MDEStat Meeting
October 18, 2010

Shari T. Wilson, Secretary

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Table 1: SSA ARRA Funding: Job and Expenditure Data, July-September 2010

	Hours This Quarter*	FTEs*	Expenditures This Quarter*	Cumulative Expenditures	% of Grant
MDE	428.3	1.2	$31,788.09	$221,840.73	49.6%
ICPRB	483.6	1.0	$67,156.24	$164,060.91	32.2%
Total	911.9	2.2	$98,944.33	$385,901.64	40.3%

*Only July and August for MDE

September figures will be available in mid-October

Table 2: TMDL Category 5 Listings Addressed

(Continued on next slide)

Development Year	MOU Count	Other Listings Count	Total[1]	Listings addressed through 303(d) List Revision (new data, error in listing, etc.)	Number of MOU Listings Promised	Total Number of Listings Promised[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]

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(Continued on next slide)

Development Year	MOU Count	Other Listings Count	Total[1]	Listings addressed through 303(d) List Revision (new data, error in listing, etc.)	Number of MOU Listings Promised	Total Number of Listings Promised[2]
2004	29	32	61	17		
2005	24	19	43		23	27
2006	34	35	69		38	48[3]
2007	18	29	47		21	39[4]
2008	30	26	55	35	18	30[4]
2009	15	15	30		20	30

Table 2: TMDL Category 5 Listings Addressed

Development Year	MOU Count	Other Listings Count	Total[1]	Listings addressed through 303(d) List Revision (new data, error in listing, etc.)	Number of MOU Listings Promised	Total Number of Listings Promised[2]
2010	16	27	43	25	13	32
Totals submitted	226	271	497			
2011					31	36
Bay TMDL					96	137

MOU revision allows an average of 24 listings per year to address 1996/1998 listings. Ten listings may not meet timeline.

[1] Based on 2008 Integrated Report Listings
[2] Based on workplans/schedules provided to EPA
[3] Number based on 2004 Integrated Report
[4] Number based on 2006 Integrated Report

Table 3: Category 5 Projects That May Not Meet MOU Timeline (10) (Continued on next Slide)

Basin Name	Impairment	Action/Status
Atkisson Reservoir TIM	Nutrients and Sediments (2)	•Assigned to staff to discuss with EPA region III at monthly Conference call - request their assistance with these listings since the federal facility Aberdeen Proving Ground claims to continue using this reservoir as a drinking water source. •Following the EPA conference call on July 7, 2010, a summary document was prepared and submitted to EPA with background, task list and estimated cost for the project so that EPA may begin their contractual process to assist MDE with this project. 9/16/10 Scope of Work discussed with EPA. EPA preparing to distribute SOW for RFP from contractors. •EPA Region 3 staff have reviewed our comments on the Scope of Work, and incorporated them. Next, they will forward the SOW to EPA Headquarters (by Oct. 10), who will verify that it meets the criteria for assistance (in this case, being on federal lands). Next, Headquarters will forward it to the Cincinnati offices, who will (in two months or, hopefully, less) review it and send out a Request for Proposals (RFP). The RFP will go out by December at the latest. It is possible that bids will be coming in as early as November.

Table 3: Category 5 Projects That May Not Meet MOU Timeline (10) (Continued on next Slide)

Basin Name	Impairment	Action/Status
Aberdeen Proving Ground LEN	Toxics (1)	•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. •During the EPA conference call on October 5, 2010, EPA informed MDE that the addendum with TetraTech to provide additional funds for completing the data review is currently being processed.
Bodkin Creek LEN	Copper (1)	•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: Category 5 Projects That May Not Meet MOU Timeline (10) (Continued on next Slide)

Basin Name	Impairment	Action/Status
Baltimore Harbor LEN	Metals (2) Curtis Bay (zinc) Middle Harbor (zinc)	•Based on other metals WQA, these listings were not pursued due to insufficient 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 JIN	Nutrients (1)	•Assigned to TMDL program Engineer. Reviewing data, existing models and will provide recommendation to move forward. •Contract has been awarded to VIMS to work on this project.

Table 3: Category 5 Projects That May Not Meet MOU Timeline (10) (Continued on next Slide)

Basin Name	Impairment	Action/Status
Upper Pocomoke River Anna	Sediment (1)	•Sediment listing was not included in the VIMS contract for nutrients. Methodology to be determined in house. •Verifying the Chesapeake Bay sediment allocation for the watershed and will apply the methodology currently in use.

Table 3: Category 5 Projects That May Not Meet MOU Timeline (10)

Basin Name	Impairment	Action/Status
Susquehanna River/Conowingo Dam DINORAH	Nutrients/ Sediments (2)	•Assigned to TMDL program Engineer. Plan to 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 (interjurisdictional). 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 end of summer 2010. We will probably be able to get funds/assistant to develop these TMDLs next year (2011). •Update 10/5/2010: EPA staff informed MDE that the Hall Brothers NOI to sue has been elevated to high levels at EPA and the EPA TMDL Program has no control over this issue anymore. At this point, EPA will not be able to help MDE in the development of the nutrients and sediments TMDL for the Susquehanna River/Conowingo Dam. MDE TMDL program staff is looking for options to develop the TMDL in-house using the revised P5 Bay model and a reference watershed approach. Staff have been reviewing the details of the impairments listings. There is a possibility that the TMDLs do not need to include pollutant loadings coming from the upstream watershed area located in PA. This is because the listings are only for the non-tidal watershed area, and do not include the mainstem and the impoundment/pool, and the pool extends all the way to the MD/PA line. If this is confirmed, the TMDL will be developed for the non-tidal areas in MD only with no upstream loads from PA.

Table 4: TMDL/WQA Projects submitted but Require Additional Action (i.e., follow up action required, not approved) (8) (Continued)

Basin Name	Impairment	Action/Status
Baltimore Harbor LEN	Metals (5) Inner Harbor NW Branch (Cr) Inner Harbor NW Branch (Pb) Inner Harbor NW Branch (Zn) Bear Creek (Cr) Bear Creek (Zn)	•EPA deferred delisting the waterbody for the metals (i.e. chromium, lead and zinc) until conclusion of a stressor identification study. The findings of the study were inconclusive as to whether metals are a source of toxicity. Additional studies are underway to determine sediment quality thresholds at which metals cause toxicity based on dose-response relationships. MDE is also 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. •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. Given the sources of impairment and the expertise required to begin to address them additional funding will be necessary.

Table 4: TMDL/WQA Projects submitted but Require Additional Action (i.e., follow up action required, not approved) (8) (Continued)

Basin Name	Impairment	Action/Status
Baltimore Harbor Deep Channel LEE	Nutrients (2)	•10/6/2010 Bay TMDL out for public comment, TMDL allocations model run results in attainment of Deep Channel Use.
Edgewater Village Lake TIM	Nutrients (1)	•TMDL completed. As a result, EPA approved MDE to complete a Use Attainability Analysis (UAA) since the lake is really used as a stormwater retention area (according to SW program). The listing is on the impaired waters list with 1998 listing date and discussions are ongoing within the Water Quality Standards group to determine an approach on the process for completing UAAs. •Meeting with the WQS group was held on July 29. While a UAA is the appropriate action, there isn't a designated use that the waterbody could be categorized as. Therefore, it has been suggested that a select group of individuals be gathered to discuss the possibility of creating a new designated use described as "protective use" which would encompass stormwater retention ponds designed to protect downstream uses. •On 8/3 WQS staff met with WMA-wetlands staff to discuss their proposed wetlands designated uses. If the Dept. et al can settle on a set of uses (including Limited use/stormwater/water quality protection use) then MDE could turn this around in the next year or so...but it may run into resistance.

Table 5: TMDL Funding (Continued on next slide)

Contact	Funding Sources for TMDL Development
EPA HQ	After contacting HQ, they sent out a multiple choice survey to 10 EPA regions asking them to identify the various funding sources that States use to fund the development of TMDLs. They received responses from 9 of the 10 regions. The sources are: 1. TMDL Dedicated $'s - this is the HQ pot of money that is passed to the Regions for use by the states. Generally in the 1-2 million dollar per region range. They have a set of criteria that we apply such as litigation driven, significantly behind pace, multi-jurisdictional 2. 106 - as the states see fit 3. 319, - both base and supplemental (200 million $ nationally) 4. 205(j)5. 5. OWM/SW money 6. State budgeted funds..... 7. Some rare third party 8. 104(b)(3) 9. 604(b) HQ is just embarking on a new project to refine the cost of developing a range of TMDLs by pollutant and water body type.

Table 5: TMDL Funding (Continued on next slide)

Contact	Funding Sources for TMDL Development
ASIWPCA	Will send out survey to States (Lori Belangia) upon approval
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.
DE	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
PA	Contacted, waiting for response.

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Contact	Funding Sources for TMDL Development
WV	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).
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 6: SSA Vacancies of Concern

PIN	Vacancy Date	Last Name of Prior Incumbent	Status and EDC for Next Step
Positions Vacant Over Four Months			
048656	4/27/10		Currently conducting Interviews.
Recruitments Overdue for Action by SSA			
None			