

## QUESTIONS TO MDE/DNR FROM DORCHESTER COUNTY LOCAL TEAM

MARCH 30, 2011 MEETING

Q: As a follow-up to Local Team discussion about eventual “vetting” of the Teams two-year milestones (that is, process to get proposed milestones in front of Local Elected Officials, prior to submission to the State) the following question came up: What type of public outreach/vetting will the State hold once it has compiled all of the Counties/Municipalities 2-year milestones, and the State completes the WIP, Phase II document, prior to submittal to EPA?

A: The State will conduct a public review of the WIP (January timeframe). We will hold public meetings in concert with the review, which might be conducted via webinars. I do not think the State will holding a public review of the 2-Yr Milestones, which are due to EPA Jan.3, 2012 (first draft due to EPA Sept. 30, 2011).

Q: As a part of the discussion of “when will THE NUMBERS come out” the question from the team is: How will the load allocations and reduction requirements be represented? Will these numbers be by watershed (and if so, what digit), by County only, and by sector?

A: The allocations will be provided for State, federal and local governments (county/muni) for all the source sectors (details to be outlined in April 13 Webinar). The State has technical ability to provide at a fairly fine scale represented by 58 model segment-sheds (similar to MD 8-digit basins in areas that drain directly to tidal waters). The segment-sheds can be intersected with county boundaries to provide "Co-Segs" (refer to map - We can provide GIS coverages). We can also parse out municipal, state & federal areas. However, the accuracy of the Bay model data degrades at that scale and the complexity of strategy development mechanics increases. Our recommendation to teams will be to work at the County/Major-Basin scale when working with the Maryland Assessment and Scenario Tool (MAST) provided by the State, but there is some flexibility on that.

[http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/Appendix\\_B2\\_Maps\\_Final.pdf](http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/Appendix_B2_Maps_Final.pdf)

Q: As a follow-up to the question of how loads and reduction requirements are parsed, during the implementation stage, how will the State want the Counties/Municipalities to report (will the State simply want County-wide reporting, watershed level (and, if so, what digit), etc.?

A: We recommend that implementation be tracked at the finest scale possible, ideally GIS coverages or point data (lat, long). This will allow maximum flexibility in combining the implementation information with any scale of watershed in the future.

Q: As a part of the Team's discussion on future issues of tracking and reporting, the questions are: Who will be the ultimate bean-counter in tracking implementation, that is, will MDE be collecting data from the County/Municipal level and reporting to EPA?

A: Yes, MDE will be collecting county/municipal data and reporting to EPA. See Ch. 6 of Phase I WIP for more details.

Q: As a part of discussion of Local Teams accounting for "other programs" than those specifically found on the Current Capacity spreadsheets, the question is: How can a Local Team account for benefits which may arise from not-so-traditional BMP's such as Critical Area Program afforestation and reforestation (at more than 1:1 ratio) requirements. A1: Locals may calculate the load savings from past implementation (the difference in load with and without the policy). We can then use that for discussions with EPA about getting credit.

Q: How can a Local Team account for Critical Area 10% Rule compliance that is required even in those instances when a formal Storm Water Management Plan approval is not required (e.g. < 5,000 square feet disturbed)?

A: The Phase I WIP commits to offset policies and procedures are scheduled for implementation in 2013. The effect will be analogous to the critical area offset requirements across Maryland. If the question is about credit for past implementation of the CA 10% rule, Locals may calculate the load savings from past implementation (the difference of development with and without CA 10% rule). We can then use that for discussions with EPA about getting credit.

Q: In discussing the "Federal Lands issue", that being that Federal Lands are expected to contribute to load reductions on a separate path, the question (from an employee of Blackwater Wildlife Refuge) was: if a Federal facility, such as Blackwater, is able to exceed its load reduction requirement, could the excess load reduction be allocated (think "trading") to the County in which the Federal facility is located?

A: In principle, yes. We'd probably need to evaluate the specific case in mind.

Q: A question from a Soil Conservation District Staffer: Does MDE expect nutrient reduction strategies on forest lands and for Timber Harvests? (This question is to help the Local Team decide if other participants are needed on the Local Team that are not presently in attendance).

A: There is a land use called "Harvested Forests" (hvf). We have a BMP 'Forest Harvesting Practices' which DNR reports to us.

As part of the discussion on “The Bay Model”, several questions follow:

Q: The Local Team has heard that the Bay Model is calibrated at a certain year, but that year is uncertain...can we (the Local Team) get, in writing, what year we “can look back from”, that is, is it 2007 (we have heard 1997, 1998, 2007, 2008) when looking at BMP’s that the model did not account for [Restated...what is the Base Line Year, and can we get this in writing to end the debate].

A: BMPs installed beginning Jan. 1, 2006 and forward can be reported if not reported in the past. BMPs prior to that are, in theory, accounted for in the calibration data. Urban stormwater BMPs that are part of routine development are also already accounted for the model (they are reflected in the loading rate of newly developed land).

Q: Does the Bay Model use local monitoring stations for calibration (restated, is Dorchester County being subjected to requirements on monitoring from the Severn River or in Garrett County (for example).

A: The monitoring stations used in the model are in the linked document (not much on the shore in part because tidal influence extends far inland):

[http://www.epa.gov/reg3wapd/pdf/pdf\\_chesbay/FinalBayTMDL/CBayFinalTMDLSection5\\_final.pdf](http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/FinalBayTMDL/CBayFinalTMDLSection5_final.pdf)

Q: As a follow-up to the question of where monitoring stations are, is the Local Team able to do local monitoring and data collection and substitute that data (of local, actual #'s) which could potentially adjust the load reduction requirements due to more accurate Local data?

A: In the current timeframe, no. They could consider this for the Phase III, but should discuss the details with EPA Bay Program. They would be better advised to spend their money on implementation, unless they have strong reason to believe the monitoring will help their case and that they know precisely what they need to collect that data.

Q: During the Local Teams discussion of the above “questions to be forwarded to MDE/DNR”, and how it might be beneficial to the Team to know what other Local Teams are asking (and the answers from the State) the following was asked: Could the State set up a “clearinghouse” of all of the Local Teams technical questions to MDE/DNR and the answers provided by the State? The Local Team’s discussion was along the lines of having a continuously updated “Technical Asked Questions”.

A: Yes. We will do a FAQ.

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