

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:

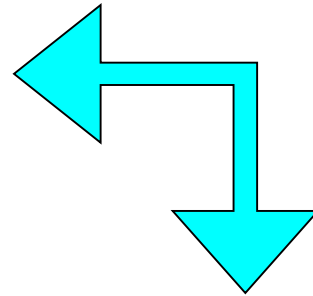
- *“Next Steps on Maryland’s WIP”*
- *“Maryland’s Historical BMP Clean-up”*

See: <http://tinyurl.com/MD-WIP-IMPL>

Bring Others Along

- “Others” =

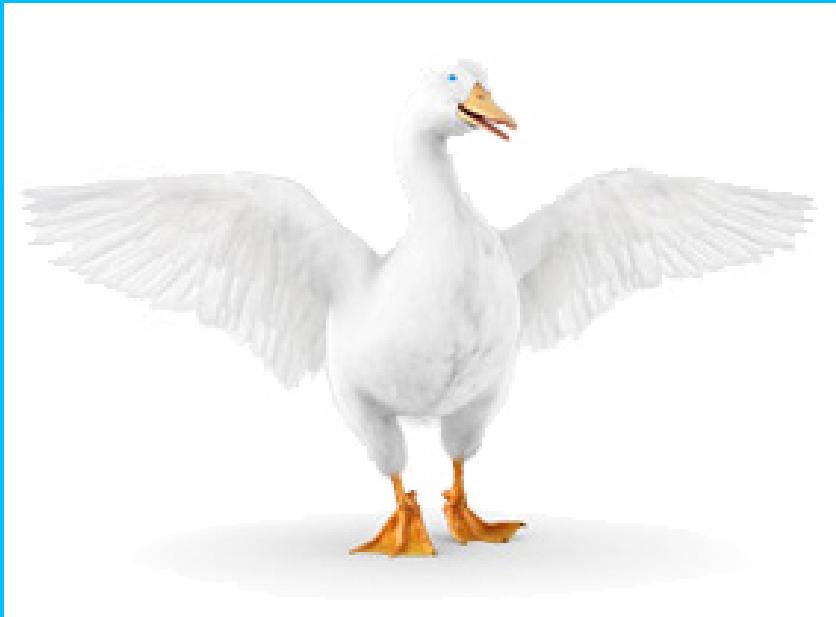
- Local Leaders
- Key Constituencies
- General Public



Public Awareness
Campaign...

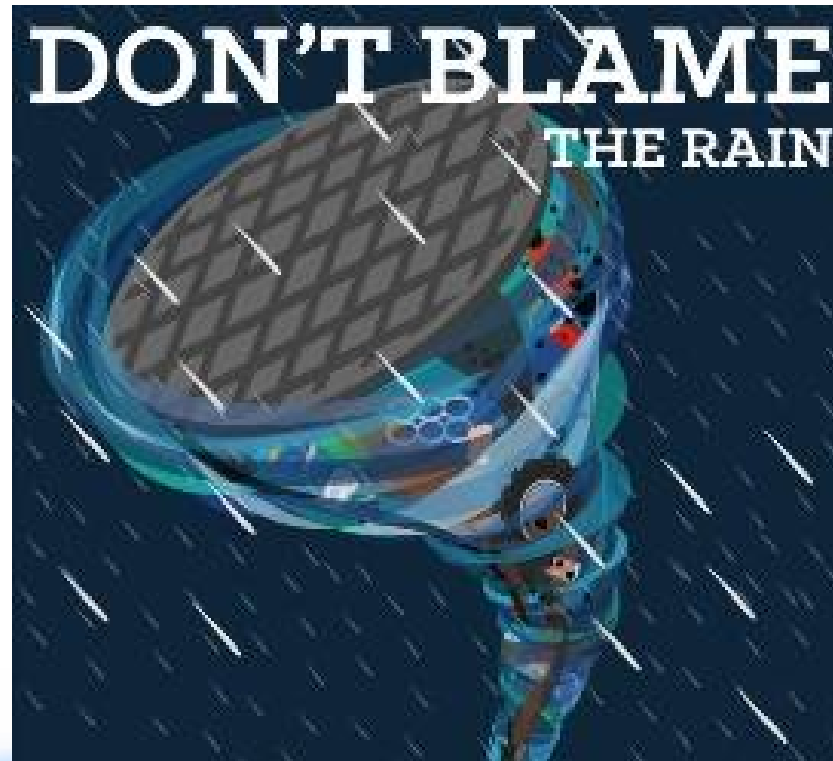


Warm, Fuzzy Feelings

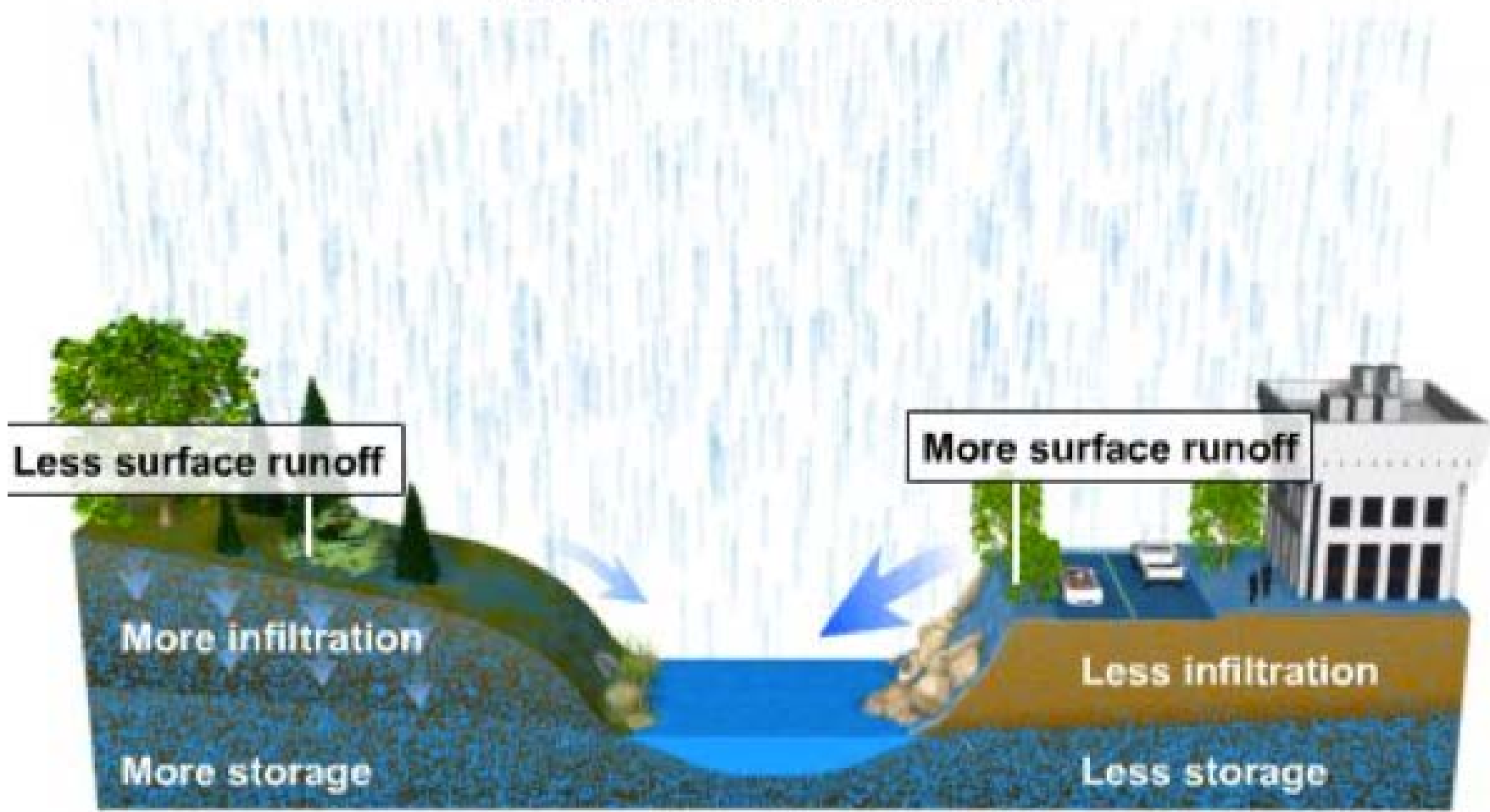


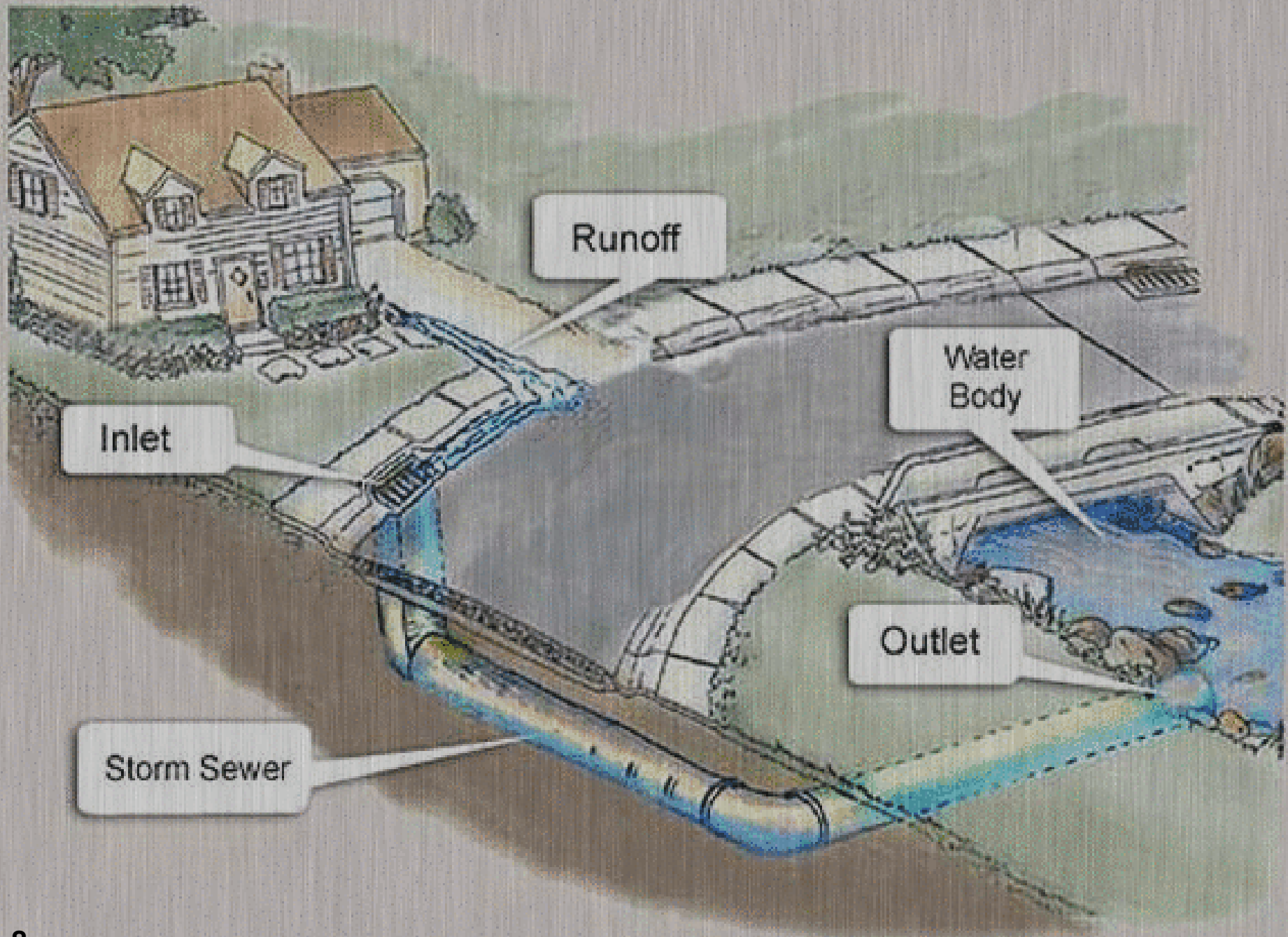
Targeted Campaign

- Polluted Stormwater in General
- Paying Our Fair Share in Particular



Influences of Impermeable Surfaces and Soil Compaction on Runoff and Groundwater







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

Jurisdiction Name	Estimated Annual Revenue	Responsible Local Agency
Anne Arundel County	\$13,000,000	<u>Department of Public Works</u>
Baltimore City	\$24,000,000	<u>Department of Public Works</u>
Baltimore County	\$23,400,000	<u>Dept. of Environmental Protection and Sustainability (DEPS)</u>
Carroll County	\$0	<u>Bureau of Resource Management</u>
Charles County	\$2,080,300	<u>Department of Planning & Growth Management</u>
Frederick County	\$482	<u>Department of Community Development</u>
Harford County	\$1,259,991	<u>Department of Public Works</u>
Howard County	\$10,500,000	<u>Department of Public Works</u>
Montgomery County	\$25,000,000	<u>Department of Environmental Protection</u>
Prince George's County	\$7,974,200	<u>Department of Environmental Resources</u>
Total Annual Revenue	\$107,214,973	

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

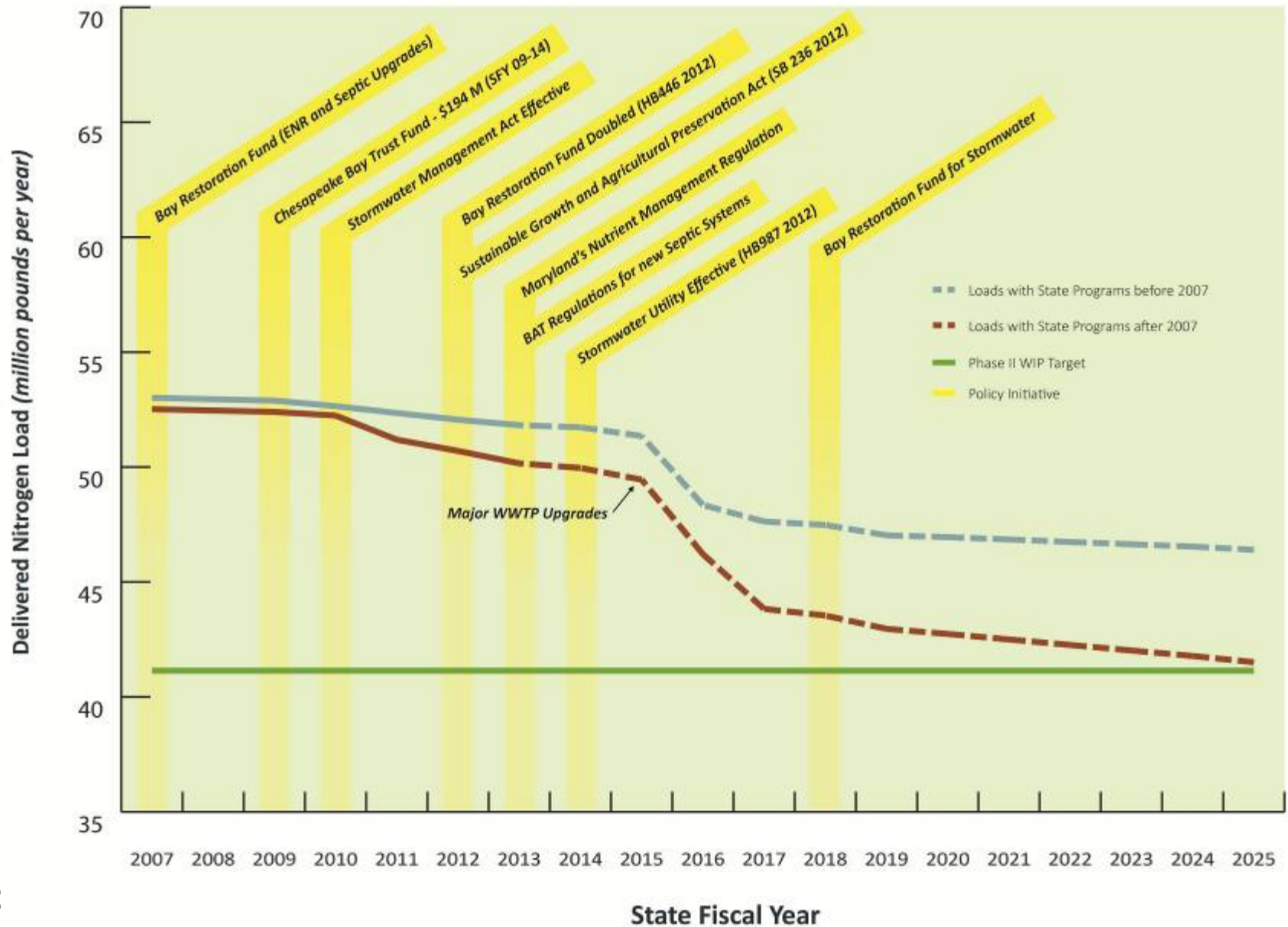
Enhancing Permit & Plan Approvals (Con't)

- **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



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!