

MDEStat Meeting

August 9, 2010



Shari T. Wilson, Secretary

Sue Battle-McDonald, Stat Director

Table 1: SSA ARRA Funding: Job and Expenditure Data

	Hours This Quarter	Hours Cumulative	FTEs	Expenditures This Quarter	Cumulative Expenditures
MDE	1,020.2	3,704.5	1.8	\$56,239.01	\$215,498.83
ICPRB	512.0	1,844.0	0.9	\$35,500.98	\$96,904.67
Total	1,532.2	5,548.5	2.7	\$91,739.99	\$312,403.50

Table 2: TMDL Category 5 Listings Addressed

(Continued on next slide)

Development Year	TMDLs Submitted			Listings addressed through 303(d) List Revision (new data, error in listing, etc.)	Number of MOU Listings Promised	Total Number of Listings Promised ^[1]
	MOU Count	Other Listings Count	Total ^[2]			
1998	1	3	4			
1999	9	2	11			9
2000	15	12	27			19
2001	12	17	29			18
2002	15	27	42	6		28
2003	9	27	36			55 ^[3]
2004	29	32	61	17		
2005	24	19	43		23	27
2006	34	35	69		38	48 ^[4]
2007	18	29	47		21	39 ⁴
2008	30	26	56	35	18	30 ^[5]
2009	15	15	30		20	30
Totals	211	244	455	58	120	303

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	MOU Count	Other Listings Count	Total ^[2]			
2010	18	17	35	15	13	32
2011					31	36
Bay TMDL					96	137

[1] Based on workplans/schedules provided to EPA

[1] Based on 2008 Integrated Report Listings

[1] 2003-2004 renegotiation of MOU to extend timeframe to meet EPA guidance of 8-13 years. As a result, 2003-2004 total submittal goal became 55.

[1] Number based on 2004 Integrated Report

[1] Number based on 2006 Integrated Report

Table 3: Ten TMDL Category 5 Projects That May Not Meet MOU Timeline

(Continued on next Slide)

Basin Name	Impairment	Action/Status
<p>Anacostia River Heptachlor Epoxide TMDL or WQA *this will meet MOU deadline</p>	<p>Heptachlor Epoxide</p>	<ul style="list-style-type: none"> •The Northwest Branch of the Anacostia River is listed for heptachlor Epoxide in the water column. A TMDL was also developed by DC in 2003 for metals and organic contaminants. •A recent bio-monitoring study established that concentrations of heptachlor epoxide in fish collected in the Maryland non-tidal waters of the Anacostia River were at low, non-impairment levels for fish consumption. In addition, clam tissue concentrations of heptachlor epoxide from a caged clam study in the Maryland non-tidal waters of the Anacostia River were below detection levels. This information suggests that the non-tidal waters are not impaired for heptachlor epoxide. •Since the listing basis is water column, additional water column samples are being collected in the Anacostia River to determine if concentrations are below MD water column criteria. The samples must also be below DC water column criteria to ensure that downstream water quality is met thus satisfying the requirements of the DC TMDL. If these conditions are met the listing can be removed otherwise a TMDL will be developed for the non-tidal watershed of the Anacostia River in Maryland. •UMCES is developing the analytical method for the evaluation of the samples. The samples should be evaluated by the end of 2010.

Table 3: Ten TMDL Category 5 Projects That May Not Meet MOU Timeline (Continued on next Slide)

Basin Name	Impairment	Action/Status
Aberdeen Proving Ground	Toxics (1)	<ul style="list-style-type: none"> •MDE is working with EPA and Tetratech to review data collected by APG to assist in the determination of impairment and if a TMDL is required. •During the EPA conference call on July 7, 2010, EPA updated MDE on this contract. Additional data has been located and Tetra Tech has requested additional funding in order to review the data. EPA has agreed to this and is preparing an addendum.
Bodkin Creek	Copper (1)	<ul style="list-style-type: none"> •EPA is planning to revise its copper criteria for saltwater using the Biotic Ligand Model. Once the saltwater criterion is available the water quality data will be reassessed to determine if Bodkin Creek is impaired.

Table 3: Ten TMDL Category 5 Projects That May Not Meet MOU Timeline (Continued on next Slide)

Basin Name	Impairment	Action/Status
Baltimore Harbor	Metals (2) Curtis Bay (zinc) Middle Harbor (zinc)	<ul style="list-style-type: none"> •Based on other metals WQAs, these listings were not pursued due to lack of sediment quality guidelines. Currently MDE is in the process of developing sediment quality guidelines for the State. These guidelines could eventually be used as a basis for addressing the metals listings in the Baltimore Harbor. (Note: sulfide levels are high and conditions are anoxic so metals are bound in sediments). •At the technical advisory committee meeting April 14th, it was decided that additional work in the development of the sediment criteria was warranted. Work on the guidelines is continuing.
Upper Pocomoke River	Nutrients/sediment (2)	<ul style="list-style-type: none"> •Contract has been awarded to VIMS to work on this project.

Table 3: Ten TMDL Category 5 Projects That May Not Meet MOU Timeline (Continued on next Slide)

Basin Name	Impairment	Action/Status
Susquehanna River/Conowingo Dam	Nutrients/Sediments (2)	<ul style="list-style-type: none"> •Coordinate with SRBC on revision to existing work and using results from Bay TMDL for "main channel". •A request for funds/assistant to address these listings was discussed with EPA staff during the June 2, 2010 monthly conference call. MD meets the criteria for EPA assistance because the watershed is mostly located in PA (inter-jurisdictional). EPA staff explained that nutrients TMDLs in PA are on hold due to the Hall Brothers intention to sue. EPA does not want to develop the Susquehanna TMDL in MD because of the connection with PA. They anticipate a decision on the status of the nutrients TMDLs in PA by the <u>end of summer 2010</u>. We will probably be able to get funds/assistant to develop these TMDLs next year (2011).

Table 4: Information Gathered by SSA Regarding Funding for TMDL Development

(Continued)

Contacted	Funding Sources for TMDL Development
EPA HQ	After contacting HQ, they sent out a multiple choice survey to States on question. Will follow up.
Association of State and Interstate Water Pollution Control Administrators (ASIWPCA)	Will send out survey to States (Lori Belangia)
Georgia	Current study of their program with consideration of new revenue through fees. TMDL program requested University of Georgia River Basin Center to conduct survey on how other states are funding TMDLs and conducting monitoring (e.g. volunteer monitoring programs).
Virginia	Charges permitting fee that lasts for five years and fund NPDES permitting administrative costs (Edwards 2002). Also uses Water Quality Improvement Funds (WQIF) established under the Water Quality Improvement Act (WQIA) to supplement funding for water quality efforts.

Table 4: Information Gathered by SSA Regarding Funding for TMDL Development

(Continued)

Contacted	Funding Sources for TMDL Development
Delaware	In the late 90s DE started getting annual increases of State General Funds (a line item) that eventually totaled \$1.2M annually. With cutbacks, they currently down to \$652,800. They also were receiving \$300K in Penalty Funds during the TMDL Program heyday (98-06). That's totally gone. They have some toxics TMDLs that are overdue, but they have the data & won't need contractor assistance, only staff time. And they're still trying to figure out what to do with Habitat and/or Biology TMDLs, some which are overdue
Pennsylvania	Contacted, waiting for response.
West Virginia	Contacted, waiting for response.
Alabama	Charges NPDES application fees that assist with supporting program staff but are not directly applied to the TMDL program (Hughes, personal communication 2006).

Table 4: Information Gathered by SSA Regarding Funding for TMDL Development

Contacted	Funding Sources for TMDL Development
North Carolina	Uses a portion of their permit fees to fund staff positions in water planning and TMDL development (Edwards 2002).
South Carolina	Charges flat, annual permit fees (Edwards 2002; Montebello, personal communication 2006) which support staff positions and program costs for the NPDES state program since 1993.

Table 5: TMDL Allocation & Phase I Watershed Implementation Plan Document Development

(Continued on next slide)

TMDL Allocation & Phase I Watershed Implementation Plan Document Development	Dates	Notes
EPA provided nutrient target loads, with safety factors that address impairments in all 92 Bay segments	July 1	Completed
MDE to develop default nutrient allocation	July 1 - 7	Completed
Brief EPA on Phase I Plan document status	July 7	Completed
Interagency dialogue on nutrient allocations and agreement on default allocation approach	July 8	Bay Workgroup
Draft Phase I Plan document – internal due date	July 15	Distributed
Brief EPA on Phase I Plan document status	July 20	Completed

Table 5: TMDL Allocation & Phase I Watershed Implementation Plan Document Development

(Continued on next slide)

TMDL Allocation & Phase I Watershed Implementation Plan Document Development	Dates	Notes
Discuss nutrient allocations among State agencies and select options for first Input Deck submittal to CBPO	July 22	Bay Cabinet
Update allocation writeup in Phase I Plan document	Early August	
Revised Draft Phase I Plan document - interagency due date	August 2	
MDE Assemble Phase I Plan document for review and circulate to EPA Phase I Plan Review Team	Aug 4	Accept late material from agencies
Brief EPA on Phase I Plan document status	August 5	
Staff & Bay Workgroup review Phase I Plan document	Aug 9 – 13	Accept late material from agencies
EPA to provide sediment target loads to address SAV/clarity in all 92 segments	August 15	
Final revisions – include sediment changes if needed	Aug 16 – 25	Accept late material from agencies

Table 5: TMDL Allocation & Phase I Watershed Implementation Plan Document Development

TMDL Allocation & Phase I Watershed Implementation Plan Document Development	Dates	Notes
MDE develop default sediment allocations	late August	
Interagency review of sediment allocations & Phase I Plan Document	late August	
Governor's Briefing Materials & BayStat signoff of Phase I Plan document	Aug 26 – 31	
Submit Phase I Plan to EPA	Sept. 1	
Public comment period begins; post Phase I Plan to MDE webpage	Sept. 24	
Public comment period ends	Nov. 8	
Post comment period responses and Phase I Plan revision due to EPA	late Nov.	
EPA establishes TMDL	Dec. 31	

Table 6: Phase II Plan Development Schedule & Steps

Phase II Plan Development Schedule & Steps	Dates
MDE review of revised land use and incorporation of refined regulated stormwater category.	May 2010
MDE develops MD scenario estimator tool.	July – Jan. 2011
Revision of TMDL and allocations as necessary using revised Phase 5.3 and MD scenario estimator. Revision of PHASE I PLAN as necessary.	Jan – Dec 2011
Phase II Pilot Projects completed	Early 2011

Table 7: Phase I Plan Public Involvement Schedule *(Continued on next slide)*

Event	Date
Numerous briefings	Feb 2009 – April 2010
EPA Webinar for Maryland	May 17
Electronic Suggestion Box (web-based): http://www.surveymonkey.com/s/NZCWHGZ	June 14
Tributary Strategy Team Futures Meeting, Wye Research Center	June 14
Western Bay TMDL Watershed Implementation Plan Regional Exchange: Hagerstown Community College	June 15
North-Central Bay TMDL Watershed Implementation Plan Regional Exchange: Baltimore, MDE Offices	June 17
Eastern Shore Bay TMDL Watershed Implementation Plan Regional Exchange: Caroline County Health and Public Services Building	June 23
South Central Maryland Bay TMDL Watershed Implementation Plan Regional Exchange: Metropolitan Washington Council of Governments, Washington DC	June 30
Governor's email on the electronic Suggestion Box (web-based): http://www.surveymonkey.com/s/NZCWHG	July 13

Table 7: Phase I Plan Public Involvement Schedule *(Continued on next slide)*

Event	Date
Southern Maryland Bay TMDL Watershed Implementation Plan Regional Exchange: Prince George's County Soil Conservation District Upper Marlboro Office	July 15
Western Maryland forum on TMDL Implementation Allegany College, Cumberland	July 21
BayStat listening sessions - Environment and Local Government Panels	July 22
BayStat listening sessions - Agriculture and Business Panels	August 3
Stakeholder Advisory Committee Initial Meeting	August 11
MACO Meeting Briefing, Ocean City, MD	August 18
TMDL/Phase I Plan Highlights for the Stakeholder Advisory Committee.	Early September
Local Government Briefings on Phase I Plan Highlights	September 1 - 24

Table 7: Phase I Plan Public Involvement Schedule *(Continued on next slide)*

Event	Date
4 Regional Public Meetings [Locations: Easton, Hagerstown, Timonium, Upper Marlboro] with Tributary Team and Stakeholder Advisory Committee Coordination	September 1 - 24
Public Review of TMDL & Phase I Plan	September 24 – November 8
3 EPA Public Meetings [Locations: Easton, Annapolis, and Hagerstown with a concurrent webinar]	Oct 12, 13, 14