

Maryland WIP Stakeholder Advisory Committee Meeting
Calvary United Methodist Church
December 12, 2010

Members

Les Knapp - Maryland Association of Counties (MACo)
Candace Donoho - Maryland Municipal League (MML)
Katie Maloney - Maryland State Homebuilders Association

Lynn Hoot - Maryland Association of Soil Conservation Districts (MASCD)
Moira Croghan alternate for Jamie Brunkow - Sassafras River Association
Terry Matthews - State Water Quality Advisory Committee (SWQAC)
Lisa Ochsenhirt – Maryland Association of Municipal Wastewater Agencies,
Inc.(MAMWA)/ Point Sources
Alisa Harris - Utilities/Conowingo Dam
Tom Filip – Patapsco /Back River Tributary Team Chair
Jen Dindinger – Choptank Tributary Team Chair
Julie Pippel – Upper Potomac Tributary Team Chair
Carlton Haywood – Middle Potomac Tributary Team Chair
Bob Boxwell – Lower Potomac Tributary Team Chair
EB James – Lower Eastern Shore/Nanticoke River Conservancy
Don Outen – Baltimore County DEPRM and the Maryland Forestry Sustainability
Council
Dave Bourdon – Patuxent River Commission Vice Chair

Staff

Beth Horsey – MDA
Sara Lane – DNR
Catherine Shanks – DNR
Mike Bilek – DNR
Scott Hymes - DNR
Claudia Donegan – DNR
Chris Aadland – DNR
Tom Thornton – MDE
Paul Emmart – MDE

Others

Bill Wolinski – Choptank Tributary Team Vice Chair and Talbot County DPW
Bevin Buchheister – Chesapeake Bay Commission
Sarah Taylor-Rogers – SWAC Vice Chair and Harry Hughes Center for Agro-ecology

Introductions, Chair Carlton Haywood

Highlights Final WIP Phase I, Paul Emmart

Paul spoke mainly about the changes which were made in the final Phase I WIP. The Final Phase I WIP can be found on MDE's web site here;

http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final_Bay_WIP_2010.aspx.

Comments submitted by the SAC and the public were reviewed at three, day-long Bay Cabinet Meetings. Final responses to each comment submitted will be available at the end of the year.

Here is a list of the major changes that made it into the Final WIP document.

- Of the seventy plus strategies in the draft WIP about sixty were selected for the final plan.
- Revisions were submitted based on EPA comments.
- Additional "Ideas to Explore" were added to the Strategies section.
- Rough costs are now listed for each strategy. Final cost is around 10 billion dollars. Listed are state costs and does not include costs to other partners or new costs to the general public. Includes waste water treatment upgrades which are yet to be done. Shortfall in BRF is about \$500 million.
- Submitted revised input deck for the Bay modelers which focuses on efforts between 2010-2017. Another input deck was submitted for the final 2020 date. These input decks meet the final TMDL. (The input deck is the list of strategies and acreages/amounts to be input into the Bay Model)
- Added to final WIP is the Appendix B1 which is a schedule of implementation.
- New maps in Appendix B2, and a table listing segment sheds.
- Also included are schedules in Chapter 5 for proposed legislation.

Jennifer Dindinger questioned whether members of the SAC needed to check with the State Ethics Commission about their involvement with the WIPSAC. Cathie said she would check into this but didn't think so. (*The State Ethics Law applies to Public Officials and the members of this committee do not meet the definition of Public Official*)

Moira Croghan would like access to the input decks submitted by Basin so people working regionally can better focus their efforts.

Carlton Haywood asked if the Governor's office is going to send a WIP legislative schedule to the legislature. The response was yes, using the schedule provided in the WIP.

Cathie thanked Sara, Tom, Paul, Beth and others on the work they did to put together final document together. Paul Emmart said that a few remaining issues such as the P Site Index still need to be addressed so a final addendum will be submitted.

Mike Bilek asked whether MDE has received any final feedback yet? Paul said that they had received feedback at a meeting last Monday.

Lynn Hoot asked whether the Bay Model is inaccurate. Paul said that the Model does need some refinement in how it calculates P loads.

Caroline Co. Pilot Presentation (Canceled)

Phase II Development Process Overview, Cathie Shanks

Liaisons will be designated for each county. Each liaison will be assigned two counties. They will be point persons to help to provide expertise, resources and information needed to complete the WIPs. Beth Horsey and John Rhoderick from MDA will be working with the Soil Conservation District Agricultural Teams in all counties.

Bill Wolinski asked if the pilot projects had completed Phase II WIPs. The answer is no.

Moira Croghan asked if the Eastern Shore liaisons have been determined. Cathie stated they haven't yet.

Cathie stated that the counties need to use the Bay Model criteria. If better land use data is available this needs to be reconciled with what is used in the Bay Model. We are going to be judged only on the Bay Model output.

A question was asked if local elected officials are going to be asked to be involved. Cathie stated that all local major stakeholders including major landholders, municipalities, counties, elected officials etc. need to be on these WIP teams. Local liaisons will be responsible for helping get the right folks at these meetings. There will be one WIP team per county.

Carlton asked when the local WIP teams will start to meet. Cathie stated that we will have orientation workshops in January. Dates as of today are Jan 19th for Western MD, Jan 21st for the Baltimore area, Feb 3rd for Southern MD, and Feb 7 and 9th on Eastern Shore. We should know final dates by next week.

There will be 5 regional workshops which will include 4-5 counties per workshop. First part of workshop will be aimed at local elected officials. Since there was a roughly 54% turnover in County elected officials during the last election, we will have an overview aimed at bringing these folks up to speed. We may need your help in contacting your local elected officials and inviting them to these regional meetings. During the afternoon session, we will break into county groups and introduce the new liaisons. We will then go over the schedule and basic overview of the Phase II process.

Jen Dindinger suggested that maybe we should break out by liaison vs. counties as liaison will be assigned multiple counties.

The stakeholders who will be invited to these regional meetings will be those who will be working on the WIPs, plus Trib Team Chairs, a homebuilder representative and a representative from each of the local watershed groups. We are expecting 150-175 to attend and will have 5 breakout rooms in the afternoon. A binder is being prepared

which will contain the Phase II WIP guidance. It will include an introduction, summary, schedule, tools etc.

EPA has said they will extend the deadline for the Phase II WIPs, but we won't know the final deadline until January. The draft Phase II WIP will probably be due December 2011.

A mapping tool and map and GIS support will be provided.

The 2009 Load progress will be provided which the counties can start with. There will also be an assistance request form included which can be filled out to request support.

Bill Wolinski asked if the state will provide funding and financing for the plan and implementation. Cathie stated that the state will provide liaisons and maybe some support from Tetra Tech. The state however will not pay for all of it. Bill asked if a template will be available for accessing cost. Cathie said it would be included in the guidance document.

Moira Croghan asked about the community watershed model which allows for a local input deck. Paul Emmart answered that this is the Scenario Builder which will be available next spring. MDE received a grant to design a scenario builder which is an estimator tool. Stakeholders can use this tool to input BMPs and calculate the change in loads. The 5.3 Bay Model is being revised and will be ready in April. The tool will be ready around the same time. Sara Lane mentioned that the tool will require someone with expertise to input and analyze the data. For this reason it will have limited access.

The question was asked if MDE will release loads by segmentshd by end of December. Paul said it is in the final Phase One WIP. Paul recommends waiting until EPA finishes the final TMDL.

Don Outen asked how does the WIP fit in with NPDES and MS4 permits? The MS4 permit holders have 1 yr to come up with a plan to meet their obligations which doesn't jive with the WIP schedule. Paul said that the small watershed plans being developed around the state will be very helpful in completing the Phase II plans. It is not clear how MS4s will affect Phase II WIPs. Adaptive management will need to be used.

Jennifer Dindinger asked that if the Bay Model is inaccurate how can we be held accountable. Paul answered that the 2yr milestone process will allow for adaptive management of the Model and plans.

The liaisons will have regularly scheduled bi-weekly meetings with the agencies to resolve issues and get technical support.

Feedback on Phase II and Discussion of Role of SAC in Phase II

The Committee identified roles of each organization in the development of Phase II and the focus of the Committee's work over the next few months. All of the comments were recorded on flip charts (attached)

Les Knapp said MACo wants flexibility on meeting the load reductions. He said having to get load reductions by sector limits flexibility.

MACO can act as intermediary between elected officials, counties and the state.

They want to look at the cost effectiveness of BMPs and be able to select BMPs which provide the most bang for the buck.

They also want better modeling and data.

The comment was also made that we need to provide a thorough presentation to the elected officials at these regional meetings in order to maximize their time.

Moir Croghan said they have a Watershed Plan for the Sassafras River but the rest of the county is not covered with similar planning. They will work with the County to help merge WIP with their Plan. They need access to land cover and current BMP data so they can further build out the SRA Watershed Plan.

The comment was made that the counties should not wait for the final Bay Model land use data to start implementing BMPs (planning).

The committee agreed they would like a briefing on proposed legislation to implement the WIP at their next meeting.

Cathie said that she will release a doodle poll shortly in order to set the date for the next meeting in January. The timing for the meeting will be dependant on the availability of the appropriate agency legislative liaison. The agenda will focus on the legislation for the upcoming session, a presentation from the Phase II pilot Counties and developing the committee work plan for the coming year.

Flip Chart summaries for brainstorming, next steps and meeting outcomes

Meeting Outcomes

- Phase I WIP - Content
- Phase II Process – Overview and Current Thinking
- Roles of SAC in Phase II – List of Options
- Next meeting – Timing and Topics

Phase II Process

- State Liaisons
- Local Team
- Orientation Workshops
- Binder w/ Guidance
- Schedule of Products
- Regular Agency Work Sessions

SAC Roles and Responsibilities -
Brainstorming (1)

- Rural Shore – Suggests a letter from the Governor for outreach to newly elected officials
- MML and MACo – Need to maximize time in meetings for local elected officials (one stop shop - workshops)
- SWQAC – will raise flags at upcoming meetings on
 1. legislation
 2. county level to raise awareness to all players to offset loads from growth, mining, etc
 3. options for funding
 4. innovative technologies

SAC Roles and Responsibilities -
Brainstorming (2)

- SCDs will be involved in local workgroups and local ag workgroups MASCD will report to SAC on issues and progress
- SAC should help design the January regional workshops
- SAC could develop a clearinghouse of innovative regional BMPs – building on economies of scale
- Review and comment on legislation as a group if there is consensus (consensus to be defined by the SAC) also discuss issues, concerns or support for proposed legislation by SAC represented organizations – provide sounding board.

SAC Roles and Responsibilities - Brainstorming (3)

- Concern over flexibility expressed by local governments
- Local gov. concern for costs and technical and financial resources needed
- MACo will act as a conduit for information to the Counties
- Information needed on cost effectiveness of BMPs and inclusion of cost effectiveness in WIPs
- MACo January meeting scheduled WIP presentation
- NGOs - working to merge WIP II with existing plans and efforts. Need local data ASAP. Need to work with other watershed orgs, River Keepers and NGOs to do the same.

SAC Roles and Responsibilities - Brainstorming (4)

- SAC members can participate at local county level to share info, “cross fertilize, and collectively problem solve
- Need to revisit roles identified in original charge to the SAC
- How to engage the general public on what the TMDL is about, why and what they need to do.

Next Steps (1)

- Reschedule pilot counties’ presentations
- Flesh out training, outreach, agenda, process via email
- Participate in regional meetings to listen, record, engage and encourage
- Distribute agenda to SAC for review and comment
- Develop logic diagram, big picture (Bill and Carlton to work with State)
- Define how to respond to legislation - SAC role is not to lobby unless there is consensus

Next Steps (2)

- Jan 7th presentation by MDE at MACo
- Develop one page handout on workshops for distribution at MACo
- Presentation on State legislative agenda related to the WIP at next meeting
- Group discuss member organization positions on legislation for awareness and possible action