

Dorchester County WIP, Phase II Local Team Meeting
Dorchester/Cambridge Airport 10:00 am to 12:00 pm
October 26, 2011 Meeting Minutes

Attendees:

Mike Moulds - Dorchester County DPW (Local Team Leader)

Mike Bonsteel - Dorchester County Planning and Zoning

Jen Dindinger – Choptank Tributary Team

Jim Newcomb – Dorchester County Soil Conservation District

Bill Edwards - Dorchester County Farm Bureau

Bill Giese – Blackwater Refuge

Bill Forlifer – Dorchester County Health Department

Beth Ann Lynch - Dorchester Citizens for Planned Growth

John Avery - Town of Hurlock

Greg LeBlanc – City of Cambridge

Visitors:

Dion Banks – Cambridge International

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- Minutes – approved with correction of the meeting date.
 - Handouts
 - September Meeting Minutes
 - Revised MDE and Local Timeline
 - Final MDE Documenting Local Team Phase II Strategies
 - Final MDE Phase II WIP Report Structure
 - Final MDE Two Year Milestone Development Guidance
 - Preliminary Urban BMP Options
 - Announcements
 - Letter to the editor published in Daily Times (10/13/11), in Banner (9/30/11), and in Star Democrat (10/24/11)
 - Clean Water Week November 14-18th
 - Beth L's group working with Alan Girard at CBF on Events.
 - Final WIP guidance from MDE (10-20-11)
 - Dorchester Star Article on City Presentation (10-21-11)
 - WIP Implementation Session in Easton at Maryland Planning Commissioners Association Meeting 11/9-10/11/11
 - John Avery will attend.
 - Attorney General's 10/7/11 Choptank River audit letter
 - Jen D.: River audit to highlight the positive and enforcement actions. DNR involved with project ideas. Also, this may tie in with a comprehensive planning grant. Elected officials are involved. John A. will attend if Mayor Spratt cannot, to introduce the idea of pumping Twin Cities wastewater to Hurlock. Both a political and environmental event.
 - Mike Moulds: MDE indicated the County Water and Sewer Plan needs to be amended for Twin Cities-Hurlock connection. Proposed Shufelt property annexation may affect situation. Grant funding should be used for upgrade/connection.
 - Jim N.: Someone from the group should be around during Gansler's visit.
 1. Bill F: Choptank is a larger watershed than previous audits.
 2. Jim N.: We don't want Gansler coming away thinking, "agriculture can do more".
 3. Mike M: will ask County Manager if County staff should be present.

- 4. Jen D: because of the current State/MDE uncertainty, someone should be present.
- Bill F: Ribbon cutting for Woolford-Madison sewer line yesterday
 - Comments included, “this is the kind of project governments should do” but funds likely unavailable for future projects as all sources, especially the Feds, are getting tighter.
 - Greg L.: It’s getting more difficult to spend money already allotted (on paper) due to staff limitations and red tape.
- Reports on Prior Month Presentations
 - WIP Phase II Workshop 9/30/11 – SU
 - Discussion on Funding and Stormwater Costs
 - No real costs presented at meeting. Report being finalized at the time.
 - Greg L.: Draft final report is now downloadable.
 - County Council presentation 10/4/11
 - Mike M: Council concern about unfunded mandates and assurances other areas will do what is needed. Pleased to hear appreciation for Teams work.
 - Mike M.: Appreciated the attendance of team members at meeting.
 - Beth L.: Water quality presentation afterwards may have helped.
 - CBF/MACO Symposium 10/7/11
 - Synopsis by Mike B.
 - A. Problems include funding, lack of clarity for elected officials, MDE approach of dropping requirements on local jurisdictions (unlike PA), communication from EPA (though new director may help), numbers/MAST are wrong.
 - B. There seemed to be a divide among Urban and Rural Ag regions on the effectiveness of BMP’s.
 - C. Solutions include
 - 1. Stormwater management fee – legislation has been in place for three years but MACO has never taken a stand.
 - 2. Looking at current fiscal status – any available funds will be used first for day-to-day costs.
 - 3. Cost-benefit analysis – make sure money is spent where it gets the best results for cost.
 - 4. Getting credit for unlisted activities like oyster restoration, shoreline erosion control, dissolved oxygen amplification at WWTP outfalls; new BMPs necessary.
 - 5. Getting the job done right the first time to save face, stepping back and reevaluating science/models/timeline if necessary.
 - 6. Public awareness campaign.
 - 7. Good numbers and local input.
 - 8. Cheap, effective retrofit BMPs.
 - 9. Clarification on trading.
 - 10. Promotion of innovation.
 - 11. Assurance of flexibility.
 - Panel discussion later with Royden Powell, Lisa Ochsenhirt, and Kim Coble.
 - Delegate Eckardt asked about shoreline erosion control measures credit later
 - May get a follow-up from Erik Fisher, especially on afternoon elected officials session.
 - City Council presentation 10/11/11
 - Greg L. Thought presentation went well. Mayor expressed concern about completion schedule.
 - Webinar 10/13/11

- Mike M: it seems like the State is re-trenching, backing away from very local specifics to a more regional or basin approach. Problem is how to enforce reductions at the local level.
- Jen D.: State seems bound by the lawsuit and timelines. They will propose what they can and change it later. However, it's unclear how changes will be made through the public comment period. Also, the concept of dipping into WWTP capacity if other sectors can't meet goals is problematic. There doesn't seem to be any deliberate muddying of the waters, but both local jurisdictions and the State are coming to the realization of problems at the same time. The State seems caught between its legal obligation and the action/authority allowed it.
- Mike M: the emphasis is on program development now with milestone development.
- Jim N.: The reality is that we're not going to hit WWTP capacity anytime soon, so why not use it to our advantage?
- Jen D.: Question of who owns the excess capacity? There is some opportunity to view this process as a tool to boost the local economy.
- Meeting with Dorchester Sanitary District 10/25/11 by Mike M. and Bill F.
 - They were supportive of continued effort to improve wastewater processing in the County. They would prefer extending sewer over septic upgrades.
 - Bonnie Brook is a natural next step for sewer extension due to proximity and critical area location.
 - Mandatory pump-out topic raised as a shared burden and income source.
- Review of revised Phase II WIP timeline MAST input
 - Jen D.: what does local approval look like?
 - Mike M: we can e-mail draft milestones.
 - November 1 – update sent to County Council
 - November 15 – update presentation for County Council
 - Jen D.: Meeting dates may need changing based on holidays, timing.
 - Bill E.: Why is the State Phase II WIP submitted to EPA before the local WIP is submitted to the State?
 - Mike B: May be an opportunity to see the State alternative.
 - Bill E: How do we know any comments will be considered?
 - Mike M: The public comment periods for State/local WIPs are also backwards.
 - Jen D.: June-July comment period will cover both.
 - Mike M: Propose change in meeting dates from November 23rd to 16th and December 28th to 20th.
- Review of MDE final guidance.
 - Documenting local team Phase II WIP strategies
 - Mike M: Jim George email on minor WWTP loads are treated as an aggregate. Can we get credit locally, or is it state-wide?
 - Bill F.: Why can't they figure out individual loadings? Also, the answer to whether septic system upgrade funding can be used for WWTP upgrades is no, despite getting better reductions that way.
 - Jen D.: Now with an Eastern Shore basin view, it's more important to know individual plant loadings.
 - Mike M: put WWTP upgrade in as a strategy so it is not lost.
 1. Jen D.: Can we figure out local WWTP loadings?
 2. Mike M: Unsure how the data was derived
 - Mike M: Septic systems – Stat Phase I WIP calls for 60% Critical Area upgrades with “supplemental assistance”.
 1. Jen D.: the Bay Restoration Fund will probably be raised in the Maryland General Assembly
 2. Bill F.: 100% funding may disappear soon, but cost share may become income-based.

3. Mike M: The numbers may mean that remaining 40% and systems outside the Critical Area need local funding.
 4. Jim N.: Is the nutrient credit different between jurisdictions?
 5. Jen D.: Efficiency is identical but load allocation is different.
- Mike M: urban nutrient management
 1. State lawn fertilizer law.
 2. Need to anticipate how the State will handle this
 3. Beth L.: Her organization sent information to Councilman Bradshaw about lawn fertilizer requirements.
 4. Jen D.: Such restrictions may be a step to show fairness between agriculture and home owners.
 - Phase II WIP report structure
 - Mike M: Seems like MAST is shifting to a guidance tool. Movement away from specific load reductions. Due to EPA acknowledgement that Bay model is not as effective at local level.
 - Two year milestone development guidance
 - Mike M: enhancement milestones seem to be a big deal.
 - Jen: How will tracking be managed with multiple jurisdictions?
- Discussion on Preliminary Urban BMP options.
 - Mike M: we assume MDP based information on impervious surface.
 - Bill E/F: Question about CSS acreage.
 - Mike M: It is regulated construction acreage from NPDES permits.
 - Bill F.: The number is based on old data, a large area, and should be lower due to separation of stormwater.
 - Mike M: 1995 CSO report only indicates 200 acres. This is an issue with the MAST data.
 - Review of data in MAST:
 1. Only 4,159.3 impervious acres to work with urban BMPs.
 2. Reduction of urban growth area for pervious/impervious = big gains
 3. Open channel drainage already a common practice in County. May need to modify State numbers of assumed piped urban stormwater.
 4. Take credit for State Lawn fertilizer regulation. Assume a 20% compliance rate.
 5. Assumption of 5% redevelopment of land to ESD.
 6. A mix of BMP retrofits are included. Need to refine target locations for application.
 7. Asking for other options that may be used
 8. Will meet with Greg and John to refine options.
 - Two year milestones
 - Mike M: Requested team to look at the list – it will be submitted to MDE as a draft, reserving the right to amend.
 - Information will be submitted to the County Council on November 15th.
 - Mike M: We can start plugging in a dollar value.
 - Jim N.: Does the County Council care how/what/when? They can vote for general concepts, but the heartburn will be approving local legislation and taxes.
 - Bill E: Do we need to tell them what to do or how to pay for it?
 - Mike M: The approach has been to use education first, then proposed options and cost, then the possible solutions and revenue sources. It's not as good to hit them with everything at once.
 - Jen: they should be encouraged to speak with other elected officials at the upcoming MACO meeting.
 - Mike M: agree with Jim but need to ease them in and try to express the need for Federal, State, and local funding.
 - Jim: other groups are looking at funding sources while we have not.

- Beth L.: David Hoffman will be speaking about reducing power/water usage next week at the library.
- Goal for next meeting is to finalize what draft information to submit to MDE.
- Next Meeting is November 16th

END OF MINUTES

Respectfully Submitted,
Mike Moulds