Introductory Remarks

Presented at the Maryland Chesapeake Bay WIP Fall Regional Meeting

November, 2013
We are on Track

• “We” = The People in this Room
  ✓ 2013 Milestones – Making Progress
  ✓ 2015 Milestones – Under Development
  ✓ Data Refinements – Underway
    ▪ Historical BMP Cleanup
    ▪ Land Use, Septic Systems, Farm Animals...

See:
  • “Next Steps on Maryland’s WIP”
  • “Maryland’s Historical BMP Clean-up”

See:  http://tinyurl.com/MD-WIP-IMPL
Bring Others Along

• “Others” =
  - Local Leaders
  - Key Constituencies
  - General Public

Public Awareness Campaign...
Warm, Fuzzy Feelings
Targeted Campaign

• Polluted Stormwater in General
• Paying Our Fair Share in Particular
Influences of Impermeable Surfaces and Soil Compaction on Runoff and Groundwater

Less surface runoff
More infiltration
More storage

More surface runoff
Less infiltration
Less storage
Pavement Fees

• What?
  • Stormwater from Paved Land Pollutes in Many Ways.
  • Fees are a Vital Part of the Solution.

• Benefits?
  • Clean up the Polluted Water, Local & Downstream
  • Control Local Flooding
  • Avoid Property Damage from Eroding Streams
  • Generates Jobs that Can’t be Outsourced
  • Trees = Greener, Cooler Local Communities

• Why Pay? “People Start Pollution, People Can Stop it.”

• Maryland is Not Alone:
  • Over 1,300 stormwater fee systems in 39 States
  • Typical Residential Fee: $50/yr ($240/yr in Portland, OR)
### New Stormwater Fee Revenue to Help Solve Polluted Runoff Problems in Maryland

<table>
<thead>
<tr>
<th>Jurisdiction Name</th>
<th>Estimated Annual Revenue</th>
<th>Responsible Local Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne Arundel County</td>
<td>$13,000,000</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>$24,000,000</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>Baltimore County</td>
<td>$23,400,000</td>
<td>Dept. of Environmental Protection and Sustainability (DEPS)</td>
</tr>
<tr>
<td>Carroll County</td>
<td>$0</td>
<td>Bureau of Resource Management</td>
</tr>
<tr>
<td>Charles County</td>
<td>$2,080,300</td>
<td>Department of Planning &amp; Growth Management</td>
</tr>
<tr>
<td>Frederick County</td>
<td>$482</td>
<td>Department of Community Development</td>
</tr>
<tr>
<td>Harford County</td>
<td>$1,259,991</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>Howard County</td>
<td>$10,500,000</td>
<td>Department of Public Works</td>
</tr>
<tr>
<td>Montgomery County</td>
<td>$25,000,000</td>
<td>Department of Environmental Protection</td>
</tr>
<tr>
<td>Prince George's County</td>
<td>$7,974,200</td>
<td>Department of Environmental Resources</td>
</tr>
<tr>
<td><strong>Total Annual Revenue</strong></td>
<td><strong>$107,214,973</strong></td>
<td></td>
</tr>
</tbody>
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Information as of October, 2013. This revenue is in addition to about $100 Million/yr in existing local resources.
Accounting for Growth (AfG): How Did We Get Here?

• 2012 Effort
  – Discussion draft and draft regulations released
  – Eight meetings held around the State
  – Ended without broad consensus

• 2013 Effort
  – Facilitator engaged
  – Diverse Work Group convened
  – 10 meetings plus committees plus give and take
  – Report in August 2013
    • Consensus on some issues
    • No consensus on others
AfG Work Group Consensus

• Nitrogen, phosphorus and sediment must be offset

• The formula:

  the post development load
- the allocation for the development
= the load to be offset

• The developer should always have the option to pay a Fee-in-lieu
Work Group Divided

The Stormwater Allocation for Development:

• Minority: Forest load for all

• Majority:
  – Forest load if predevelopment land use was forest.
  – Statewide pasture load if agricultural land.
  – The load the land would have had if it reduced load to meet the 2025 target reductions for all other predevelopment land uses.
Thinking Today: SW Allocations

• Forest load for development on forest
• ESD to the MEP for any other development
• Redevelopment:
  – ESD to the MEP for redevelopment
  – Possible to generate credits if stormwater controls go beyond the minimum requirements of Stormwater Act for redevelopment
Thinking Today: Nitrogen Only

• Preliminary investigation indicates that we can achieve Bay TMDL for nitrogen, phosphorus and sediment, and make progress toward local phosphorus TMDLs, by requiring only nitrogen offsets for AfG.

• EPA would have to accept Maryland’s demonstration.

• In 2017, evaluate whether projections hold up and modify AfG as necessary.
Thinking Today: Process

• MDE will develop a calculating tool.

• Developer’s engineer will provide the necessary information with the stormwater management plan to the approving authority to establish whether offsets are needed and, if so, how many.

• Approval of stormwater management plan will confirm that calculations are correct.

• In order to get the stormwater construction permit, the developer must demonstrate it has certified offset credits in the required amount or pay the fee in lieu.
AfG: Likely Schedule

• **Mid-November**: Rough draft regulations will be shared with stakeholders.

• **Mid-December**: Proposed regulations will be submitted to AELR.

• **2014**: Final decision on proposed regulations.

• **Grandfathering provisions** will allow for transition.
Enhancing Permit & Plan Approvals

• Stream Restoration Permitting:
  – Ongoing discussions among federal and State review agencies and stakeholders
  – MDE contract with US Fish and Wildlife Service
  – Federal Guidance on use of Regenerative Stormwater Conveyances is under development

• Chesapeake and Coastal Bays Trust Fund:
  – MDE Involvement in Project Selection
  – MDE Staff enhancement for timely review and permit processing
  – MDE Staff enhancement for Stormwater Management Program

• Wetlands and Waterways Pre-application Meetings
Enhancing Permit & Plan Approvals (Con’t)

• Critical Area Approvals:
  – Single Approval for Multiple Similar Projects, e.g., pumping stations.
  – MOU on Exceptions for Restoration Projects, e.g., impacts of septic system connections.

• Army Corps Enhancements:
  – Process flow charts and a checklist on Baltimore District website to clarify the permitting processes under NWP-27.
  – Promote Pre-application and monthly Joint Evaluation Meetings.
  – Over a dozen stakeholder meetings on addressing the anticipated surge in projects associated with the Bay TMDL.
  – Internal reorganization at Baltimore District, Regulatory Branch in the Operations Division to handle stream restoration projects.
Stormwater in Phase 6 Model

• Treating Pervious Surfaces:
  – Current Model Views Pervious & Impervious the same for a number of BMPs.
  – Affects definition of E3, everybody, everything, everywhere, which is used when setting allocations.

• Disconnected Impervious Surfaces:
  – Activity on the Issue:
    • MD State Highway Admin. & MDE
    • Local Governments & MDE
    • Chesapeake Bay Program Land Use and Urban SW Workgroups
      – Define New Landuses, e.g., low density vs high density
      – Define as a BMP, e.g., verify areas that are disconnected.
WIP Policy Initiatives Over Time to Reduce Nitrogen Loading

- Bay Restoration Fund (ENR and Septic Upgrades)
- Chesapeake Bay Trust Fund - $194 M (SFY 09-14)
- Stormwater Management Act Effective
- Bay Restoration Fund Doubled (HB446 2012)
- Sustainable Growth and Agricultural Preservation Act (SB 236 2012)
- Maryland’s Nutrient Management Regulation
- BAT Regulations for new Septic Systems
- Stormwater Utility Effective (HB987 2012)
- Bay Restoration Fund for Stormwater

- Major WWTP Upgrades

Delivered Nitrogen Load (million pounds per year)

State Fiscal Year (2007-2025)
Topics of Potential Interest

• Conowingo Dam
• Trading in Time
• Cross-Sector Trading
• Municipalities & the WIP
• Federal Funding
• BMP Tracking & Reporting
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People Start Pollution...
People Can Stop It!