

Guidance for MDOT SHA's MEP Submission

Part I: Instructions for Completing the Restoration Project Portfolio

As part of the municipal separate storm sewer system (MS4) Phase I permit development process, the Maryland Department of the Environment (Department) requests the Maryland Department of Transportation (MDOT SHA) to submit a Restoration Project Portfolio, detailing restoration projects to be planned, designed, and/or constructed during the next permit term. This portfolio will allow the MS4 permittee to report equivalent impervious acres and total nitrogen (TN), total phosphorus (TP), and total suspended sediment (TSS) load reductions for all proposed restoration projects. The Restoration Project Portfolio shall be completed using the Excel workbook, "Restoration Project Portfolio_MDOT SHA_1-17-24.xlsx". Requirements for completing this workbook are summarized below.

DESCRIPTION OF REQUIREMENTS

Complete the provided spreadsheet for restoration projects to be planned, designed, under construction, and/or completed from the end of the 2015 permit (i.e., October 8, 2020) through fiscal year (FY) 2031.

- These projects can be annual best management practices or BMPs (including water quality trading credits) and capital projects.
- Additional FYs 2030 and 2031 are optional to show those projects that require more than five years to complete due to their size or complexity.
- Provided information should be more specific for the first reporting year but may be more generalized for the remaining reporting years.

Additional Restoration from the Previous Permit and Restoration Implemented During the Administrative Continuation

- MDOT SHA exceeded the 2015 permit's 4,621 impervious acre restoration requirement. As indicated in MDE's FY2020 annual report review, "[t]he additional restoration reported beyond the 4,621 impervious acre requirement may be claimed for restoration under the next permit."
- The portfolio should indicate:
 - The excess acres of restoration (i.e., beyond the 4,621 acre requirement) constructed prior to October 8, 2020, that MDOT SHA will use for the next permit; and
 - The individual BMPs implemented during the administrative continuation (i.e., October 9, 2020 to approximately FY2024) that MDOT SHA will use for the next permit.
- Appendix B of the new MS4 permit will include the total for additional restoration completed prior to permit issuance as well as the BMPs to be completed by the first year. Once the permit is issued, the restoration credit for BMPs implemented prior to permit issuance will be determined by Appendix B; no additional credit will be given for BMPs constructed prior to permit issuance.

HOW TO SUBMIT INFORMATION

Below, each section of the spreadsheet is outlined along with guidance on providing data. Report all stormwater management BMPs, programmatic initiatives, or alternative control practices in accordance with the 2021 *Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated* (Guidance). Please submit all files electronically via email, or ftp and as a hard copy. Also, please ensure that the following actions are taken:

- **Remaining Unmet Restoration Obligation from Previous Permit (Impervious Acres)**

Please enter zero since MDOT SHA completed restoration of the full impervious acres required under its 2015 permit.

- **Remaining Unmet Restoration Obligations from Previous Permit**

This section should be left blank since MDOT SHA has no unmet restoration obligations from the previous permit.

- **Obligations from Previous Permit That Must Be Continued**

In this section, report any obligations from the previous permit that must be continued through the next five-year permit term and/or replaced with a stormwater management BMP, programmatic initiative, or alternative control practices in accordance with the 2021 Guidance.

Annual Alternative Practices

- For annual alternative control practices implemented during the previous permit, impervious acre equivalencies were computed using the 2014 Guidance. The portfolio shall include annual alternative control practices that are continued each year or replaced in accordance with the 2021 Guidance. Impervious acres treated by each annual alternative control practices must be continued yearly or replaced at a one to one impervious acre ratio. In addition, please report the TN, TP, and TSS reductions expected from these annual alternative BMPs.
- MDOT SHA claimed 193 acres using annual practices (i.e., 29 acres of street sweeping and 164 acres of inlet cleaning) to meet the 2015 permit's 20% ISR requirement. To prevent backsliding, these BMPs must be continued and/or replaced. For example, the FY2023 annual report includes 25 equivalent impervious acres of street sweeping and 159 equivalent impervious acres from inlet cleaning. These practices and the associated data should be reported under the section titled "Annual Operational Programs Required to be Maintained from Previous Permit".

Replacement BMPs

- When these annual practices are converted to new stormwater management BMPs, programmatic initiatives, or permanent alternative control practices, the impervious

acres managed and the TN, TP and TSS load reductions shall be reported using the 2021 Guidance.

- When replacing annual practices, the projected implementation year should be from the end of the current permit through FY2029.

- **Proposed Restoration for the Next Permit**

In this section, report completed or proposed BMPs to be used to meet the restoration requirement for the next permit. As indicated above, restoration for the next permit includes the additional restoration beyond the 4,621 impervious acre requirement from the 2015 permit, restoration completed or planned for completion during the administrative continuation, and restoration during the new permit term.

Additional Restoration from the Previous Permit and Restoration During the Administrative Continuation

- The excess acres of restoration (i.e., beyond the 4,621 acre requirement) constructed prior to October 8, 2020, that MDOT SHA will use for the next permit should be reported in a single row in the spreadsheet in the section titled Proposed Restoration for the Next Permit.
- Please provide information for the specific BMPs implemented after permit expiration. The implementation year should be permit expiration (October 9, 2020) to FY2025 (expected FY of permit issuance).

New Restoration

- All stormwater management BMPs, programmatic initiatives, and perennial alternative control practices and water quality trades proposed as new restoration for the next permit shall be reported in terms of impervious acres treated or equivalent impervious acres as well as TN, TP, and TSS reductions. Projects should be credited using the 2021 Guidance and any additional guidance updates found on the Department’s webpage, e.g., stream restoration, outfall stabilization, continuous monitoring and adaptive control (CMAC).
- The projected implementation year should be from the end of the current permit through FY2029. Optional: additional projects may be planned up through FY2031.

Optional Information

- Provide line items for annual operations (outside of annual BMPs) and maintenance costs in the “Other” section. If possible, also include annual capital improvement project information (e.g., costs) for:
 - Stormwater/flood control BMPs that are being repaired for safety but do not achieve any additional water quality credit (e.g., a dam repair or enhanced emergency spillway project). In the comment column note “watershed management”.
 - Stream monitoring.

- Other total maximum daily loads (TMDL) (e.g., monitoring for PCBs) MDOT SHA is addressing that impact resources and funds available for BMPs implemented for impervious acre restoration.

REPORTING SPECIFIC PROJECTS

General

- If a project has multiple types of a single BMP, identify the amount in the Number of BMPs column.
- Provide the estimated cost for the entire project. If needed, identify additional planning or design costs as a separate line item in the spreadsheet.
- Implementation status should be: Planning, Design, or Under Construction, or Completed.
- Identify any TMDL parameters, local water quality objectives (e.g., sediment, phosphorus, trash), and local concerns (e.g., watershed management) that will be addressed. Please use the comments column to describe the co-benefits of a BMP.
- Please ensure that all formulae for subtotals and totals are updated to reflect the applicable time periods.

BMPs for Upland Applications

- For upland BMPs, provide the total drainage area for the project. If there is no drainage area for specific programmatic initiatives or alternative control practices, leave this field blank.
- Provide the P_E for the project. When the P_E is unknown for a planned project or initiative, use a default of 1 inch to be conservative.
- For stormwater BMPs eligible for the green stormwater infrastructure (GSI) credit, report in the GSI Credit column the value of the impervious acres treated multiplied by 0.35. In the watershed management (WM) Credit column, report the value of the additional acres. Provide the total impervious acres treated in the column labeled Total Impervious Acres (w/ GSI and WM Credits). If a practice is not eligible for GSI credit, the Total Impervious Acres column equals the Impervious Acres column. Note: the GSI and WM credits are applied only to the impervious acres; TN, TP, and TSS calculations are not affected.
- Optional: If GSI or WM credits are claimed for stormwater ponds or wetlands, include an example calculation.

Alternative BMPS

- For alternative practices, provide the equivalent impervious acres treated for each project in the Impervious Acres column.
- For stream restoration, shoreline stabilization, or outfall stabilization (or “prevented sediment practices”), provide the estimated linear feet in the Length Restored/Lane Miles/Mass Loading column.
- For street sweeping and inlet cleaning, report lane miles or mass loading reductions in the Length Restored/Lane Miles/Mass Loading column. Report the frequency (e.g., 1 pass/8 weeks) in the comments column.

Part II: Physical Capacity Questionnaire

Please answer the questions below.

1. Provide information on MDOT SHA's rights-of-way (ROW) and what is available for restoration. How does the demand for available ROW from other MDOT SHA programs, initiatives, or goals impact restoration opportunities (e.g., ROW being used for solar panels, MDOT SHA's Pollinator Habitat Plan, adding bike lanes)?
2. What type of a project do you consider as "low-hanging fruit"? What is your remaining capacity of available "low-hanging fruit" projects (estimate the number and impervious acre treatment total)?
3. How does MDOT SHA collaborate with surrounding jurisdictions and agencies to increase restoration opportunities? How does MDOT SHA ensure the credit is there in perpetuity?
4. How does MDOT SHA's work to address local TMDL WLAs impact available ROW and funding for impervious surface restoration?
5. Provide information on new impacts to funding. For example, describe if there have been changes to what grants are available to fund projects.
6. What is the typical implementation time frame (from planning through construction) for: large upland stormwater projects (e.g., new and retrofits for ponds, bioretention, infiltration basins, etc.); instream restoration projects; and alternative projects (not annual) (e.g., tree planting).
7. Provide a copy of MDOT SHA's 5-year Consolidated Transportation Program (CTP) for restoration projects. If possible, include MDOT SHA's operating budget for annual restoration projects, as well as its operating and maintenance budget for all BMPs implemented under the MS4 permit.

Optional Questions

8. Provide the average time to procure professional planning, design, and construction services. Please provide information on any innovative contracting mechanism you use to reduce procurement timeframes and what those reduced time frames are.
9. Provide a typical time frame required to obtain permits from local, State, and federal agencies prior to construction. Describe how these time frames affect the overall project

implementation time frames described in Question #6. How can these time frames be reduced to help get these projects out the door faster?

10. Provide the number of requests for proposals (RFPs) for BMP construction and for BMP design advertised during the past 5-year permit term. Of these, how many bids were submitted for each RFP and how many required re-advertising? Was there a trend over the permit term in the number of bid submittals received? How many unique companies provided bids for all RFPs?
11. Provide information on contracting limitations that result in longer project implementation times. Examples: Limited qualified construction contractors; Woman owned business enterprise (WBE) or minority owned business enterprise (MBE) requirements limit available qualified construction contractors and/or engineering contractors. Describe the issue and provide the time extension that results due to the issue.

Part III: MEP Report

The Department requests that MDOT SHA combine information from the Restoration Project Portfolio and Physical Capacity components into one comprehensive MEP Report. The Report shall include a narrative on the two components that explains why the Restoration Project Portfolio represents the most that MDOT SHA can achieve during its five-year permit term. For example, the answers to the Physical Capacity questionnaire, e.g., limited ROW for new projects, budget approvals, availability of contractors, project scheduling, permitting limitations should provide the local data and context for determining a Restoration Project Portfolio MEP.