

Accounting for Growth Work Group Summary
Meeting #9: 7/11/2013

In Attendance:

Work Group Members: Tom Ballentine, Bevin Buchheister, Valerie Connelly*, Sandy Coyman, Cathy Drzyzgula, Stephen Harper, Lynne Hoot, Jon Laria, Katie Maloney, Erik Michelson, Shannon Moore, Mike Powell, Alison Prost, Dru Schmidt-Perkins, Josh Tulkin

*for Pat Langenfelder

Support Team: Darrell, Brown, George Chmael, David Costello, Kate Culzoni, Dinorah Dalmasy, Candace Donohoo, Jim George, George Kelly, Les Knapp, Susan Payne, John Rhoderick, Helen Stewart, Steve Stewart, Joe Tassone

Absent:

Work Group Members: Yates Clagett, Pat Langenfelder, Mary Ann Lisanti

Support Team: Vimal Amin, Meg Andrews, Lee Currey, Dan Baldwin, Dave Goshorn, Brigid Kenney, Doug Lashley, Dave Nemazie, Julie Pippel, Dusty Rood, Roger Venezia

Public Attendees:

Peter Bouxsein (Chesapeake Bay Foundation), Greg Bosch (Maryland Department of the Environment), Brenda Dinne (Carroll County Government), Andrew Gray (Department of Legislative Services), James Hearn (WSSC), Hannah Murray (Rodgers), Ryane Necessary (Department of Legislative Services) Melissa Schreiber-Stahl (1000 Friends of Maryland), Mindy Selman (WRI), Phillip Stafford (StateStat), Ashley Valis (Office of the Governor)

Welcome and Overview

Valerie Connelly attended for Pat Langenfelder. Les Knapp attended for Mary Ann Lisanti.

Facilitator George Chmael welcomed everyone to the ninth Accounting for Growth (AfG) Work Group (WG) meeting and reviewed the day's agenda: the WG has about 15 unresolved issues to review; at which time the WG will decide either consensus or to record the various positions. Although this meeting was intended to be the last, the WG decided that the meeting did not sufficiently cover all issues and a tenth meeting was scheduled for July 19th, 1 PM – 4 PM at the Maryland Department of Agriculture. The facilitator also reviewed the WG's recommendation report timeline.

- 7/11-25 Report is drafted. WG members may continue to meet and discuss issues.
- 7/26-8/2 WG review
- 8/5-7 Report is finalized; WG final review and approval; Deadline for WG input
- 8/9 Report is submitted to MDE
- by 8/31 MDE briefs Bay Cabinet
- Aug-Sept Regulation development
- September MDE briefs Committees

It was requested by the WG to review the regulations before they are promulgated. The facilitator requested that the WG review the State's guiding principles before reviewing the draft report to ensure that they are met.

Baseline – Local Government/Developers Proposal

Mr. Chmael called for the WG to open with the offline discussions, and the Maryland Association of Counties (MACo), Maryland Municipal League (MML), and Developer stakeholders explained a new baseline proposal:

Use the 2025 pre-development load as the baseline except in the case of: active farmland development, redevelopment of a site with significant (20-40%) impervious surface, or infill. When development occurs on active farmland (land with an agricultural land use), the statewide average pasture load will be used; if the remainder is negative, it is reset to zero (no credit awarded). Redevelopment of areas with 20-40% impervious surface would be based on a sliding scale where higher impervious surface yields minimal or no offset. The definition for infill was not agreed upon, but it was intended that infill projects would not include large pervious surfaces and some offset would be required for large pervious surfaces for infill. After accounting for wastewater and stormwater loads, there will be no credit awarded for a negative load.

The stakeholders stated that this proposal represented a compromise in response to MDE's call for conservatism, and this proposal was not unanimously agreed upon by their constituents.

MDE responded with caution that the U.S. Environmental Protection Agency (EPA) may require the lowest load when the basin pasture load is lower than the statewide average. MDA added that EPA draft guidance on credit calculations uses basin loads as the default, not statewide averages. A farm with an actual load lower than the statewide average would, after development, be allowed to increase its load – resulting in a degradation of water quality. A Developer stakeholder expressed strong resistance to the idea of editing the proposal based on draft guidance, but agreed that permits must comply with prior laws (such as the Clean Water Act (CWA) – no new loads may be discharged to an impaired water body). EPA stated that the need is to meet the modeled load. One WG member expressed that this proposal showed adequate compromise.

MDE added that the State has a strong interest in discouraging increased septic loads. A MACo stakeholder stated that the proposal addresses that interest as-is. An MML representative noted that the *Koontz v. St. Johns River Water Management District* Supreme Court decision does not allow permits to require offsets beyond the damage caused by that particular development.

An environmental non-governmental organization (ENGO) stakeholder noted that redevelopment and infill are not land uses. He proposed changing redevelopment to urban developed land and using that land use's pre-existing load, rather than using the sliding scale. For infill, he stated that it, too, should be the pre-existing land use regardless of its location (in or out of a priority funding area (PFA)). His main concern was the responsibility for the load generated by redevelopment or infill – would it be taken up by the county or city? A Developer representative stated that the proposal uses the same logic to discourage agricultural conversion as it does to encourage redevelopment. The WG agreed that 'redevelopment' and 'infill' must be further defined. ENGOs were concerned that forested land in urban areas might be considered redevelopment or infill. Local government stakeholders replied that forested land use is considered forest, regardless of where it is located. They added that some rural counties do not achieve the density required of some definitions, although they do have infill development (development surrounded by an established community, including grassy vacant lots in urban areas). An ENGO cautioned that if current land uses are not used, then the loads will not be correctly accounted for in the model. The ENGOs noted that redevelopment already is encouraged by the zero wastewater load allocation reserved for redevelopment. MDE agreed and stated that the idea of encouraging infill was developed as a concession to Development under the zero baseline allocation. MDE is supportive of developing fallow urban lots but not the development of suburban greenfields which promote low-density sprawl development. A local government stakeholder stated that infill is very difficult and requires additional incentive. Mr. Stewart of the Support Team stated that in lieu of defining infill, infill could be encouraged by setting the policy applicability threshold to one acre. Infill typically disturbs less than one acre while sprawl will disturb a greater area. One ENGO stated that the load would be a small obligation and the policy should not be disproportionately altered to incentivize infill; although he does sympathize with the difficulty of incentivizing it, the absence of a wastewater allocation would be adequate. A

Developer stakeholder added that the minimal load of small acreage infill combined with the ability to generate credits would be a great incentive.

An agricultural stakeholder made a request that developments with septic not be made into a separate policy since it would make it very difficult for successive generations to build an additional home on farmland.

MDE stated that according to its calculations, a single family detached home (SFH) on septic on forested land would generate a 0.4 pound stormwater load. On pasture it would generate a -0.4 pound stormwater load. Under this proposal, the -0.4 stormwater load could be subtracted from the wastewater load (2.7 pounds in the pasture scenario and 3.0 in the forest scenario, yielding 2.2 and 2.6 total pounds, respectively).

A Developer stakeholder commented that despite the expected reduction in pollution, there is still disagreement over the remaining pounds. He stated that the WG's job is to recommend policy that will not increase loads due to growth, which would suggest offsetting anything after the 2010 progress run. He contended that this policy brings every parcel TMDL-compliant and offset above the target load for 2025.

One ENGO asked if greenfields were included in redevelopment, or if redevelopment was strictly urban. Mr. Tassone replied that the model does not discriminate and does not look at what the land use was, only the current conditions. It assumes subjection to current stormwater regulations. The threshold for subjection to the stormwater regulations is one acre. Load has not been accounted for development smaller than one acre.

Support (subject to agreement with definitions of redevelopment and infill):

- Agriculture.
- Developers.
- MACo.
- MML.
- One ENGO (South River Federation).
- Public Interest (Intel and Sustainable Growth Commission).

Absent: Yates Claggett, Mary Ann Lisanti

Not Support:

- Acknowledging the nuanced approach to redevelopment and infill
- All ENGO reps would continue to support the forest baseline.
- South River Federation will not support proposal if infill concessions are added to proposal.

Abstaining:

- One Public Interest stakeholder (Chesapeake Bay Commission).
- One ENGO (1000 Friends of Maryland).

Setting the Fee-in-Lieu

One ENGO suggested changing the fee-in-lieu from the weighted average of all urban practices to the weighted average of all permanent practices, in order to support the intent of the fee-in-lieu: to purchase permanent practices. It would then be at the discretion of the responsible government to purchase either permanent or a series of short-term/annual practices (which also incur risk and have higher administration requirements). A local government stakeholder commented that there are very few permanent practices. MDE confirmed that a septic conversion to sewer is an urban permanent practice, as are septic upgrades. The WG was reminded that the initial cost of permanent practices are greater than short-term practices, but when maintained in perpetuity the total cost is very similar. Another local government stakeholder

proposed that the fee be based on the practices most likely to be used, not price – this would allow the fee to change with the market practice costs. A Developer stakeholder seconded this idea. A local government stakeholder asked if the fee might be used for upgrading major/minor wastewater treatment plants (WWTPs). MDE stated that there is enough money to upgrade the major/minor WWTPs by 2025. MDE also cautioned that WWTP upgrades may not be as cost-effective as some stormwater upgrades – the ability to use fee-in-lieu funds for WWTP upgrades would best be left to the State to decide, since there are already mechanisms in place to ensure that they are completed.

It was proposed to either index the fee to current costs or review and potentially readjust the fee every three years.

MDE calculated some prices based on the King & Hagan report using current land costs; MDA estimated that agricultural land ranges from \$5,000 to \$15,000. Maryland Department of Planning (MDP) cautioned that there is no way to account for permanent practices on land that are already protected versus land that has no associated permanent covenant. A local government stakeholder asked if trading is restricted to basins, will the fee-in-lieu not be high enough to cover all areas' practice pricing? MDE stated that this is why the State is a proponent of statewide trading except in the scenario of discharge to an impaired local water body.

MDE displayed the annualized average and the 20-year cost of all permanent practices (about 90) per acre per pound in four categories: urban, urban/septic/agriculture with a \$5,000 land cost per acre, urban/septic/agriculture with a \$15,000 land cost per acre, urban/septic/wastewater/agriculture with a \$5,000 land acquisition cost, and urban/septic/wastewater/agriculture with a \$15,000 land acquisition cost. These numbers did not include administrative costs. Since all permanent practices were included in the analysis, it is not a reflection of the practices most likely to be used (the ones which were distributed to the WG in a table several meetings ago).

The WG had multiple clarifying questions and did not agree on the fee calculation. There was concern from Development stakeholders that this analysis included costs much higher than the \$3,000 fee estimate provided by MDE in other venues in the past. MDE will take another look at likely used permanent practices and bring it to the next WG meeting. The WG or a subgroup will review the practices most likely to be used, the most logical costs assigned to those practices, and choose a fee calculation.

ACTION: The WG will discuss this topic at the next meeting or as a subgroup.

Fee-in-Lieu Payable to Whom and for What Purposes

An ENGO expressed concern for the government's management of the collected fee, responsibility for timely implementation, and verification of ongoing practice operation – if the government will function like an aggregator, there should be another entity with oversight to ensure the government's timely actions. It is not ideal if the State is regulating itself.

Additional comment: Local government requested that the pollutant reduction efficiency at time of credit generation or sale not be changed later to a decreased rate.

It was proposed that the right of first refusal for local governments could be a delegated power, and if the local governments mismanage money or the responsibility, the State could revoke their right and perhaps take the money to the BRF. If the State misbehaves, perhaps the EPA would call the State to account. Mr. Kelly stated that other failed programs have resulted in a federal law that they must be liable at the initial stage since the threat of revocation is not adequate. Planning progress must be shown before the money can be accepted. He added that the purpose of implementing a trading market is to decrease costs; if the fee will just go to the BRF, the WG should eliminate the market. Not spending the fees received would kill the market. Mr. Kelly continued, stating that use of statewide averages for in-lieu fees has not worked in North Carolina; a specific urban fee became necessary. He expressed that in the market, a credit cannot be sold unless it is certified and installed – an in-lieu fee program should be held to the same

standard or at least a required timeline. One ENGO stakeholder stated that the changes made at the federal level wetland policy should be reviewed in preparation to drafting this policy, since those safeguards are greater than the State ones. MDE stated that the State's interest is a fee-in-lieu consistently higher than market prices, encouraging developers to go directly to the market for their offsets. The fee itself is an opportunity to bring the local government to the market for cheap offsets, as well. The fee-in-lieu will create a more robust market while preserving flexibility for local governments. As a somewhat large aggregator, the local governments should be able to easily certify and install practices to provide developers paying the fee-in-lieu with the appropriate offsets. It is anticipated that as the market develops the fee-in-lieu will not be chosen over participation in the market (due to the price).

MACo requested that within the defined timeline there is adequate time for planning, land acquisition, and practice implementation – which could take years. Local government accepting the fee-in-lieu could choose to purchase annual/short-term practices until the permanent practice is installed or use the funding to upgrade wastewater systems. MDE is comfortable with a six- to twelve-month allowance until the practice is installed. MACo commented that not all counties have a project pipeline and implying a required pipeline would shut out some counties.

Considering the fact that one function of the fee-in-lieu is to replace a non-existent market, a public interest stakeholder asked how a fee-in-lieu can be used to implement a practice when there is no market for practices – in other words, what is there to buy or implement if there is no supply? MDE replied that once the effective date is public, supply will be generated.

If the local government refused the fee-in-lieu, the State would still be required to spend the money in the area of the local impairment.

MDE stated that the fee-in-lieu is still a last resort option, the main attraction of which is the least effort expended by the developer to procure the needed offsets.

Policy language still needs to address the following:

- Local impairments must be addressed by the fee-in-lieu, regardless of what governmental entity accepts the fee.
- Should the fee be defined as a 'safety valve'? Or is the high cost enough of a deterrent?
- Ensure that the fee-in-lieu program drives practice installation as soon as possible after the load is created; similar to the CWA, which states a preference for installed practices.
- The fee-in-lieu price calculation and a review schedule to ensure the price is not too low.
- The developer always has a choice between participation in the trading market and paying the fee-in-lieu, which requires a practice to be functioning within a specific timeframe.

ACTION: The WG will discuss this topic at the next meeting.

Credit Certification, Verification and Transparency

The ENGOS of the WG stated that there are multiple clarifications and concerns with the MDA credit certification and verification process. They will continue to discuss these issues with MDA at a time separate from the WG meeting. After speaking with MDA during the lunch break, one ENGO was supportive of recommending the MDA draft trading regulations but with the request that a WG discuss ongoing issues during the early period of the policy. The major concerns one ENGO noted are what happens after decertification and how are those missed reduced pounds made up. The role of the aggregator, the credit generator's contract, and the developer's permit were discussed. MDE added that the policy can be modified if there appears to be a high number of defaults occurring in Developer-Generator contracts. MDA added that all certification, verification, and decertification documents are public. The other possible WG concern is from Developer stakeholders who would have an issue with modifying the citizens standing part of the policy. Developer stakeholders have no issues with the MDA certification and verification process. It was decided that, due to the lengthy nature of the discussion, it

would be postponed to a later meeting or a specific Credit Certification, Verification and Transparency WG.

ACTION: The WG will discuss this topic at the next meeting or as a subgroup.

Trading Geography

The WG discussed the current proposals under consideration.

One ENGO highlighted support of interstate trading within the basin when available providing that the other state's credits meet Maryland's requirements. This proposal had WG agreement at a previous meeting.

The ENGOs, Agriculture, and one Public Interest stakeholder are in support of

Trading within the basin first, and then expanding the geography to statewide if there are no credits available in the basin; the offset must be locally generated if there is a local impairment.

One ENGO stakeholder disagreed with MDE's comment that scarce and very costly credits in the basin would merit statewide trading.

Other ENGOs expressed a concern with the probable geographic imbalance of practices and discharged loads, which will lead to an increase in impaired segments and cause net degradation. MDE focused on the load discharged to the Bay and the necessity of establishing a robust trading market. MDA reminded the WG that the delivery ratio is what allows statewide trading. MDE also commented that the anticipated development is not very significant. The majority of market participation will be from entities buying their total maximum daily load (TMDL) allocations. The ENGOs disagreed that the Bay's water quality is the only goal and urged the WG to prevent impairments rather than review and address if they arise. ENGOs noted that they had already compromised on geographic size (basin instead of segment and three basins instead of five) and the use of a fee-in-lieu. One ENGO asked MDE for a specific program that would assure residents that local loads being offset elsewhere were not degrading local water quality. MDE responded that it would respond as quickly as possible to degradation but also reminded the WG of the broader scope in the state of the Bay, which would still benefit from statewide trading but would not benefit from a collapsed market due to geographical restrictions. A statewide market would also benefit rural counties in need of income.

An agricultural stakeholder noted that credits may only be generated once a property has reached the basin baseline (met the modeled load). She asked how this would affect the availability and price of credits across basins.

In response to an ENGO concern that costlier credits would not be produced, MDE responded that there would be a stimulus once the cheap credits were sold out.

MACo is in favor of

a statewide trading geography first, with the restriction that loads discharged to an impaired local segment must be offset at locally for that nutrient due to the strong need for a robust market. The county would also have the option to limit trading to a smaller scale as desired.

MML is also in support of the statewide-first proposal.

A public interest stakeholder commented that a model considering prices, development projections, multiple years of trading including time for market equilibration – would greatly help to determine the possible outcomes of either geography.

Both trading proposals include a periodic programmatic review (three years for the statewide-first proposal to allow for a basin restriction, or after three years for the basin-first to determine if the market needed expansion).

The other two Public Interest stakeholders abstained.

Cross-Sector Trading to Meet the TMDL

The State is interested in allowing voluntary cross-sector trading with agriculture to decrease costs. MACo is interested in allowing cross-sector trading with excess wastewater capacity. ENGOs are interested in continuing a public discussion before changing current policy. Current policy is defined by the Watershed Implementation Plan (WIP).

The State is engaged in an ongoing discussion of this topic within the Bay Cabinet.

Agriculture is awaiting the promised (last meeting) language from MDE on assurances to not receive additional load due to the cross-sector trading mechanism.

The WG was reminded that credits cannot be generated until the sector meets the TMDL.

WG members were anxious to ascertain that abstaining from agreement on this topic neither ended discussion nor implied agreement.

ACTION: Additional discussion will be held either in the WG or among constituents.

Effective Date/Transitioning

The WG had agreed to a December 31, 2014 effective date for the policy.

The WG discussed the applicability of the agreed-upon stormwater effective date and transitioning timelines.

A Developer stakeholder informed the WG that State highway access permitting process is as follows: submit an application, State reviews and potentially requests for changes or information, then an accepted application. This is not typical of a local development pipeline, where preliminary plan submittal is typically a living process without an 'accepted' application. She referred to the submittal documents required in the recent stormwater regulation which demonstrated significant evidence of engineering and stated that her constituents find this an acceptable approach for this policy as well because redesign is likewise anticipated as part of the developer's new cost analysis.

In response to an ENGO's fear of unaccounted for loads, another Developer stakeholder noted that there were two dates within the stormwater regulation implementation with which any grandfathered development must comply. The first date was plan submittal. Eligible projects then received a waiver but must also comply with the second date by which construction must be completed.

These two types of deadlines were discussed and agreed on by the WG with consideration to the following stakeholder needs:

- MACo desires six to twelve months after State regulations are finalized to update local ordinances to comply with State regulations. Those local laws may be more stringent than the State laws. This requirement created the December 31, 2014 effective date.
- Developers require at least six months after the regulations are finalized to assess the impact of the regulation and prepare the preliminary site plan.

With regard to these considerations, ENGOs stated that the 100,000 to 150,000 pounds discharged per year from new development before the effective date of the regulations must be accounted for - they are not insignificant. Whose responsibility is the load discharged from 1/1/2014 – 12/31/2014? The default responsibility goes to the public (nonpoint) sector. ENGOs stated that waiting 18 or 24 months while a

half million pounds are discharged is unacceptable; they have already compromised for 12 months between the regulation finalization and effective dates.

A Developer stakeholder proposed plan submission by six months after the county has finalized their updated regulations and an 18-month date (6/2015) as the last date of plan submission with all required documentation.

This was revised by an ENGO to require that projects seeking grandfathering

submit preliminary plans by December 2014 to be governed by MDE regulations (and exempt from county regulations) OR submit preliminary plans within six months after county regulation finalization to be governed by county regulations.

MACo will discuss this with its constituents.

The Developer stakeholder also suggested using the intermediary timeline for final plan submission, starting construction, finishing construction, etc. from the stormwater implementation regulation since those were previously negotiated based on construction realities.

Ms. Stewart (DNR) of the Support Team suggested that any load generated during the same interim be taken from the wastewater load set aside for growth to penalize future development (not existing counties or residents). MACo disagreed with this proposition.

ENGOS would like clarification of the preliminary plan submittal definition. Pending review the preliminary plan submittal definition used with the stormwater regulations, the WG generally agreed with using it in this policy.

ACTION: WG stakeholders will discuss with their constituents the proposal for plan submission by December 2014 to be governed by MDE regulations (and exempt from county regulations) OR submit within six months after county regulation finalization to be governed by county regulations; AND adherence to the project timeline from the stormwater implementation regulation for final plan submission, starting construction, finishing construction, etc.

Threshold

An ENGO proposed a 5,000 square feet of disturbance, which is a typical area. Based on data provided to the WG, he stated that much development occurs on less than an acre in St. Mary's County, which is likely true of other counties as well.

A Developer stakeholder suggested use of a sliding scale de minimis fee when the disturbance acre is 5,000 square feet to an acre and subjection to the full policy when disturbance is over an acre.

It was questioned how this de minimis fee would be administered, especially if a county did not accept the delegated responsibility.

MDE proposed that these conversations be continued with the fee-in-lieu conversation to be held at a later date.

ACTION: Disturbance area and a de minimis fee and its administration will be discussed as part of the fee-in-lieu discussion.

Policy Exceptions

An ENGO stated that if there are exceptions, the responsibility for the load must be determined now. Another ENGO stated that there is no hardship case or public benefit exemption from wetland mitigation.

MACo is concerned that it cannot calculate the impact of a transportation project and fears that the offset requirement may be a greater cost than the county can pay. Other park projects as currently planned were run through the Calculator tool and in some cases, the offsets equaled the price of the project. MDE and

ENGOS stated that assessing the disturbed area and making a change from septic to composting toilets in parks would change the offsets required.

A Public Interest stakeholder pointed out that an exception for a public project still sends the load to the public to offset. MACo responded that although the load would be added to the tally to be offset, there isn't an enforcement mechanism in the policy, unless the offset is perhaps put into a storm retrofit requirement.

An ENGO suggested a preliminary time without exceptions to evaluate and determine the cost-prohibitive projects followed by a policy reevaluation. The extent of the problem is not yet known. A MML stakeholder disagreed with a no-exception time period and also with too many exceptions.

MDE suggested that the load be allocated to the jurisdiction within which the exception is made.

An Agricultural stakeholder requested that exempt projects' offset allocation not be assigned to the agricultural sector.

A Developer stakeholder stated that public works should be further investigated and general public benefit should be eliminated since it is too broad.

The WG noted that the applicability trigger excludes best management practices because they do not increase load.

ACTION: The WG will further discuss the criteria for exceptions, especially for public works projects.

Post-Development Stormwater Loading Factors

The WG has already agreed to using edge of stream loads when there is a local impairment.

The WG discussed if there is not a local impairment whether to use the edge of stream load or the land-river delivery to the Bay ratio.

One ENGO commented that the edge of stream calculation is more protective of local water quality. MACo responded in favor of using the five basin edge of stream loading factor, followed by the land-river delivery factors – stating that it has the same impact on the Bay and maximizes the amount of pounds per dollar. A Developer stakeholder added that without the land-river delivery ratio, the discharge and credit generation segments are equalized but the impact to the Bay differs.

Use basin average load rate but use the more localized land-river delivery factor on top of that. The 8-digit watershed delivery factor consists of all local land-river delivery factors and edge of stream is questionable.

Ms. Stewart advised using nothing smaller than the 8-digit watershed based on model reliability. The TMDL is based on 8-digit watersheds. MACo stated that the basin is the most reliable level of the model and that there are some issues with 8-digit watershed delivery factors that do not exist with land-river delivery factors. MDE agreed that the with land-river delivery factors are trustworthy.

One ENGO remains in favor of only using edge of stream. The other two ENGOS will consult with their constituents. A Public Interest stakeholder proposed using edge of stream for first order forests.

Agricultural, Developer, MACo, and MML stakeholders are in favor of the MACo proposal.

The Public Interest stakeholders abstained.

ACTION: Two ENGOS will consult with constituents. Use of edge of stream for first order forests will be discussed.

On-Site Disposal Systems (Septic)

The wasteload capacity for all existing wastewater treatment plans is built into the WIP. Biological Nutrient Removal (BNR), Enhanced Nutrient Removal (ENR), and Secondary treatment are in the

TMDL. The WG therefore supports the proposal that there is no offset needed as long as there is capacity.

MML does not support borrowing from the wastewater capacity for any reason and supports the right of local government to be more stringent and require a wastewater offset even if there is capacity. An ENGO, Developer, and MACo stakeholder agreed that local government has the right to be more stringent at their discretion.

Next Steps

The next meeting will be held on July 19, 2013 at 1:00 p.m. at MDA.

Public Comment

None.