgiveness may be programmed only to disadvantaged communities, principal forgiveness was shifted between the WQRLF Base and WQRLF BIL General Supplemental programs for the following projects, without any net gains or losses:
 - Trappe Wastewater Treatment Plant ENR Upgrade
 - SC-994 Patapsco WWTP Clarifiers And Thickeners Rehabilitation (Baltimore County)
 - WSSC Sewer Basin Reconstruction Program - Loan 6 (Section 9)
 - McKeil Point Bip #2 & #3 Onsite Sewage System Removal
 - Cambridge Creek Interceptor Sewer Rehabilitation
 - 78" Parallel Pipeline From Mill Race To Cso Storage (Project No. 19-16-S)
 - WSSC Trunk Sewer Reconstruction Program
 - Extended North Tunnel

Attachments

Comments received by email from Sharon Boies, Kenneth Bawer and Louise Schafer. Copies are attached to this Responsiveness Summary.

Copies of all records pertaining to this public process are available at the offices of MDE, 1800 Washington Blvd., Baltimore, Maryland 21230. Inquiries may be made to Elaine Dietz at elaine.dietz@maryland.gov.