January 21, 2015

MEMORANDUM

TO: The Honorable Larry Hogan, Governor of Maryland
State House

FROM: Harry R. Hughes, President
Board of Directors of the Harry R. Hughes Center for Agro-Ecology, An Affiliated Foundation of the University of Maryland, College Park

RE: Synopsis of Interviews with the Watershed Implementation Teams from 21 Counties and the City of Baltimore (Dorchester and Worcester were unable to be reached after several attempts)

Positive Findings:

- The Watershed Implementation Planning (WIP) process has become institutionalized and is a part of the budget process or Capital Improvement Program at the local level. Those counties include: Allegany, Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Prince George’s, St. Mary’s, Washington and Wicomico along with Baltimore City.

- Even though the WIP effort is aimed at reducing nutrients to the Chesapeake Bay, local waters and their water quality is the focal point for local approaches being taken to attain nutrient reduction. Counties include: Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Garrett, Harford, Kent, Montgomery, Queen Anne’s, St. Mary’s, Talbot, Washington and Wicomico along with Baltimore City.

- For the more urban jurisdictions, the MS4 permit drives the Watershed Implementation Planning process. The counties include: Anne Arundel, Baltimore County, Carroll, Frederick, Harford, Howard, Prince George’s and Montgomery along with Baltimore City which has enhanced progress being made.

- Local Non-Governmental Organizations have been essential to the implementation of local government Watershed Implementation Plans. Counties that have noted this were: Allegany, Anne Arundel, Baltimore County, Calvert, Cecil, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince George’s,
Queen Anne’s, Somerset, St. Mary’s, Talbot and Wicomico along with Baltimore City. The Non-Governmental Organizations are viewed as doing the bulk of the work and many jurisdictional representatives said that without them, the attainment of the reductions needed for the first round of reporting to EPA and also for the next round might not have been or be successful.

- Several Regional and State-wide Non-Governmental Organizations were specifically mentioned as being very supportive and are viewed favorably. Examples include: The Center for Watershed Protection, The Chesapeake Bay Trust, The Nature Conservancy and the Chesapeake Sea Grant Watershed Specialist Program. Anne Arundel, Baltimore City, Baltimore County, Calvert, Caroline, Cecil, Kent, St. Mary’s, Talbot and Wicomico made specific mention of these organizations.

- State agency efforts received high marks, specifically Science Services Administration and other units at MDE (Curry, George, Thornton, Pellicano) and at DNR (Cohee). Appreciation from the counties was noted for the staff visits from MDE to their respective jurisdictions to address questions and issues. Feedback from MDE is important to the local governments and important to the local WIP teams as they inform and educate their local officials. All interviewed jurisdictions made mention of this.

- State grant programs are receiving high marks from the local governments, particularly those administered by DNR. All jurisdictions interviewed made mention of this.

- The regional meetings as well as the webinars have been useful. For the webinars, it depends on the topic as to how useful and efficient they are, butt both are needed. All jurisdictions made mention of this.

**Matters Needing Attention:**

- The issues between the regulated (MS4 permit) counties and the unregulated counties are becoming more diverse. For example, there appear to be stronger relationships and more cooperation on projects between the regulated counties and the State agencies and less so with jurisdictions that are unregulated.

- Municipalities, especially smaller ones, have been left out of the WIP process because of a lack of staff and resources, except for what a county is able to provide. This was specifically noted by Allegany, Calvert, Caroline, Cecil, Charles, Frederick, Harford, Kent, Queen Anne’s, Prince George’s, St. Mary’s, Somerset, Talbot, Washington and Wicomico counties.

- Budget is the limiting factor in being able to do more. This was noted by Allegany, Calvert, Charles, Harford, Howard, Prince George’s, St. Mary’s and Washington counties.

- Available professional staffing (particularly engineers) is also a very big limiting factor in being able to do more. Cecil, Charles, Kent, Prince George’s, Queen Anne’s, St.Mary’s and Wicomico counties made particular mention of this.
• Support from MDE’s Water Administration is not as responsive as it could be. Carroll, Harford, Montgomery and Somerset counties made mentioned of this.

• The Maryland Assessment Scenario Tool (MAST) that is available for local governments to use to assess the efficiencies of Best Management Practices is still receiving low marks as to ease of ability to use and it has since become more complex because of changes made to it by MDE. Allegany, Anne Arundel (does double duty as it uses its own program and then feeds the data into MAST), Calvert, Caroline, Cecil, Charles (hired a consultant to help integrate its data into MAST), Harford, Howard, Kent, Queen Anne’s, Somerset, St. Mary’s, Washington and Wicomico counties all made similar statements.

• Finish developing and implement a Statewide tracking system because lack of a tracking tool is causing each jurisdiction to develop its own system and consistency of data across the board is hampered without a uniform system of reporting and tracking of projects. All interviewed jurisdictions expressed this concern.

• MDE needs to do a better job with outreach and education on topics such as Lawn Care, Pet Waste, Rain Gardens, etc. Information on these topics as well as others is sorely needed. Allegany, Baltimore City, Baltimore County, Harford and Howard made particular mention of this and the same group along with other jurisdictions noted that the MDE Website is hard to navigate so therefore information on the above topics is difficult to find.

• There is a need for efficiencies for new Best Management Practices (BMPs), or for BMPs that local jurisdictions are trying out. They are: street sweeping (Baltimore City, Baltimore Co. and Charles County), pump out of septic tanks (Charles), sand mounds (St. Mary’s), swales, bio-swales and ditches (Baltimore Co., Somerset), oyster cultivation (restoration projects) (Calvert, Talbot), stream restoration (Carroll).

• Credits should be considered for the following: Planting of trees (Port Tobacco), removing land that could be developed from development such as making a park out of a paved over shopping center (Charles), voluntary BMPs (St. Mary’s), and credit for Maximum Extent Practicable (Montgomery), hooking up septs to the Wastewater Treatment Plants (WWTP) (Anne Arundel), benefits from stream corridors (Calvert), and receiving Stream Regeneration through Upland Hydrologic Recovery (Carroll). And who will get the credits for Consent Decree CSO and SSO efforts?

• Concern about how inspection and maintenance of all of the BMPs that have been put into place (both large and small) will be difficult because there is insufficient staff at the local as well as at the State level to do this. All interviewed jurisdictions expressed this concern.

• Concern about adequate staffing at the State level to review and approve projects in time to coincide with grant funds available for projects. All jurisdictions noted this concern.

• Concern about expeditious and consistent reviews of watershed restoration projects between the Federal, State and local governments. All jurisdictions noted this issue as well.
• Implementing consequences when local jurisdictions do not move forward with their WIPs. Those who have been unable to move forward believe they need a “kick” (Calvert). While those that have moved forward and have spent considerable time, effort and money do not want to have to bear the lack of effort on the part of other jurisdictions (Cecil, Montgomery).

• There are concerns with the "Accounting for Growth" policy and regulations and their implication for all jurisdictions. This is of particular concern with the low growth part of the State. (Allegany, Garrett, Talbot, Washington and Wicomico Counties.

• State leadership is missing from the business development perspective as to involving contractors, construction inspectors, etc. Cecil, Harford and Wicomico Counties expressed this concern.

Suggestions from the Local Jurisdictions for Moving Forward:

• A contract position that can be shared by the counties for engineering work as well as for grant writing would be a big help. Allegany, Calvert, Cecil, Kent, Washington, Wicomico, Somerset and St. Mary’s counties were all in agreement with this suggestion.

• Tracking: Tie MS4 reporting and WIP reporting to a State developed, top down State-wide system. Example, Health Dept and the septic issue, and the data base with stormwater structures. Howard, Somerset and Washington Counties said this could all be handled with one tracking system.

• Consider the Think Blue Maine website as an example for resources, toolkits and documents for homeowners, educators, children and municipalities.

• Develop partnerships such as is being done in Prince George’s County (the 3 P’s of Public, Private Partnerships) to implement programs and projects where money is not so plentiful. And in this regard, the State agency counterpart (DBED) should be brought into this process to help foster those relationships in other areas of the State.

• Wrap up the SMART tracker (WAC BMP tool) and make it available to the rest of the State (Prince George’s)

• Have the Cabinet set up training for inspectors, contractors to help move the implementation of the WIPs along and also to help handle the inspection function once BMPs are in the ground and require monitoring.

• To expedite implementation of projects, have MDE establish a regional office on the Eastern Shore (or use one if it has one on the Eastern Shore) for jurisdictions to bring in their projects, ask questions, obtain answers and move forward all in a day.

• MDE should consider changing and revising the formula for small jurisdictions so that they can take advantage of funding Enhanced Nutrient Reduction (ENR) for their small wastewater treatment plants (WWTP) under the Bay Restoration Funds. This is because they
do not have the budgets to float loans until they receive the funding nor do they have the money to match a project of this nature.

• MDE should consider improving the timing of Bay Restoration Fund (BRF) septic connecting grants so that all qualified septic owners can obtain funding by the time a new sewer connection is available (current process provides limited funding each year, forcing many low-income septic owners to take out loans to cover the gap between the deadline to connect and the year BRF funds are allocated.) In addition, MDE should consider expanding the use of BRF funds to update the smaller systems as well as increasing funds for connections to public systems.

• The State should mandate a stormwater fee for all jurisdictions, not just the highly populated ones.

• The State should champion projects that are not currently being implemented to improve water quality. In many cases what is lacking is a demonstrated successful project.

• Watersheds do not have jurisdictional boundaries so money allocations should not either. At present, county allocations appear to be limited to a set amount.

• MDE should establish a certified repository of BMPs and tracking and reporting system to ensure uniformity throughout the jurisdictions.

• It would be very helpful if the accuracy of the numbers provided by the State was confirmed so that the WIP teams felt confident in providing these numbers to their officials and in using the numbers during the decision process for funding and implementation of projects.

• The State should implement a more rapid review process for new and pending BMPs as this would greatly assist the counties with planning and implementing approaches. At present the lengthy process is preventing cheaper, more innovative BMPs from being placed in the ground.

• MDE should work with the Maryland Association of Counties (MACo) to provide outreach and education to newly elected officials at the MACo’s winter 2015 conference.

cc: Joe Bartenfelder, Secretary Designee (MDA)  
    Charles Evan, Jr., Secretary Designee (DNR)  
    R. Michael Gill, Secretary Designee (DBED)  
    Ben Grumbles, Secretary Designee (MDE)