

March 15, 2011: Dr. Rich Eskin (MDE) met with the Somerset County Commissioners (afternoon) to discuss the "kick-off" of the WIP, Phase II initiative.

In February, MDE/DNR held a regional forum at Salisbury University, which was attended, in the most part, by local County (and some Municipal) Staff. The intent of these forums was to initiate the development of Local Teams (County based, with Municipal representation anticipated), identify missing Local Team representation, and discuss what the State wanted from each County during the development of Phase II of the WIP. At that regional forum Somerset County Staff expressed concern about beginning this work absent formal direction from their respective Elected Officials. Local Staff was concerned on two fronts: 1) The Staff time that would be taken over this several month effort, and 2) the policy/financial decisions incorporated in the Phase II WIP, and potential need for Local Elected Officials approval and/or support.

Dr. Eskin's presentation to Somerset Officials was intended to alleviate local Staff level concerns as outlined above, and to hopefully garner the Elected Officials' "approval" of the designation of Local, County level teams and the initiation of work on the WIP. Dr. Eskin achieved both Elected Official support (albeit reluctant) and Elected Official support of local Staff time needed for this effort. Dr. Eskin acknowledged that the County needed to contemplate how local adoption and/or support of potential policy and/or fiscal issues were to be settled prior to the State formally submitting the Phase II WIP to EPA, but indicated that these decisions could be put off for a bit, as the immediate effort is to assess current capacity, set 2-year milestones, and develop BMP's/Strategies for pollution offsets.

Below are summaries of Questions by the Local Elected Body and MDE answers, which followed Dr. Eskin's brief formal presentation:

Somerset County Commissioners:

Chair Question: How do you determine where loads come from...We are downstream of Wicomico County and City of Salisbury, both of which affect pollution loads within Somerset County...City of Salisbury has a brand new \$83 million dollar WWTP that is failing...how are we assured that we, downstream, aren't having to make up for other's problems.

MDE Response: There are specific allocations (Rich went into modeling, segments, etc.) once loads are determined and reductions allocated, the entity creating the load has to account for reductions...basically, Rich assured Somerset Officials that each Local Team will be addressing its own respective reduction methods.

Commissioner Question: What type of Federal sanctions are we looking at if we don't do what is being asked of us. (this question related to a part of Rich's formal presentation, which discussed "consequences")

MDE Response: Rich said that there may be a variety of Federal consequences, depending on the circumstance. For instance, if a strategy were developed, and there was difficulty implementing a strategy for some unanticipated reason, the "consequence" may simply be a directive from EPA to re-look at the issue and perhaps change a strategy. However, if the circumstance were that the County were not making any effort to meet reduction goals, EPA could develop consequences (from a regulatory perspective) such as: 1) Requiring WWTP upgrades, 2) Additional SWM requirements, or 3) no additional WWTP hook-ups until issue resolved.

Commissioner Question: What do you mean by "Staff Costs" (this question related to a part of Rich's formal presentation, which discussed "costs of plan development and implementation")

MDE Response: Staff costs refers to such issues of hourly rate of employees spent for development of the Phase II WIP, or perhaps if implementation of certain strategies required grant monies, having Staff administer the grants and contracts associated with implementation.

SUMMARY: The meeting went well. Somerset County gave permission to Gary Pusey (Planning Director) to begin to develop team and begin work.