

Maryland's FY 2000

Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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CHAPTER 1: ESTABLISHING A PERFORMANCE PARTNERSHIP AGREEMENT

This chapter outlines the background, unique purpose, and benefits of this Partnership Agreement, lists the parties to it, cites the legal authority for establishing such a partnership, provides a description of the scope of the Agreement, the guiding principles, and priorities of each Agreement Partner.

I. STATEMENT OF PURPOSE

Background. In the last few years, states and the federal government have been entering into agreements that seek to better coordinate efforts to protect human health and the environment. In 1998, Maryland's public health, environmental and natural resources protection agencies entered into their first agreement with the U.S. Environmental Protection Agency. The purpose of the FY 1998 Agreement between the Maryland Departments of Environment (MDE) and Natural Resources (DNR) (the Departments) and the U.S. Environmental Protection Agency (EPA) Region III, was to provide for the development of a long-term, results-based management plan that will improve the effectiveness of Maryland's environmental programs and strengthen the relationship between the Departments and EPA. That Agreement established a multi-year strategic planning/agreement process that set forth Maryland's environmental goals, identified the programs designed to achieve those goals, established and adopted indicators to measure progress, described existing workload responsibilities, defined the State/EPA relationship, and reflected a comprehensive public participation process that will help guide future program direction.

In developing the first Agreements, the Partners realized that designing meaningful and substantive partnership agreements that will improve both the environmental results and the way in which the Partners interact in performing their respective responsibilities, would take longer than one agreement cycle. Therefore, the Partners agreed that the first two agreements would document what the environmental conditions and protection activities were at that time, and then target the FY 2000 Agreement as the time frame in which significant changes could begin to be implemented.

The FY 1999 Agreement was to serve as a "bridge document" between the old way of doing business and the desired improvements the Partners seek to achieve. The timing of that Agreement brought the Partnership process into alignment with the state and federal fiscal years so that future agreements will be negotiated in conjunction with the parties' respective budget deadlines.

The FY 1999 Agreement presented the Partners' commitments to using interagency workgroups to address 7 important issues: 1. Updating the environmental indicators used to measure and report performance; 2. Managing data systems and identifying data gaps, 3. Reducing the reporting burden on Maryland where possible; 4. Improving training coordination; 5. Better aligning the state and federal fiscal year time frames; 6. Improving interagency coordination on federal facilities; and 7. Improving public outreach efforts. This document provides a status report on the workgroups' activities including their recommendations to improve Maryland - EPA program outcomes. In many cases, these recommended changes serve as the basis for the changes envisioned in the FY 2000 Agreement.

Purpose of FY 2000 Agreement. This Agreement will enable the Partners to evaluate how well program activities are improving the quality of Maryland's air, land, water, and natural resources, and evaluate how well the Partners are working together to achieve these improvements. This Agreement reflects the progress the Partners intend to make in negotiating grant commitments from an

environmental outcome basis rather than the past practice of activity-based negotiations. For example, the Partners agree to negotiate FY 2001 grant commitments based more on environmental outcomes than program activity inputs and outputs. It is anticipated that the Partners will continue to use categorical grants to fund many of their activities.

This Agreement will serve as an umbrella that incorporates by reference the EPA categorical grants. The categorical grant commitments, just like other State/EPA commitments, are not changed by this Agreement. What is changed is how the Partners interact with one another, and how they will collaborate in the future to protect and improve the environment using the best available environmental information.

Benefits. The primary benefits of this Partnership Agreement will be to continue improving the effectiveness of Maryland's environmental programs and strengthening the relationship between the Departments and EPA. The Agreement should also result in administrative benefits, including, for example, increased flexibility, eliminating administrative burdens, joint goal setting and program evaluation, and reducing federal oversight of programs judged by EPA to be successful. In future years, shared State-EPA activities involving assessment, planning, education, compliance assistance, enforcement, reporting, and/or grant writing all can be developed and evaluated in the context of mutually agreed upon environmental goals.

The Partners are already receiving benefits from using agreed-upon goals and program performance evaluation data to improve outcomes. For example, in FY 1999, MDE reviewed resource allocations for the Superfund Program's site assessment activities and found them to be insufficient to meet the environmental goal. MDE advised EPA and they agreed to provide flexibility to allow shifting of funds to conduct site surveys under the context of the goal. After securing funds from EPA, MDE was able to secure additional State financial resources. Another benefit has been the Partners' increased understanding of how the different media programs work together to achieve the shared goals.

II. AGREEMENT PARTNERS

This Environmental Performance Partnership Agreement is entered into between the Regional Administrator of Region III of the US Environmental Protection Agency (EPA) and the Secretaries of the Maryland Departments of Environment (MDE) and Natural Resources (DNR). The Maryland Department of Agriculture (MDA) continues to provide input into the Agreement process, but is not a signatory to this Agreement.

III. AUTHORITY

In 1995, the Joint Committee to Reform Oversight, made up of the Environmental Council of States (ECOS) and EPA, created the National Environmental Performance Partnership System (NEPPS.) The purpose of NEPPS is to develop new approaches that provide improved environmental outcomes, greater flexibility, strengthened partnerships between the States and EPA, and administrative savings. In 1996, the U.S. Congress authorized EPA to create a Performance Partnership Grants Program, allowing states to combine various environmental grants into one or more multi-program grants. This approach can provide the states more flexibility in supporting their environmental programs.

IV. SCOPE OF THE AGREEMENT

The Partners agree that nothing in this Agreement should be read or construed to abrogate or alter the responsibilities, authorities, and procedures conferred upon each Partner by statute, regulation, delegation grant or authorization agreement.

The Departments administer many federally delegated and federally supported programs, including those from EPA, as well as from the Nuclear Regulatory Commission, the National Oceanic and Atmospheric Administration, the Department of Interior, and the Food and Drug Administration, among others. While programs delegated by other federal agencies and programs wholly within the State's authority are described in this Agreement, the statutes and programs covered under this Agreement are

all under the EPA's purview and include:

The Clean Air Act;

The Clean Water Act;

The Safe Drinking Water Act;

The Resource Conservation and Recovery Act;

The Superfund Amendments and Reauthorization Act;

The Pollution Prevention Act; and

The Toxic Substances Control Act.

This Agreement also recognizes that the Partners have certain obligations and opportunities to conserve endangered and threatened species and their critical habitat, as set forth in the Endangered Species Act.

V. GUIDING PRINCIPLES FOR PROTECTING MARYLAND'S CITIZENS AND NATURAL RESOURCES

Results-based Management Approaches. Both Maryland and the federal government endeavor to link their programs with environmental goals. Maryland, in developing its goals and management objectives, looked first at its environmental and public health conditions. In Maryland, Governor Parris N. Glendening has created a *Managing Maryland for Results* system, a results-based approach to management that includes strategic planning, continuous quality improvement, and performance planning and evaluation, which includes self assessment. Maryland evaluates and reports its environmental program performance through use of performance measures that include environmental indicators, outcomes, outputs, input, quality and efficiency measures. Maryland has integrated the Performance Partnership Agreement, including the environmental indicators and workplan commitments, into its Managing for Results strategic plans. The Environmental Indicators report may be found in Appendix A. The FY 2000 EnPA workplan commitments may be found in Chapter 4.

The federal government has adopted the *Government Performance and Results Act (GPRA)* that is based on the same premise. Appendix C lists EPA's environmental performance measures required under GPRA and the data that Maryland provides EPA to help meet EPA's requirements. The FY 2000 Environmental Performance Partnership Agreement has been developed with these management systems and commitments in mind.

Public Participation. Involving the public throughout the Environmental Performance Partnership process has been a guiding principle for the Partners. Over the past 2 years, formal public meetings and stakeholder briefings were held at 30 locations across the state (see Appendix B for the Response to Public Comments document.) The Partners re-affirm the importance of this public participation process and are looking at new ways of engaging its stakeholders and the public.

Environmental Justice. The Partners agree on the importance of equitable treatment of people of all races, incomes and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. No person or group of people should shoulder a disproportionate share of adverse environmental impacts resulting from the execution of environmental programs. The Partners are committed to working together to identify opportunities to evaluate and enhance program delivery in Maryland consistent with environmental justice principles. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in all federally assisted programs. As recipients of federal grant funding, the Departments recognize their obligations under Title VI, and are fully committed to complying with its provisions.

VI. STRATEGIC PRIORITIES

Based on Maryland's environmental and public health conditions and public input, the following are lists of the Partners' priorities:

MDE's Priorities

These priorities are part of MDE's Managing Maryland for Results workplan:

- Ensure the air is safe to breathe,
- Ensure that Marylanders are not exposed to unnecessary levels of radiation,
- Ensure safe drinking water,
- Reduce the threat to public health from the presence of hazardous materials in the environment,
- Ensure that water is clean and safe for harvesting fish and shellfish,
- Improve and protect Maryland's water quality,
- Ensure adequate protection and restoration of Maryland's wetland resources,
- Protect and maintain Maryland's natural resource land base and encourage smart growth and community revitalization,
- Promote public participation and stakeholder involvement in Departmental activities
- Improve regulatory customer services through regulatory reform, streamlining, and burden reduction,
- Ensure MDE maximizes and values its human resources,
- Achieve departmental diversity and MBE participation in MDE contracts,
- Utilize information technology to optimize and enhance operations, and
- Integrate pollution prevention activities throughout the Department's operations,

DNR's Priorities

DNR's priorities, falling under 5 broad issue areas, were detailed in the FY 1998 EnPA workplan and largely extended into FY 2000 activities. DNR has recently completed a process of revising its goals and objectives, which will be reflected in subsequent Agreements and workplans. FY 2000 priorities include:

- Supporting Tributary Strategy Teams to implement Bay Program objectives
- Developing watershed restoration and conservation action strategies
- Directing grant programs to implement watershed restoration action strategies
- Monitoring water quality and assessing living resources health
- Establishing forested buffers through Stream ReLeaf and related forestry programs
- Restoring oyster habitat and improving oyster fishery
- Restoring wetlands and submerged aquatic vegetation (SAV)
- Supporting Smart Growth using Integrated Natural Resources Assessment framework
- Expanding the Urban Natural Resources Initiative
- Identifying core lands for protection of biological diversity
- Further Developing and promoting green infrastructure
- Implementing the Rural Legacy program for expanded land conservation
- Carrying out ecosystem-based resource planning on public lands
- Enrolling additional private acreage, protected by conservation easement, in the green infrastructure initiative
- Carrying out ecosystem-based resource planning on public lands
- Revising and improving indicators of environmental health
- Better aligning programs and budget initiatives with priority outcomes

EPA's Priorities

The following is a list of some of EPA's regional priorities:

- Chesapeake Bay;
- Maryland Coastal Bays;
- Anacostia River;
- Pollution Prevention;
- Clean Water Action Plan;

- Impacts of acidification (acid deposition and acid mine drainage);
- City/Urban environments and community-based environmental protection;
- Strengthen state relationships;
- Ozone;
- Climate change;
- Protection of Drinking Water Sources;
- Sound science/indicator development;
- A credible deterrent to pollution and greater compliance with the law; and
- Effective management.

Existing Grants and Delegations. Under cover of the Agreement and its annual workplan, the Partners will implement the activities and track progress. For the purposes of this Agreement, the Partners may use the environmental indicators found in the 1999 *Maryland's Environmental Indicators Report* and other program performance measures to evaluate and report progress.

EPA uses GPRA and core performance measures to evaluate its performance. EPA relies on the State to collect and report the data, primarily through existing grant and delegation agreements. Specific reporting requirements may be found in these grant and delegation agreements. In addition, each categorical grant includes Quality Assurance Planning requirements, which are referenced in MDE's and DNR's Quality Management Plans.

Incorporation by Reference. MDE and DNR have various documents, including this Agreement, that present their activities, goals, and objectives. The other documents are incorporated into this Agreement by referencing their existence and by re-affirming their role in setting Maryland's environmental agenda. These documents include:

- MDE and DNR's State FY 2000 Managing Maryland for Results budget submissions;
- The 1984 Chesapeake Bay Agreement, Amendments, and Restoration Strategies;
- State Revolving Fund (SRF) Intended Use Plans for Wastewater and Drinking Water;
- Section 319 Non-Point Source (NPS) Management Plan and Assessment Report;
- Comprehensive Conservation and Management Plans (CCMPs) for Maryland's Coastal Bays;
- Clean Water Action Plan;
- Integrated Natural Resources Assessment;
- Comprehensive Ground Water Protection Plan;
- Administrative Assistance Applications;
- Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cooperative Agreement;
- Clean Water Act (CWA) Section 305(b) Water Quality Assessment Report;
- Environmental Indicators Report;
- MDE's Quality Management Plan;
- DNR's Draft Quality Management Plan;
- MDE 1999 Annual Enforcement Report; and
- Maryland Environment 2000 (ME 2000) Risk Assessment Report.



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I. FY 1999 ENFORCEMENT AND COMPLIANCE ACTIVITIES

The Partners have continued to meet on an as needed basis using the Consultative Process as its guide. During FY 1999 it was not necessary to employ the disagreement elevation procedure.

The Partners met to discuss and clarify the hierarchical relationship between applicable delegation agreements, the annual Performance Partnership Agreements, and the Memoranda of Understanding. MDE and Region III both recognize that at this time the delegation agreements and various grant documents are the operative documents that continue to be in force. The Performance Partnership Agreements set out the broad principles that guide the relationship between the agencies by establishing mutual goals. Memoranda of Understanding are optional documents which may be used to spell out specific details of the procedural interaction between the various media administrations and programs. Nothing in the Memoranda of Understanding will conflict with the general principles established in the Performance Partnership Agreement.

MDE was given, and took advantage of, several opportunities to participate as stakeholders in the process of developing OECA's Memorandum of Agreement (MOA) Guidance. The 1999 Final Guidance was issued in April. According to that document, Region III is required to submit its draft MOA to EPA Headquarters by September 1, 1999. MDE continues to seek input into the formulation and/or negotiation of the final MOA between Region III and EPA headquarters.

MDE and Region III have begun working cooperatively on two multi-media initiatives. First, MDE and EPA inspectors are conducting chemical process safety inspections at industrial facilities on the Fairfield peninsula in southeast Baltimore City. The area has recently had several chemical accidents in close proximity to the residential community known as Wagner's Point. The initiative comes as the result of MDE Secretary Nishida's request for assistance from EPA Region III's Regional Administrator Michael McCabe. Second, MDE and Region III are developing a cooperative strategy by which MDE can refer specifically identified recalcitrant Federal Facilities to EPA for possible federal administrative penalties.

II. REVIEW OF FY 1999 WORKGROUP EFFORTS

The following summarizes the findings and recommendations of the interagency workgroups. Appendix C provides a complete set of the full reports of each workgroup.

1. Updating the environmental indicators used to measure and report performance. The purpose of the Workgroup was to update, revise, recommend and where possible, develop new Indicators. Appendix B presents Maryland's 1999 Environmental Indicators Report. The interagency workgroup revised and updated the 1997 Indicators report and incorporated stakeholder and public input on how to improve the presentation of the indicators.

2. Managing data systems and identifying data gaps. The purpose of this workgroup was to focus on existing data collection, storage, distribution, and interpretation. The workgroup was charged with identifying data gaps and evaluate whether existing data and data systems provide the appropriate information to assess environmental progress. The Data Gaps Workgroup has been collecting information regarding the supporting data of the Environmental Indicators. This process was conducted

by developing a series of questions in a survey format, which were distributed to those parties responsible for the Indicators development, as noted in the *Maryland's Environmental Indicators Report*. Additionally, EPA submitted completed surveys for each environmental indicator.

The data collection effort was completed in May. Review and analysis of information that was collected has been ongoing from that point. The intended outcome of this exercise was to identify areas of concern (lack of supporting data), identify areas where more information is needed (specific concerns have been stated by the respondent), and develop recommendations where future efforts should be focused. For more information, see FY 2000 New Initiatives discussion below.

3. Reducing the reporting burden on Maryland where possible. The purpose of this workgroup was to look at the reporting transactions between the state and federal Partners and to identify specific reporting requirements that can be eliminated, streamlined, reduced and/or changed through new or improved reporting processes. The workgroup conducted a survey of 17 different program areas, including water, waste, air, Minority Business Enterprises/Women-owned Business Enterprises, wetlands, and NPDES enforcement programs, among others, and evaluated EPA grant and reporting commitments for each.

Based on the survey results, the workgroup concluded that no further reporting reductions or streamlining were needed in RCRA, LUST/UST, ERRP, Mining, Wetlands, DWSRF, CWSRF. (For more information about the workgroup's analyses, see Appendix.)

The workgroup recommends reducing the reporting burden for the following programs:

Clean Water Act 106 (Base, Groundwater, NPDES Enforcement). Reduce reporting to annually, with submission of exception reports semi-annually for any grant milestones or accomplishments that are behind or ahead of schedule. This change in grants management reporting is consistent with 40 CFR 31.40 ("Monitoring and Reporting Program Performance.")

Clean Water Act 604(b). Reduce reporting to annually, with submission of exception report semi-annually for any grant milestones or accomplishments that are behind or ahead of schedule.

Clean Air Act Section 105. Each month, MDE enters NOV's, enforcement actions, and penalties electronically into the AFS (AIRS) national database, from which EPA can access directly. EPA is willing to forego the requirement to prepare and submit mid year and end of year enforcement/compliance accomplishment reports, provided MDE continues to report all data, including penalty assessments, electronically into AIRS/AFS on a monthly basis. EPA agrees to pull data from AIRS/AFS and prepare the mid-year and end-of-year evaluation reports and submit them to EPA HQ. EPA still requires MDE to submit monthly copies of NOVs and Administrative Orders; however, EPA agrees to work with MDE during FY 2000 to explore any opportunities to further reduce reporting burdens.

Clean Water Act 319 NPS, CBIG, 117a. Reduce the duplicative process of submitting complete QA/QC report each year if unchanged. For multi-year projects, a complete QA/QC report should be submitted at the onset of a given project. Subsequent years should require simple updates. Also, combine QA/QC and QAPjP reporting to reduce duplication. Utilize the approved master QMP document for all projects where appropriate.

The workgroup also identified opportunities for reporting reductions in the MBE/WBE and the drinking water program (PWSS). These areas will continue to be evaluated, as well as the air program NOV reporting requirements, as part of the FY 2000 Agreement (see New Initiatives.)

4. Improving training coordination. The purpose of this workgroup was to identify training opportunities and develop a coordination procedure. Region III agreed to provide its current, available training courses to MDE and DNR in a manner that is accessible, cost-effective, and tailored to specific needs of the State. In response, the workgroup compiled a 10-page compendium listing all training opportunities provided by EPA. This booklet now is available to State and EPA employees to help them identify and receive training. To ensure accuracy and timeliness of the information, the Partners agree to

regular information updates.

5. Better aligning the state and federal fiscal year time frames. The purpose of this workgroup was to develop a process that can achieve re-alignment of federal fiscal year activities with the State's fiscal year time frame. The workgroup was tasked with answering: What has to be done? How long will it take? And when should it begin? The workgroup prepared simulations that included detailed analyses of the steps that are needed to make the realignment transition. Through that process, the workgroup identified various barriers, obstacles, and benefits from realignment (See appendix for more information.)

To address the barriers and obstacles, the workgroup recommended that MDE conduct a pilot program to include one small grant per media administration that would be tracked in the automated federal grant FMIS component beginning October 1, 1999 (FFY 2000.) The workgroup recommended the UST, TSCA, and UIC grants for the pilots. The pilot will be implemented in parallel with the existing grant system to provide the opportunity to troubleshoot any problems before it is expanded to include the remaining EPA grants.

6. Improving interagency coordination on federal facilities. The purpose of this workgroup was to identify state and EPA personnel with federal facilities responsibilities, list their responsibilities, look for overlap, and establish a process for improved communication and coordination. Moreover, the workgroup was tasked with identifying key opportunities at federal facilities in which the State and Region III could work together to resolve challenging compliance issues. In conjunction with this effort, MDE has been reviewing all the compliance issues associated with federal facilities in Maryland and is developing a database that provides information on the

- facilities' permits
- MDE inspections
- related penalties
- lead enforcement authority provided under the statute to the state or federal government, and
- status of environmental issues. For more information, see FY 2000 New Initiatives.

7. Improving public outreach efforts. The purpose of this workgroup was to look at how to integrate the large number of ongoing public meetings and identify methods for conveying messages to the public and getting their feedback. The workgroup recommended that the Partners should continue to brief the public through existing meeting forums, such as external stakeholder workgroup meetings. The workgroup also identified that in the future, other mechanisms are added to brief the public and gain their input. Some ideas include:

- Conducting an Environment and Natural Resources Fair;
- Convening an Annual Meeting Forum to report to Maryland's citizens on the status of the environment,
- Utilizing existing venues to contact the "average citizen" to gauge their knowledge and to gain their input on what environmental issues matter most, and
- Performing surveys of high school science teachers and school environmental clubs to gain their opinions on environmental priorities.

III. FY 2000 NEW INITIATIVES

1. Burden Reduction. The Partners agree to implement the recommendations of the FY 1999 Reporting Workgroup and track progress. The recommendations are listed above. The Partners agree that to make best use of available data for grant negotiations, they will review the timing of annual report submissions to EPA Region III. Also, EPA Region III agrees to pursue the MBE/WBE reporting issues and to seek help in reducing/refining the data collection and reporting burden on states. Moreover, the Partners agree to look at opportunities to reduce duplicative paperwork associated with grant applications and closeout procedures, and to further investigate simplified reporting for the public drinking water program. The Partners agree to continue to identify and pursue opportunities for further burden reductions that may emerge as a result of other FY 2000 activities, such as the fiscal realignment pilot and data management efforts.

In order to accomplish these actions, the Partners agree to create a Burden Reduction Workgroup. The workgroup will meet by August 15, 1999, and report quarterly (30th of October, January, April, and June) the status of the workgroup's efforts to the EnPA Coordinating Team.

2. Negotiate Grant Commitments. As Partners negotiate grant commitments for FY 2001, they agree to begin to use, where feasible, outcome-based measures as the basis for reporting progress under the grants, so that a commitment is based on the environmental objective and not on the grant activity. This may result in EPA providing the State more flexibility in what the State commits and reports to EPA on its grant activities. As the Partners work together to develop these outcome measures, there may be opportunities to revise Maryland's current Managing for Results performance measures in order to achieve greater consistency with any new outcome measures. Moreover, the Partners commit to convening grant writing and managing workshops that may be needed to implement the improvements envisioned in this Agreement.

Also, the Partners will develop a process that will be used to negotiate future commitments on a multi-media basis using a holistic approach to environmental protection that may include looking at specific geographic areas as the focus of their activities.

To accomplish this, E-PACT members will assign program or media representatives from their respective administrations/divisions who will serve on a workgroup charged with developing the processes identified above. The workgroup will meet by August 15, 1999, and report quarterly (30th of October, January, April, and June) the status of the workgroup's efforts to the EnPA Coordinating Team.

3. Information Management Improvements. High quality, accurate environmental information is a strategic resource for protecting public health and the environment. To make the most effective use of this important resource, the Partners need to strengthen the ways they collect, manage, use, and share data and information. The Partners also need to strengthen the relationship among those who provide environmental information and use it in decision-making – other federal and state partners, the regulated community, local governments, citizen organizations and the general public. In FY 2000, MDE, DNR, and EPA will work together to identify opportunities for data sharing and streamlining.

Toward this end, MDE is consolidating many of its information activities into a new Information Technology Office (IT) that will provide better service to its partners and stakeholders, and improve MDE's ability to manage and use information across all of its programs and offices. MDE is designing an office that will act decisively and provide leadership on matters of information management, information policy and technology stewardship, and overall data quality. The leadership vision is one of an integrated data and information environment. The integrated information environment involves strong links in how MDE works with EPA to receive, manage, assess, analyze, and provide access to data. This is a holistic approach, requiring MDE and EPA to develop and implement more consistent approaches to information matters – including approaches that promote data accuracy and quality -- and to ensure compatibility with other environmental information sources, both public and private.

Keys to the success of the IT office are strong, cooperative relationships with MDE's EPA partners, because much of the environmental data that is collected or provided is reported to EPA. MDE also is emphasizing the assessment of public demand for information and increasing quality and accuracy in the data it provides. MDE intends to work closely with EPA,

- to identify the information both need to manage their programs well,
- to develop mechanisms for providing this information as efficiently as possible, and
- to eliminate unnecessary or redundant data.

MDE's IT office will serve MDE, its federal and state Partners, and all of its customers and stakeholders as a center of excellence that advocates the use and management of information as a strategic resource to enhance public health and environmental protection. In doing so, the Partners also will work closely with stakeholders in industry, other agencies, local governments, interest groups, and the general public. The office will rely on a unified approach to information technology – one that works strategically across each of the three main components of the integrated information environment:

- receiving and sharing information;
- managing and using information; and
- providing access to information.

Together, these components support a common goal of informed decision making on public health and environmental matters by government, industry, communities, and individuals.

Maryland's strategic objectives and strategies include:

- standardizing office automation and data management for efficiency, compatibility, and productivity;
- reaching enterprise-wide computing capabilities in key business process areas that will reduce or eliminate duplication of effort, increase efficiency and the use of multi media data, and enhance the Department's ability to collect and manage information; and
- Increasing customer service and electronic access to public information.

To support these key objectives, the Department will be working with EPA Region III throughout the next fiscal year to accomplish the following:

- Refine our data gaps initiative which will identify and work to rectify areas of insufficient or inferior data collection and resources, redundancy between Partners in data collection and management, and insufficient, or lack of implementation of, standardized information documentation practices (See Data Gaps Workgroup report.)
- Agree to use the State-EPA Environmental Information (SEIG) workgroups' recommendations as a foundation for standardizing the collection, management, and transfer of data for reporting requirements. This includes utilizing recommendations of the Facility Identification Action Team and standards that are developed by the evolving processes that will come from the Data Standards Strategy Action Team.
- Work together to develop an enterprise wide data management system that will position MDE and EPA Region III on the leading edge of information technology for environmental data collection and management. MDE is planning to develop a facility/site/person based enterprise system that contains a hierarchical structure by which all MDE regulatory activities are managed. The partners agree to begin with permitting, compliance and enforcement data. (See System Requirements.)
- In developing the enterprise system, MDE and EPA will work together to achieve burden reduction when reporting information to EPA. The Partners will evaluate the feasibility of eliminating reporting through EPA's national database systems including, but not limited to, RCRS, PCS, AIRS, AFF, and PRI. These burden reduction efforts will depend solely upon the Partners ability to successfully deliver an enterprise system in a timely and cost-effective manner and ultimately result in more timely access to an increasing amount of data.
- A key component to the success of MDE's reorganization of information technology systems, personnel, and information infrastructure, is the realignment of MDE's financial resources that support its information management systems. MDE and EPA will work together over the next year to develop the first Information Technology (IT) Performance Partnership Grant (PPG) that will consolidate all financial assistance to MDE into one grant and be administered through MDE's new Information Technology Office. The benefits associated with this PPG include but are not limited to:
 - reduced administration paperwork in the Department for tracking and managing information technology related financial assistance;
 - the ability for the Department to leverage its resources by combining moneys which will give the Department more buying power in the information technology market; and,
 - the ability to better control the financial resources and direct them to achieve the Partners' goals in a more holistic fashion – eliminating the traditional "stove pipe" approach to information technology management.

4. Multi-Year Agreements. The Partners agree to investigate multi-year Performance Partnership Agreements. This would provide the Partners more time to implement and monitor the commitments made under Partnership Agreements. The Partners agree to regularly update the environmental indicator data and conduct a programmatic self-assessment by the end of FY 2001.

5. Federal Facilities Partnership. As stated earlier in the enforcement section and the Workgroup report summaries, the Partners commit to developing a cooperative strategy by which MDE can refer certain Federal Facilities to EPA for possible federal administrative penalties. Prospective candidate facilities may be identified using MDE's Federal Facilities database discussed earlier. The strategy could include a discussion of what process will be used for determining federal penalties at federal facilities. Additionally, EPA commits to increasing communication with MDE with the goal of enhancing the overall effectiveness of compliance programs.

6. Erosion and Sediment Control Compliance Initiative. MDE has embarked upon the task of strengthening its erosion and sediment control program, an extremely important element in the state's effort to protect and improve water quality. Among the changes being considered will be establishing a priority for inspections based on potential damage that could be caused by a construction site in violation. Criteria will include proximity of a site to valuable water and land resources (e. g. areas of "special state significance" listed in state wetlands regulations). Another program change under consideration is the requirement of mandatory inspections at critical points during construction. Those and other contemplated changes suggest the benefit of meaningful participation by both DNR and EPA, so that MDE will work with its Partners to identify opportunities for collaboration



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CHAPTER 3: ADMINISTERING THE AGREEMENT

The Partners are committed to improving the effectiveness of Maryland's environmental programs and strengthening the relationship between the State and EPA. This chapter outlines how the Partners will communicate and coordinate, resolve any disputes that might arise, and identifies the members of the Partnership Coordinating Team.

I. COMMUNICATION AND COORDINATION

The Partners agree to communicate on a regularly scheduled basis, and to discuss the overall progress of the activities in the Agreement. These activities, to be successful, are dependent upon MDE, DNR, and EPA dedicating personnel to implement, or modify if necessary, the Agreement once all parties adopt it.

To ensure ongoing communication, each party has designated a point of contact. MDE's designated person chairs Maryland's Performance Partnership Coordinating Team (E-PACT), which is made up of key personnel from each participating agency, as well as a representative from MDA, who serves in an advisory capacity. The E-PACT will take part in regularly scheduled conference calls and in-person meetings to foster improvements in the Performance Partnership process and ensure that issues identified in the Agreement are resolved during the course of the year. A key objective of the E-PACT will be to quickly and efficiently resolve these issues by setting and meeting deadlines for resolution.

II. DISPUTE RESOLUTION

The Partners are committed to timely resolution of disputes. The Partners agree to treat the resolution process as an opportunity to improve our joint efforts. With reference to enforcement and compliance issues, the consultative process identified earlier will be used in dispute resolution. On all other issues, the following procedures will be used:

PRINCIPLE - all disputes should be resolved at the front line or staff level.

TIMEFRAME - generally, disputes should be resolved as quickly as possible but within 2 weeks of their arising at the staff level. If unresolved at the end of 2 weeks, the issue should be raised to the next level of each organization.

ELEVATION - when there is no resolution and the 2 weeks have passed, there should be comparable elevation in each organization, accompanied by a statement of the issue and a one-page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need to be raised to a higher level should again be raised in comparable fashion in each organization.

III. THE EnPA COORDINATING TEAM (E-PACT)

The members of E-PACT include:

E-PACT Chairperson

Robert Hoyt
Assistant Secretary
MDE

Principal DNR Contact

David Burke
Director, Chesapeake
& Coastal Watershed Service
DNR

Principal EPA Contact

Thomas Voltaggio
Deputy Regional
Administrator
U.S. EPA Region III

MDE E-PACT Members

Dane Bauer, Deputy Director and Pam Wright, Program Administrator,

Water Management Administration;

Ann Marie DeBiase, Deputy Director and Dorothy Guy, Senior Policy Assistant to the Director, Air and Radiation Management Administration;

Regina Rochez, Program Administrator, Waste Management Administration;

Robert Summers, Ph.D., Director and Richard Eskin, Ph.D., Program Administrator, Technical and Regulatory Services Administration;

Susan Scotto, Strategic Planning Coordinator, John Mitchell, Program Manager, Environmental Permits Services Center, and Bernie Penner, Enforcement and Compliance Coordinator, Office of the Secretary.

DNR E-PACT Members

Anne Sloan, Natural Resources Planner, Watershed Management and Analysis Division.

EPA E-PACT Members

Mike Burke, Chief, Government Affairs Branch;

Barbara D'Angelo, Regional Manager, Performance Partnership;

Samantha Fairchild, Director, Office of Enforcement, Compliance, and Environmental Justice;

Patricia Gleason, Chief, Maryland and Washington, DC Branch, Water Protection Division;

Robert Greaves, Chief, General Operations Branch, Waste, Chemicals Management Division;

Glenn Hanson, Special Assistant, Air Protection Division;

Stu Kerzner, Office of Environmental Information;

Diana Esher, Deputy Director, Environmental Services Division;

James Heenehan, Office of Regional Council; and

Alan Hollis, Project Officer, Hazardous Site Cleanup Division.

MDA E-PACT Adviser

Louise Lawrence, Chief, Office of Resource Conservation.

FY 1999 Workgroup Members

Indicators: John Mitchell, Chairman, Nancy Reilman, Ed Hammerberg, Bob Summers, Patricia

Williams, Joe Herb, Diane Franks, MDE; Anne Sloan, Tom Parham, Margaret McGinty, Renee Karrh, Ron Klauda, Steve Koehn, Glenn Therres, Nancy Butowski,

Chris Judy, Niles Primrose, Mary Searing, Paul Miller, DNR; Nita Sylvester, EPA.

Fiscal Realignment: Pam Wright, Chairwoman, Butch Dye, Mike Kurman, Terri Wilson, Susan Harvey-Eisele, MDE; Elysabeth Bonar-Bouton, Gwynn Schultz, DNR; and Alan Hollis, Mary Zielinski, Jim Heenehan, EPA.

Data Gaps: Tony Dubler, Chairman, Cathy Wagenfer, Ken Pensyl, Alvin Bowles, Bob Summers, MDE; Bill Burgess, Helen Stewart, DNR; and Stu Kerzner, Glen Hanson, Kristeen Gaffney, Patricia Gleason, Charles Kanetsky, Elaine Harbold, Garth Conner, Martin Matlin, Nita Sylvester, EPA.

Public Outreach: Regina Rochez, Chairwoman, Suzanne Bond, George Keller, John Mitchell, MDE; Anne Sloan, DNR; and Mike Burke, EPA.

Reporting Burden Reduction: Carol Coates, Chairwoman, Laramie Daniel, Andrew Grenzer, Rick Johnson, Jag Kuhman, Susan Scott, MDE; Cornelia Pasche Wikar, DNR; and Bob Greaves, Jim Heenehan, Carol Johnson, and Mary Zielinski, EPA.

Federal Facilities: George Harman, Chairman, Hilary Miller, Dave Lyons, Pars Ramnarain, John Mitchell, Bernie Penner, MDE; Bill Arguto, EPA; Frank Fritz, Fred Boecher, Ron Joyner, US Air Force; and Steve Olson, Brad Rock, US Navy.

Training: Karen Irons, MDE; Diane Esher, Barbara D'Angelo, EPA.

IV. AGREEMENT SIGNATURES

This Agreement is hereby entered into this 30th day of July, 1999, and remains in effect until June 30, 2000, unless amended or extended by mutual consent.

W. Michael McCabe
Regional Administrator
US Environmental Protection
Agency, Region III

Jane T. Nishida
Secretary
Maryland Department of the
Environment

Sarah Taylor-Rogers
Secretary
Maryland Department of Natural
Resources

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INTRODUCTION

Maryland has identified two strategic priorities: (1) protecting public health, and (2) protecting ecosystem health. This chapter presents information about each Partner's activities in support of accomplishing the public health and or environmental protection goals. It describes goals, stressors and sources, management objectives, and program activities or strategies under each of the two broad strategic themes. Note that DNR's activities are primarily organized under several themes falling under the Ecosystem Health heading. To best understand the environmental conditions around which many of the activities were developed, please see Maryland's 1999 Environmental Indicators Report.

I. MDE ACTIVITIES

Goal # 1 — Ensuring The Air is Safe to Breathe

Under both Federal and State law, MDE is charged with ensuring that the air is safe for all Marylanders to breathe. The key areas of emphasis described below relate to (1) Reducing the amount and frequency of high levels of ground-level ozone; (2) Reducing the amount of toxic pollutants discharged into the environment; (3) Attaining and maintaining National Ambient Air Quality Standards; (4) Reducing the amount of acid rain; (5) Ensuring that asbestos removal activities do not endanger human health; and (6) Reducing the occurrence of nuisance conditions, health impacts, and air pollution.

The state and federal governments continuously evaluate the human health effects of airborne pollutants. For example, in response to recent studies regarding the health effects of small particles and aerosols, EPA has added a new particulate matter standard of 2.5 microns or smaller to the list of National Ambient Air Quality Standards and has revised the ozone standard. Over the next few years, Maryland will be working with EPA to implement these new health-based standards.

Management Objectives and Strategies

The key management objectives under this goal are (1) to develop and implement control strategies to eliminate or reduce emissions from pollution sources, so as to enable attainment and maintenance of the health-based air pollution standards, and (2) to develop and implement enforcement programs to ensure compliance with air pollution related requirements. Implementation of these management objectives also will benefit other environmental goals, including Goals # 3,4,5,6, and 8.

Ozone. The Federal Clean Air Act Amendments of 1990 (the "Act") require Maryland to attain and maintain the National Ambient Air Quality Standards (NAAQS) within the deadlines established in the Act. The only NAAQS for which Maryland still has nonattainment areas is ozone. The Act requires Maryland to demonstrate attainment for the one-hour ozone standard by 1999 in the Washington, D.C. region and 2005 in the Baltimore region and Cecil County (part of the Philadelphia non-attainment area.) In July 1997, EPA revised the ozone standard and established a new eight-hour NAAQS for ozone. These new standards are being litigated but deadlines for state action currently remain in place.

Air Toxics. State air toxics regulations require new sources of toxic air pollutants to install Best Available Control Technology for tToxics and new and existing sources must demonstrate that their air toxic emissions will not or do not unreasonably endanger human health. The Act also establishes

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requirements for sources of hazardous air pollutants, including Maximum Available Control Technology (MACT) standards and National Emission Standards for Hazardous Air Pollutants (NESHAP). Maryland currently has delegation from EPA to implement and enforce the NESHAP standards and has requested delegation of authority for the MACT standards as they apply to major sources. Maryland expects to receive delegation shortly.

Acid Rain. The Act established stringent emission limitations for utilities with reductions of sulfur dioxide and nitrogen oxide (NOx) emissions to be achieved in two phases. EPA was responsible for Phase I permits and the states were to issue Phase II permits. MDE has issued all of the required Phase II permits which have an effective date of January 1, 2000. The permits require the affected sources to comply with all the requirements of the federal acid rain regulations and to hold allowances equal to or greater than the allowances allocated by regulation. MDE staff conducts inspections to ensure compliance with the Acid Rain Program. These inspections include observing quality assurance testing and audits on the affected facilities' stack emission monitoring systems.

Ozone, Air Toxics Control, and Acid Rain

- Complete air quality plans to meet statewide NOx emissions budget (NOx SIP Call)
- Develop 1999 inventory for ozone precursors and particulate matter.
- Extend 1hour ozone standard attainment deadline for Washington, DC to 2005.
- Participate in regional efforts to develop modeling platform for 8-hour ozone standard.
- Develop and implement programs to reduce NOx emissions, including the NOx Budget
- Participate in regional efforts to control transported air pollution.
- Complete air quality modeling.
- Develop and implement banking and trading program for Volatile Organic Compounds (VOCs) and NOx.
- Receive delegation from EPA for implementing the Maximum Available Control Technology (MACT) area sources standards.
- Implement delegated federal air toxics program for major MACT sources.
- Develop an initial air toxics inventory.
- Implement outreach efforts for voluntary action to reduce emissions on high ozone days.
- Work with the Maryland Department of Transportation and metropolitan planning organizations to develop mobile emissions budgets and transportation control strategies.
- Continue to implement enhanced Vehicle Emissions Inspection Program (VEIP) requirements and adopt regulations to implement emission repair technician certification.
- Maintain a statewide air-monitoring network and operate new monitors for fine particulate matter and air toxics.
- Increase understanding and use of alternative fuel vehicles.
- Issue permits to construct and permits to operate (both State and Title V) containing conditions adequate to ensure compliance with air pollution control requirements, including appropriate toxic air pollution controls.
- Perform routine inspections of regulated facilities in Maryland and respond to citizen complaints about air pollution.
- Take appropriate enforcement actions in cases of non-compliance.
- Continue the Phase II Diesel Smoke Pilot Study to enhance knowledge of smoke emissions reduction strategies from diesel engines and to address public concerns.
- Develop and adopt regulations for a diesel smoke control program.

Asbestos. State law establishes licensing requirements for business entities and public units that engage in asbestos removal or encapsulation and accreditation requirements for individuals engaged in certain asbestos occupations involving schools and public buildings. Federal law requires schools to prepare asbestos management plans. State and federal regulations also establish procedures for the removal and disposal of asbestos materials. A Governor's Executive Order established the Asbestos Oversight Committee (AOC), which addresses imminent health hazards from asbestos in State-owned buildings and ensures proper training for State employees involved in asbestos-related work. The Secretary of MDE serves as the Chairperson of the AOC. To implement these laws, MDE is undertaking the following management strategies in FY 2000:

- Issue asbestos removal licenses and asbestos occupation accreditation to qualified business

- entities, public units, and individuals.
- Perform inspections of asbestos removal and/or encapsulation projects in Maryland.
- Conduct enforcement actions as appropriate.
- Audit training courses to ensure adequacy of asbestos-related training.
- Provide asbestos removal training to level II State employees.
- Coordinate medical monitoring for level II State employees.
- Provide technical support and assist the AOC in establishing priorities for asbestos abatement in State-owned buildings.
- For schools in targeted areas, determine if asbestos management plans have been prepared and are being implemented.

Solid Waste. To reduce the occurrence of nuisance conditions, health impacts, and air pollution created by smoke from fires at solid waste and recycling facilities, MDE implements controls to minimize the occurrence of fires at solid waste disposal and recycling facilities through an active permitting and enforcement program. For more information on solid waste and recycling facilities, see Goals 3 and 8, respectively. These activities include requirements to prevent and minimize fires through effective planning of site operations and contingency plans, compliance activities to implement these plans, remedial activities to clean up tire dumps, and enforcement activities to penalize those responsible when poor management practices have allowed a fire to occur or worsen. To implement these laws, MDE is undertaking the following management strategies in FY 2000:

- Coordinate with State Fire Marshall's Office to ensure that plans for landfills, processing facilities, transfer stations, tire recycling and storage facilities, and natural wood waste facilities meet applicable fire prevention standards, and have adequate provision for fighting fires should they occur.
- Prioritize fire prevention activities in inspections of scrap tire site and natural wood waste recycling facilities.
- Clean up stockpiled scrap tires, to reduce or eliminate the potential for fires.

Sewage Sludge. MDE's strategy is to promote and seek resources to research the specific causes of sewage sludge odors, and to try to isolate means of eliminating nuisance odors from sewage sludge. For more information on sewage sludge see Goal #6.

Emergency Response. MDE maintain an Emergency Response Division whose responsibility is to work with local jurisdictions and industries to respond to emergency emissions of hazardous substances into the air to protect human health and the environment. Details for this program can be found in Goal #4.

EPA Activities

EPA commits to the following activities:

- Providing timely technical and policy guidance for the development and implementation of Clean Air Act Amendments and EPA regulations and policies;
- Providing timely processing of approvable State Implementation Plan revisions;
- Participating, as requested or appropriate, in State public hearings, legislative oversight committees, and other public forums to provide testimony and insight regarding EPA positions relative to air quality program development;
- Providing timely comments on various new source and operating permits to maximize control efficiencies, enforceability, and compliance;
- Addressing regional ozone transport issues;
- Either independently or in conjunction with the Mid-Atlantic Regional Air Management Association, providing periodic training to Region III air pollution control agencies, to foster and enhance staff technical expertise in developing and implementing air quality programs; and
- Responding to MDE's request for early comments on draft permit conditions and rules that then can be incorporated early in the process, preferably before the formal comment period.



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GOAL 5: ENSURING WATER IS CLEAN AND SAFE FOR HARVESTING OF FISH AND SHELLFISH

Goal # 2 — Ensuring that Marylanders are not Exposed to Unnecessary Levels of Radiation

Under both federal and state law, MDE is charged with ensuring that the public is protected from unnecessary levels of radiation. As such, MDE's major focus is on preventing exposures to radiation. The key areas of emphasis described below relate to (1) licensing and inspecting users of radioactive materials; (2) registering, certifying and inspecting radiation machines, and (3) responses to emergencies involving radioactive materials and transportation activities or nuclear power plant operations.

Management Objectives and Strategies

There are two key management objectives under this goal. They are (1) to implement the radioactive materials licensing and inspection, and radiation machines registration, certification and inspection programs so as to ensure that the public is protected from unnecessary radiation, and (2) to respond rapidly and effectively to accidents/incidents involving nuclear material including nuclear power plant events.

The Atomic Energy Act of 1954 provides for the licensing and control of the use, storage and disposal of radioactive materials by the Nuclear Regulatory Commission (NRC) and authorizes the NRC to enter into agreements with the states to transfer part of this authority to states so that the state has complete regulatory control over licensees. Maryland is one of 30 Agreement States that have entered into such an agreement as outlined in Section 274 of the Act. Maryland became an Agreement State in 1971.

Regulations adopted under Title 8 of the Environment Article, Annotated Code of Maryland, are found in COMAR 26.12, Radiation Management. These regulations contain requirements and procedures for the licensing, use, storage and disposal of radioactive materials and the registration and operation of electronic devices that produce radiation. These regulations also specify the qualifications and procedures for the licensing of qualified health physicists to inspect certain radiation machines as part of Maryland's certification program. To implement these laws, MDE is undertaking the following activities in FY 2000.

- License and inspect users of radioactive materials to ensure compliance with license conditions imposed by the State and State regulations that are compatible with the NRC.
- Register all electronic radiation machines operating in Maryland jurisdictions;
- Take appropriate enforcement action in cases of non-compliance with the State's radiation laws and regulations.
- Inspect dental and veterinary x-ray machines.
- Certify medical, industrial and academic x-ray machines following inspection by State-licensed inspectors.
- License health physicists to perform inspections of certain radiation machines;
- Perform inspections of State mammography facilities under contract with the Department of Health and Human Services (DHHS) Food and Drug Administration and refer violations of MQSA regulations to them for enforcement;
- Respond to emergency calls involving the actual or potential release of radiation;
- Participate in emergency radiation response exercises with a variety of federal agencies such as the Nuclear Regulatory Commission (NRC), Federal Emergency Management Agency (FEMA), Department of Energy (DOE), etc., state agencies such as Department of Natural Resources (DNR), Department of Health and Mental Hygiene (DHMH), Maryland Emergency Management Administration (MEMA), etc., and the nuclear power utilities so as to maintain preparedness to handle nuclear accidents or incidents in and around Maryland.
- Require municipal and commercial medical waste incinerators to monitor for radioactive

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materials in incoming waste streams, and to manage regulated radioactive materials appropriately.

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EPA Activities

EPA does not conduct any activities in the areas of radioactive materials licensing and inspection, x-ray machine certification and inspection, or emergency response involving radioactive materials.

GOAL 8:
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Goal # 3 — Ensuring Safe Drinking Water

Under federal and state laws and regulations, MDE is responsible for ensuring that all public drinking water systems throughout Maryland meet strict drinking water quality standards. Public drinking water system means a system that provides water to the public for human consumption, if the system serves at least fifteen service connections or regularly serves at least twenty-five individuals. Public drinking water systems serve approximately 4.3 million Marylanders. Private wells serve fewer than twenty-five individuals on a regular basis. The wells may serve one home, or be shared by a few homes or businesses. Individual wells, which serve one lot or home, are regulated by local governments through delegation from MDE.

MDE addresses its safe drinking water responsibilities by implementing various programs that protect groundwater and surface water supplies from contaminants, inspect facilities that treat and provide public drinking water, and assure compliance with all safe drinking water standards.

Management Objectives and Strategies

The key management objectives under this goal are: (1) ensure compliance of public water systems with all federal and State requirements; (2) ensure that private wells used by Marylanders comply with state regulations; (3) prevent pollutant contamination of potable surface waters; (4) fully develop and implement source protection programs for all public drinking water systems that receive water from surface sources; (5) prevent contamination of potable groundwater aquifers that are vulnerable to underground hydrological transport mechanisms; (6) develop locally-based wellhead protection programs to ensure long-term viability of supply sources; (7) ensure that municipal landfills operate in significant compliance with all State and federal laws and standards; (8) ensure that permitted solid waste facilities are designed and operated in significant compliance with all applicable water pollution control requirements; and (9) initiate and complete cleanups of sites impacted by discharge of oil or other hazardous substances.

Source Water Protection. Key activities related to source water protection include developing a source water assessment program that is consistent with the 1996 Amendments to the Safe Drinking Water Act. This will require the delineation of source water assessment areas, identifying potential sources of contaminants and conducting a susceptibility analysis of the source to those contaminants. EPA program approval is required by November of 1999. Public involvement in the development of this program is also required.

Other strategies include building partnerships with local governments, federal government, agricultural interests, river basin commissions, and neighboring states to implement source water assessment and protection programs, and to conserve water resources in Maryland. Also, enhancing Geographic Information Systems (GIS) data to allow for comprehensive review of potential contaminant sources within source water assessment areas. Finally, MDE will administer the State Revolving Fund (SRF) set-aside dollars to fund source water assessment projects, acquisition of sensitive lands and wellhead protection projects.

Treatment System Compliance. Treatment system compliance is assured through a variety of activities, including:

- On-site technical assistance (e.g., Comprehensive Performance Evaluations (CPE's);
- Sanitary surveys program;
- Development of Drinking Water SRF project priority system;
- Provision of financial assistance (e.g., grants and drinking water SRF loans);

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- Support of operator training programs; and
- Enforcement against water systems that are not in significant compliance with state and federal standards.

GOAL 7:
ENSURING ADEQUATE
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Private Drinking Water Supplies

Work with local county health departments to educate the public to identify risks to individual wells and private well systems from natural or man-made contaminants.

Groundwater Remediation

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Refuse Disposal Systems (Landfills). Under State law and in accordance with Subtitle D of the federal Resource Conservation and Recovery Act (RCRA), MDE regulates the design, construction, operation, and maintenance of municipal waste landfills in the State. A landfill permit is comprehensive and encompasses a wide variety of scientific and technical disciplines such as: geology and hydrogeology to describe site conditions; civil engineering and surveying for construction and operation; economics and finance for daily operations and landfill closure; and chemical analysis for groundwater monitoring to meet compliance requirements. MDE's management activities include:

- issuing operating permits for the State's 21 municipal landfills;
- performing 600 inspections annually to ensure landfills are managed properly; and
- ensuring that closed landfills are properly capped and monitored for a 30-year post closure period.

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DNR ACTIVITIES

Other Solid Waste Facilities. To reduce the risk of nuisance conditions, health impacts and water pollution created by solid waste facilities, MDE implements controls to minimize the release of pollutants at solid waste facilities through an active permitting and enforcement program. These activities include requirements to prevent and minimize water pollution through requirements for incorporation of effective pollution control systems into site designs, planning of site operations and contingency plans, compliance activities to implement these plans, requirements for monitoring systems, and enforcement activities. It also includes involvement of numerous other agencies in the permit review process to insure that all other environmental and local regulatory systems participate in the development of final plans and permits for these facilities. MDE's management activities include:

- Notifying county health departments, natural resources conservation districts, appropriate federal agencies, and other interested programs within MDE of applications for solid waste acceptance facilities;
- Requiring that regulated facilities are designed and operated with at least the minimum requirements established in regulation for pollution prevention and control; and
- Routinely performing unannounced inspections of refuse disposal and other solid waste facilities.

Oil Pollution Prevention. Under State law and as provided by Subtitle I of RCRA, MDE oversees the remediation activities at sites where petroleum products have been discharged. Typically, these sites include: above ground oil storage facilities (AST), gasoline service stations with old underground storage tanks (USTs), businesses that have large truck fleets and their own distribution centers; or old closed service stations. By December 1998, all USTs installed before 1988 *were required to be* upgraded or replaced to prevent leaks that could contaminate groundwater. For information related to oil facility discharge permits, see goal 6.

MDE ensures that:

- Responsible parties remediate in a manner which is protective of public health, safety, and the environment; and that
- Natural resources of the State are returned to conditions that would not adversely affect public health or the environment.

MDE conducts inspections at oil storage facilities:

- To ensure compliance with Federal and State UST regulations; and
- To prevent a new generation of leaking tanks.

Emergency Response. MDE maintains an Emergency Response Division whose responsibility is to work with local jurisdictions and industries to respond to emergency spills of oil and hazardous substances that endanger drinking water supplies. Details for this program can be found in Goal #4.

EPA Activities

EPA commits to the following activities:

- Provide continued financial and administrative support *as resources allow* to sponsor semi-annual meetings of the Region III State municipal planning and permitting program managers, referred to as "Solid Waste Summit Meetings." The principle purpose of these Summits are to offer the States an opportunity to discuss and resolve common Municipal Solid Waste (MSW) issues of concern and to coordinate their programs;
- Work with Maryland and the middle-Potomac utilities to develop a strategy for source water assessment of the Potomac River;
- Assist Maryland in developing and/or enhancing capacity development strategies;
- Work with Maryland to integrate watershed and source water protection programs;
- Respond to petitions for sole source aquifer designation (e.g., Poolesville); and
- Provide technical assistance to Maryland to assist with Class V implementation and efforts to coordinate with source water protection programs.



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CHAPTER 1: ESTABLISHING A PERFORMANCE PARTNERSHIP AGREEMENT

Goal # 4 — Reducing the Threat to Public Health from the Presence of Hazardous Waste and Hazardous Materials in the Environment

CHAPTER 2: REVIEW OF FY 1999 COMMITMENTS AND FY 2000 NEW INITIATIVES

Under federal and State laws and regulations, MDE is charged with protecting public health from the adverse affects of exposure to hazardous substances in the environment. MDE has several programs that address this goal, including lead poisoning prevention, hazardous waste permitting and enforcement, hazardous waste minimization, emergency response to hazardous materials spills and accidents and environmental restoration and redevelopment.

CHAPTER 3: ADMINISTERING THE AGREEMENT

Management Objectives and Strategies

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The key management objectives under this goal are: (1) to reduce the exposure of children to lead paint poisoning by ensuring that 100% of properties that require lead paint hazard treatments are completed by the year 2006; (2) to reduce the amount of hazardous waste potentially subject to release or released in the environment; (3) to prohibit the improper disposal of hazardous waste; (4) to oversee environmental restoration and redevelopment at historically contaminated sites; and (5) to ensure that Marylanders are protected from unacceptably high levels of environmental contamination by maintaining a strong health and ecological risk assessment capability within MDE.

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GOAL 1: ENSURING THE AIR IS SAFE TO BREATHE

Lead Paint. MDE has been regulating lead abatement activities since 1988, and has been investigating cases of childhood lead poisoning referred through the MDE Childhood Lead Registry. Under the Maryland Lead Poisoning Prevention Act of 1994, MDE tracks and reports the number of lead paint hazard treatments undertaken each year. Since implementation of the regulations in 1996, nearly 39,000 lead paint hazard treatments have been completed. The percentage of children at risk who are screened is an important indicator of Maryland's surveillance system. In 1997, there were 1,233

GOAL 2: ENSURING THAT MARYLANDERS ARE NOT EXPOSED TO UNNECESSARY LEVELS OF RADIATION

reported incidences of elevated blood-lead levels statewide (1.8% of children screened exceeded the lead poisoning standard.) MDE's management strategies include:

GOAL 3: ENSURING SAFE DRINKING WATER

- Continued implementation of accreditation regulations;
- Continued oversight of contractors that have been accredited in order to assure accuracy and competency;
- Reduce the incidence of childhood lead poisoning by implementing the risk reduction standards for rental properties;
- Investigate childhood lead poisoning cases and assure that lead hazards are reduced; and
- Provide information and education to Maryland citizens concerning the hazards of lead in the environment and regulatory requirements that relate to those hazards.

GOAL 4: REDUCING THE THREAT TO PUBLIC HEALTH OF PRESENCE HAZARDOUS WASTE AND HAZARDOUS MATERIALS IN THE ENVIRONMENT

Hazardous Waste. Consistent with federal guidelines under RCRA, MDE regulates the management of hazardous waste in Maryland. The State's hazardous waste regulations have established a comprehensive management program that regulates all aspects of hazardous waste handling (generation, transport, treatment, storage and disposal.) This program is preventative in nature and is designed to eliminate the release of hazardous waste to the environment. If such releases occur, it compels cleanup. Waste minimization industry visits are conducted to promote implementation of pollution prevention technologies. MDE's management strategies include:

Management Objectives and Strategies

EPA Activities

GOAL 5: ENSURING WATER IS CLEAN AND SAFE FOR HARVESTING OF FISH AND SHELLFISH

- Issuing permits for treatment, storage, and disposal (TSD) facilities.
- Conducting compliance inspections of hazardous waste generators and transporters and TSD facilities.
- Responding to hazardous waste complaints.
- Overseeing groundwater remediations.

GOAL 6:
IMPROVING AND
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WATER QUALITY

- Performing groundwater-monitoring evaluations.
- Tracking and identifying generators and transporters of hazardous waste.
- Preparing and adopting COMAR regulatory changes to remain current with federal RCRA changes.

GOAL 7:
ENSURING ADEQUATE
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Superfund. Consistent with federal guidelines under Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and State Superfund Law, MDE initiates and oversees the assessment and cleanup of hazardous waste sites where releases have occurred. MDE participates with EPA as a partner to oversee hazardous waste cleanups of National Priority List (NPL) sites and federal facilities. MDE also oversees cleanups of State Superfund sites. MDE's management strategies include:

- Conducting preliminary assessments and environmental site investigations to identify sites that may be contaminated by hazardous waste and prioritizing sites for cleanup.
- Participating in decision-making at all phases of environmental investigations and overseeing cleanups to ensure that the State's requirements are met at sites on the National Priorities List.

GOAL 8:
PROTECTING AND
MAINTAINING MARYLAND'S
NATURAL RESOURCE LAND
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Emergency Response. To ensure that MDE, in cooperation with local hazardous materials units, has the capacity to respond to emergencies to minimize risks to human health and the environment resulting from accidents and/or deliberate actions causing the release of hazardous substances to the air, water or land from fixed facilities, rail, waterway and truck transportation routes. MDE's management strategies include:

- Responding to emergency situations quickly and effectively.
- Coordinating planning and training activities with other state, local and private industry emergency response organizations and hazardous materials units to ensure that Maryland has the capacity to respond to emergencies to minimize risks to human health and the environment.
- Providing training, technical assistance and logistical support to local government emergency response personnel.

GOAL 9:
PREVENTING POLLUTION
AND INCREASING
COMPLIANCE ASSISTANCE

DNR ACTIVITIES

Air Pollution. Releases of air toxics are controlled by both federal and state regulations. These programs are described under Goal #1.

Emergency Planning and Community Right-to-Know Program. The federal Emergency Planning and Community Right-to-Know Act (EPCRA) requires that businesses and government agencies that manufacture and/or store hazardous materials report annually to local emergency response officials and the state regarding quantities and types of chemicals present at their facilities. MDE is the repository for this information in the State of Maryland. The Emergency Operations Program maintains a database of this information that is available for public information. This program also maintains the state's toxic materials release inventory database (TRI) and reports to the public regarding hazardous materials released to the air, water and land.

Health and Ecological Risk Assessment. MDE's Environmental Risk Assessment Program works in cooperation with other MDE programs and state and local health departments In order to ensure that Marylanders and our natural resources are protected from unacceptably high levels of risk due to environmental contamination. MDE toxicologists collect and analyze environmental data to support toxicological evaluations of the health and environmental risk due to hazardous waste sites, chemical releases, contaminated drinking water, naturally occurring radiation, and many other sources of environmental contamination. MDE staff serve on the Maryland Cancer Council, the Maryland Conference of Local Environmental Health Directors and other groups established to evaluate environmentally related health issues.

Noise Control. Although excessive noise levels are not a "hazardous material", noise from human activities can have a significant adverse effect on the public health, the general welfare and property. Title 3 of the Environment Articles of the Annotated Code of Maryland, requires that MDE develop and enforce environmental noise standards, coordinate and provide technical assistance to noise control programs in other state and local agencies. MDE staff responds to noise complaints, take measurements and issue notices of violation as required. In most cases, by providing education, mediation, and technical assistance, MDE is able to obtain resolution of complaints without administrative penalties or legal action.

EPA Activities

EPA Activities include:

- Anacostia Initiative/Economic Redevelopment: The Navy is addressing ongoing off-site releases at its White Oak Facility. Cleanup of this facility is being coordinated with re-development of the site by the General Services Administration;
- Cleanup of multi-media sites on the Chesapeake Bay: EPA will continue to oversee the cleanup of the Allied adjacent properties and Bethlehem Steel sites on the Baltimore harbor. Oversight will be coordinated with EPA and Maryland consistent with the Judicial Consent Decrees. Additionally, EPA will continue to monitor the remediation of the Allied site in coordination with Maryland;
- EPA will provide timely technical and programmatic assistance to Maryland such that: 1) submittal of completed drafts of all authorization application elements for Program Revision 1 is completed by 10/15/99; 2) adoption of final rule revisions is completed by 12/31/99; and 3) preparation of a final application is completed within 1 month of final adoption of rules;
- EPA will perform an evaluation of 1997 Biennial Reporting System (BRS) data in order to determine which industry sectors are generating persistent, bioaccumulative, and toxic (PBT) chemicals within the Region and states. Lists of PBT generating industries will be provided to the state Team members to assist with targeting waste minimization (WM) activities; and
- EPA will assist the state with conducting WM site visits and in performing searches for technical WM information.
- EPA will continue to organize and hold scheduled monthly conference calls and semi-annual Regional meetings in order to provide effective communication among the team members and provide a forum for sharing information and to encourage the use of innovative technologies/methods to achieve PBT reductions.
- WM Guidance will be developed and integrated into the FY 2000 work plans and EnPA to ensure a consistent team focus.
- EPA will provide presentation material and also assist the state with outreach activities in support of the established Region III WM goals and objectives.
- EPA will work with MDE to address the requirements of the Waste Minimization National Plan as resources allow.

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Maryland's FY 2000

Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

**CHAPTER 1:
ESTABLISHING
A PERFORMANCE
PARTNERSHIP AGREEMENT**

Goal # 5 — Ensuring Water is Clean and Safe for Harvesting of Fish and Shellfish

**CHAPTER 2:
REVIEW OF FY 1999
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Under federal and State law and regulation, MDE is required to ensure the waters of the state are safe for harvesting of fish and shellfish. MDE addresses these responsibilities by implementing various programs to prevent pollutants from entering the waters of the state and by monitoring the quality of shellfish harvesting waters and edible fish tissue to certify that they are safe for human consumption.

**CHAPTER 3:
ADMINISTERING THE
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Management Objectives and Strategies

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Shellfish Harvesting Waters. Oysters and clams are filter feeders that strain water for food. Shellfish from polluted waters can potentially accumulate human pathogens that may be present in the water. If contaminated shellfish are eaten raw or are not thoroughly cooked, serious human illness may result. Under Maryland state Law and to satisfy the requirements of the Interstate Shellfish Sanitation Commission (ISSC) and the U.S. Food and Drug Administration (FDA), MDE must ensure that the State's waters are safe for harvesting of shellfish. ISSC certification is also required for Maryland's clams and oysters to be sold in interstate markets.

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MDE ACTIVITIES

**GOAL 1:
ENSURING THE AIR IS SAFE
TO BREATHE**

To protect human health and maintain Maryland's certification, all shellfish harvesting areas are regularly monitored by MDE. Harvesting areas that do not meet Maryland's strict water quality standards are closed to shellfish harvesting. Safety zones, from which no shellfish may be taken, are established around possible pollution source areas such as marinas, waste water treatment plants and waste water-pumping stations. In addition, in areas that are potentially affected by polluted runoff, shellfish harvesting waters may be closed following major rainfall events (greater than 1 inch in 24 hours).

**GOAL 2:
ENSURING THAT
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Shellfish closures are coordinated with local health departments and shellfishers and notices are mailed to all affected parties. The local health department posts closed areas. The Department of Natural Resources Marine Police enforce MDE's closure orders. Shellfish harvesting water closure orders are also displayed on MDE's World Wide Web Home Page.

**GOAL 3:
ENSURING SAFE DRINKING
WATER**

In order to maintain Maryland's excellent record for the quality of its commercial fisherman harvesting waters, MDE will continue its current policy of prohibiting new wastewater treatment plant discharges in the vicinity of shellfish harvesting areas. In addition, to prevent and minimize the potential for raw sewage to reach harvesting waters, MDE will maintain its current policies requiring wastewater system redundancy, 24-hour holding capacity, telemetering of station conditions to operators and back-up power supplies for waste water treatment plants and pumping stations.

**GOAL 4:
REDUCING THE THREAT TO
PUBLIC HEALTH OF
PRESENCE HAZARDOUS
WASTE AND HAZARDOUS
MATERIALS IN THE
ENVIRONMENT**

MDE will also maintain its shellfish waters monitoring program, which includes bi-weekly sampling of all sites, and periodic shoreline sanitary surveys to ensure that septic systems, agricultural operations and other potential pollution sources are being properly controlled. When problems are identified, MDE works with local health departments, soil conservation districts, or other appropriate authorities to correct identified problems.

**GOAL 5:
ENSURING WATER
IS CLEAN AND SAFE
FOR HARVESTING
OF FISH AND
SHELLFISH**

Fish Tissue Analysis. In some areas, contamination of the water and sediments from various sources may be accumulated by fish. Levels can become high enough that, when consumed over a lifetime they may increase consumer's risk of adverse health effects. MDE issues a fish consumption advisory when fish are found to have unacceptable levels of contamination.

**Management
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EPA Activities

Fish are sampled at sites located throughout the State once every three years. Both game fish and accumulator species (e.g. catfish or other bottom dwelling, non-migratory species) are sampled and

GOAL 6:
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tested for a wide range of contaminants including metals, pesticides, herbicides, PCBs and other environmentally persistent chemicals.

GOAL 7:
ENSURING ADEQUATE
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MDE will continue its statewide monitoring effort and when contamination is identified, will issue appropriate advisories. In addition, contamination problems will be dealt with through appropriate pollution control programs for point and/or nonpoint sources of the contaminant of concern.

GOAL 8:
PROTECTING AND
MAINTAINING MARYLAND'S
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Fish Kill Investigation. MDE responds to reports of fish kills to investigate the causes of the kill. Fish kills in Maryland are typically caused by both natural and human caused events. Examples of natural events include disease, predation and seasonal overturn of estuarine and lake waters, resulting in dissolved oxygen deficits. Examples of human caused fish kills include fishing discards, sewage spills and oil or hazardous material spills. Each event involving 25 or more fish is investigated by an MDE biologist or inspector in an attempt to determine the cause. If a spill is responsible, MDE maintains a 24-hr response capability to deal with the cause of the spill and prevent further damage, if possible.

Water Quality Standards and Pollution Control. Water quality standards and pollution control are critical components of Maryland's program to protect fish and shellfish harvesting waters. These programs are described under Goal #6.

GOAL 9:
PREVENTING POLLUTION
AND INCREASING
COMPLIANCE ASSISTANCE

Air Quality Standards and Pollution Control. Air pollution control regulations contribute to reductions of mercury and other materials toxic to fish. These regulations are described under Goal #1.

DNR ACTIVITIES

Management Plan for *Pfiesteria piscicida*. *Pfiesteria* is a dinoflagellate microorganism that lives in estuarine areas. In some situations, it can have plant-like characteristics, but more often acts like a single-celled animal. It has a complex life cycle with 24 different forms, several of which can release a toxin with both human and environmental effects and implications.

Some Maryland watermen and State employees became sick after exposure to *Pfiesteria*-infested waters. Symptoms included respiratory effects and "cognitive impairments" such as memory and concentration problems. It is important to understand that the illness is not caused by consumption of fish or shellfish. Both remain safe to eat. Illness is caused by exposure to toxin in the water, either through contact or inhalation. The toxins also affect fish, causing lesions and death. Once areas are known to have toxic *Pfiesteria*, local health departments, with State support, can close those waters to keep people away from potentially hazardous areas.

Research indicates that toxic *Pfiesteria* blooms occur in nutrient enriched areas, with poor flushing and low flows. The actual trigger for production of the toxic forms of *Pfiesteria* seems to be the presence of fish, particularly oily fish like menhaden. Scientists don't yet understand the connection between nutrients and *Pfiesteria*. However, a working hypothesis is "in the long term, decreases in nutrient loading will reduce eutrophication, thereby improving water quality, and in this context, will likely lower the risk of toxic outbreaks of *Pfiesteria*-like dinoflagellates and harmful algal blooms."

State and federal funds totaling more than \$17 million are being provided for research on harmful algal blooms. The Governor's fiscal year 1999 budget includes \$1 million in funding for the State's toll-free hotline about *Pfiesteria* outbreaks, rapid response and monitoring teams for the Department of Natural Resources. The budget includes \$500,000 to continue a successful marketing campaign to maintain consumer confidence in Maryland seafood. MDE has expanded its monitoring of pollution from agricultural, urban and residential areas. Sewage treatment plans are being upgraded through installation of biological nutrient removal technology. An educational campaign to inform homeowners of the proper method of applying fertilizer in order to minimize runoff is being implemented by the University of Maryland Cooperative Extension Service. MDE will also be working with local governments to develop best management practices for reducing nutrient pollution from new septic systems.

The Governor also worked with the General Assembly to pass landmark legislation requiring farmers to implement nutrient management plans for commercial fertilizers, animal manure and sewage sludge by certain dates. Nitrogen-based plans are required on all farms by 2002 and phosphorus-based plans are required by 2005.

EPA Activities

- Work with Maryland to establish a State-wide policy of using risk assessment procedures for consumption advisories that conform to EPA recommendations;
- Participate in National Beach Health Initiative;
- Work with Maryland to develop appropriate E. coli standards;
- Work with Maryland to develop and implement a strategy to address Pfiesteria; and
- Work with Maryland to develop the implementation structure and funding to support the Maryland Coastal Bays Program CMPP.

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Environmental Partnership Agreement

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GOAL 5:

ENSURING WATER IS

CLEAN AND SAFE FOR

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SHELLFISH

Goal # 6 — Improving and Protecting Maryland's Water Quality

Under federal and State law and regulation, MDE is required to ensure the water resources of the state are maintained and protected. MDE addresses these responsibilities by implementing various programs to prevent point and non-point source pollutants from entering the waters of the state through strong regulatory programs such as regulation development, permitting, and enforcement as well as non-regulatory or voluntary pollution reduction activities.

Management Objectives and Strategies

The key management objectives required to achieve this goal are (1) to achieve and maintain designated uses of Maryland's waters and (2) to support healthy, sustainable living resources.

Designated uses for Maryland's waters are specified in regulation and are designed to ensure that our waters meet the federally mandated Clean Water Act goals of having "fishable and swimmable" waters. Designated uses for Maryland's waters are defined in regulation and require that certain water quality criteria and standards are achieved through both voluntary and regulatory pollution source controls. Designated uses and standards are reviewed every 3 years and revised as appropriate. Maryland plans to make substantial progress in completing its current Review. Waters that do not meet designated uses are classified as "impaired".

As required by the federal Clean Water Act, Maryland is developing Total Maximum Daily Loads (TMDLs) for each impaired water body in the State. These TMDLs will be used to help in Maryland's existing efforts to protect and restore water quality. Over 300 TMDLs must be developed for Maryland waters in order to address all of the impairments listed on Maryland Clean Water Act Section 303(d) list of impaired waters. This will require a large effort on the part of MDE and DNR to collect, compile and analyze the available data necessary to assess water quality and point and nonpoint source pollutant-loading sources. The TMDLs must be closely coordinated with the ongoing Chesapeake Bay Nutrient and Toxic Contaminant Reduction Strategies, as well as EPA's Clean Water Action Plan. This is being accomplished through Maryland's participation in the Chesapeake Bay Program, the Coastal Bays Program and the Clean Water Action Plan development.

Healthy, sustainable living resources are achieved through the development of management objectives and the implementation of plans that may include both regulatory or voluntary measures. A major portion of Maryland's efforts to achieve living resources goals are accomplished through Maryland's participation in the Chesapeake Bay Program and the implementation of our Bay restoration goals. There are a number of Bay Program goals, including reducing the levels of nutrients entering the Chesapeake Bay from controllable sources by 40% by the year 2000, reducing inputs of toxic contaminants and numerous specific living resources goals (submerged aquatic vegetation, blue crab management plan, etc). MDE, DNR, and MDA work together with the U.S. EPA and the other signatories to the bay agreement (Pennsylvania, Virginia the District of Columbia, and the Chesapeake Bay Commission) to develop effective regulatory and voluntary strategies for reducing pollutant runoff into the Bay and its tributaries.

Other activities include special projects, such as the Gunpowder Watershed Project, the Anacostia Watershed Restoration Project, the Coastal Bays of the National Estuaries Program, and the Baltimore Harbor Toxics Regional Action Plan. These projects provide elements of research and development to enable Maryland to learn and implement new strategies for protecting the waters of the State. Shellfish monitoring and Acid Mine Drainage Remediation are activities that also contribute to ensuring designated uses.

**GOAL 6:
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**GOAL 9:
PREVENTING POLLUTION
AND INCREASING
COMPLIANCE ASSISTANCE**

DNR ACTIVITIES

Regulatory Activities. Regulatory strategies include permitting and inspection of permitted facilities to ensure compliance. MDE's regulatory authority to protect and restore the waters of the State includes the following programs:

- NPDES Wastewater and Stormwater Discharge Permits to Surface Water (Industrial)
- Water Appropriation and Use Permit
- Groundwater Discharge Permit (Municipal or Industrial)
- NPDES Surface Water Discharge Permit (Municipal)
- Toxic Material Permit
- Underground Injection Control Permit
- Mine Operation Permits (including Land reclamation requirements)
- Sewerage Construction Permit
- Well Construction Permit
- Wetlands and Waterways Permit (Nontidal Wetland/Waterway Construction/Water Quality Certification)
- Tidal Wetland Licenses and Permits
- Discharge permits at oil facilities
- Erosion & Sediment Control and Stormwater Management Approvals for State and Federal Construction Projects
- NPDES Industrial Stormwater Discharge General Permit for Construction Activities
- NPDES Municipal Stormwater Permits
- Dam Safety Permits
- Gas and Oil Production Permits
- Inspection, enforcement and compliance activities associated with the above regulatory programs.
- NPDES General Permits (seafood processors, mineral mining, coal mining, animal feedlot operations, and hydrostatic testing)
- Watershed permitting and watershed cycling for monitoring and TMDL development
- Water quality certification
- Coastal Zone Consistency
- Nitrogen oxides control program (see Goal #1)

Voluntary Activities. A variety of voluntary efforts are also underway in Maryland to reduce pollution levels entering Maryland waters by implementation of best management practices on agricultural and urban/residential land uses, residential septic systems, forest harvesting plans, implementation of biological nutrient removal at municipal sewage treatment plants and numerous other programs. These efforts basically rely upon education and outreach efforts, coupled with financial incentives designed to encourage the voluntary participation of citizens and businesses

Nonpoint Source. Other key strategies include the following:

- Ten local jurisdictions are required to submit annual reports in accordance to Section 402 of the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) regulations 40 CFR 122. 26(d)(2)(I) documenting new source identification, discharge characterization, and management programs as a condition to their permits.
- Implement Maryland's nutrient management law
- Follow the Chesapeake Bay Program's directive on manure transport
- MDE and certain permitted local jurisdictions will certify individuals for the Responsible Personnel Certification Program for implementing erosion and sediment control measures.
- Finalize the composition of a Draft State Stormwater Management Design Manual that will be used to modify how new development runoff is controlled and treated.
- Review and delegate erosion and sediment control enforcement authority to local jurisdictions, and perform triennial reviews for county stormwater management programs.
- Issue stormwater management and erosion/sediment control approvals for state and federal construction projects.
- Conduct safety inspections of dam structures in Maryland, and issue dam safety permits.

Concentrated Animal Feeding Operations. MDE also is working with EPA and the agricultural community to develop reasonable approaches to improving current animal waste management practices.

This includes implementing a Maryland-specific Concentrated Animal Feeding Operations (CAFO) compliance and enforcement strategy in accordance with EPA's final Unified National Strategy for Animal Feeding Operations dated 9/11/98.

Sewage Sludge. Under State law, MDE regulates the collection, handling, burning, land application, storage, disposal, and transportation of sewage sludge and septage. A Sewage Sludge Utilization Permit is comprehensive and encompasses a wide variety of scientific and technical disciplines such as application rates, slope requirements, nutrient budget, buffer zones, monitoring requirements, and financial assurance. MDE management activities include:

- Notifying county government for comments on permit applications, providing the opportunity for public meeting, participating in site assessment visits, inspect and monitor each site in their county, and enforcing the permit requirements.
- Requiring contractors to land apply sewage sludge with at least the minimum requirements established in regulations for pollution prevention and control; and
- Routinely performing unannounced inspections of land application sites and sewage sludge permanent facilities.

Abandoned Mine Reclamation. The abandoned mine reclamation program's goal is to restore Maryland's ecosystems impacted by pre-law abandoned mines to a healthy condition. The management objectives are to mitigate damage in streams adversely affected by abandoned mine drainage; remove safety hazards; and restore the quality of terrestrial habitats and return the land to productive use. MDE's management activities include:

- Regulating the activities associated with existing mining operations;
- Providing funding and oversight of contracts for the cleanup and reclamation of abandoned mines; and
- Providing funding and oversight of contracts for stream restoration.

Examples of recent projects include:

- The North Branch of the Potomac Doser Liming Project,
- The Cherry Creek Mine Drainage Assessment and Mitigation Project, and
- The GIS/GPS Database Development for Maryland's Abandoned Mine Lands.
- Federalsburg Stream Restoration and Abandoned Mine Project.

Financial Assistance. Maryland also provides technical and financial assistance to control pollutant loads. The following financial assistance methods are available for controlling and preventing water pollution: cost share program for nutrient removal at municipal wastewater plants, low-cost loans from the State's Revolving Loan Fund for point and nonpoint source pollution control projects, grants for stormwater retrofits, cost share grant funds for stream restoration, and wetlands restoration and agricultural technical assistance programs.

Air Pollution Control. Air pollution control activities that reduced emissions of nitrogen oxides into the air also result in a decrease of nitrogen deposition into the waters of the State. These control activities are described in Goal # 1.

EPA Activities

- Work with MDE to reduce NPDES permit backlog, including updates to the NPDES PSC database;
- Work with Maryland to address outstanding Water Quality Standards issues and Triennial reviews;
- Provide technical assistance for the development of TMDLs and 303(d) list;
- Negotiate long-term TMDL development schedule;
- Coordinate development of TMDLs for Coastal Bays with CBEP;
- Provide technical and management support to Gunpowder River;
- EPA will participate with MDE and DNR on the committee to develop guidelines for

interpretation of biological data for listing decisions under section 202(d) and 305(b), and development of Biocriteria;

- EPA will work with MDE and DNR to coordinate monitoring and assessment activities and develop a joint statewide monitoring strategy between MDE and DNR;
- EPA will review, comment and provide input on the development of an approach for using available fecal coliform data in primary recreation use support determinations;
- Support Maryland's implementation of watershed-based permitting; and
- Provide support to the SRF financing of non-traditional water quality activities and coordinate SRF programs with Maryland's comprehensive watershed management program and place-based activities.

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**CHAPTER 1:
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Goal # 7 — Ensuring Adequate Protection and Restoration of Maryland's Wetland Resources

Under state law, MDE is charged with ensuring that Maryland's valuable wetland resources are adequately protected. In addition, the State has recently adopted an ambitious goal of voluntary restoration of 60,000 acres of wetlands lost since the late 1940s.

**CHAPTER 2:
REVIEW OF FY 1999
COMMITMENTS AND FY 2000
NEW INITIATIVES**

Management Objectives and Strategies

MDE's Wetlands and Waterways Program administers regulatory and planning functions which address the protection, conservation, and management of Maryland's tidal and nontidal wetlands, waterways and floodplains. Although these functions are conducted under state statutes and regulations, the challenge is to look beyond the boundaries of state environmental programs to local and federal government authorities and to develop partnerships that take advantage of similar requirements. The goal of these partnerships is not only to establish an efficient regulatory process that eliminates duplicative government actions, but also to produce a strong commitment to resource protection, restoration, conservation and management.

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Another challenge is to establish mechanisms to enhance customer service. One of the most effective methods implemented to date has been pre-application meetings, which enable MDE staff to review projects during the planning stages in cooperation with local governments. Using this strategy, all regulatory requirements can be addressed, contradictory requirements can be identified, and an environmentally sensitive project can be designed that complies with both State statutes and local ordinances.

INTRODUCTION

MDE ACTIVITIES

MDE's regulatory efforts will be enhanced by the Governor's Wetland Restoration Initiative, which strengthens Maryland's policy of "no net loss" of wetlands by including a specific target to increase the State's wetland acreage base by 10 percent. A steering committee of State, federal and local agencies, business and development interests, mining and agricultural interests, and environmental groups has been appointed by the Governor to provide guidance on wetland restoration opportunities and advise on the development of the State Wetland Conservation Plan. This ambitious voluntary effort is a commitment to create, restore, or enhance 60,000 acres of wetlands to restore Maryland's wetland base to post-World War II levels.

**GOAL 1:
ENSURING THE AIR IS SAFE
TO BREATHE**

Protection and enhancement of Maryland's wetland resources will be achieved through the following regulatory, planning, and restoration objectives:

**GOAL 2:
ENSURING THAT
MARYLANDERS ARE NOT
EXPOSED TO
UNNECESSARY LEVELS OF
RADIATION**

- Continue to achieve Maryland's statutory goal of "no net loss" of wetland acreage and function, and strive for a net gain in wetlands over time, through the regulatory program;
- Increase Maryland's existing wetland base through the Wetlands Restoration Initiative which will create, restore, or enhance 60,000 acres of wetlands through outreach and volunteer initiatives;
- Develop a statewide wetland conservation plan to improve water resource/wetland protection and management on a watershed basis.

**GOAL 3:
ENSURING SAFE DRINKING
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**GOAL 4:
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**GOAL 5:
ENSURING WATER IS
CLEAN AND SAFE FOR
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- Administer Maryland's wetland protection program which includes permitting, inspection and compliance under the Tidal Wetland Act, Nontidal Wetland Protection Act, Water Quality Certification as required by Section 401 of the federal Clean Water Act, and Coastal Zone Consistency as required by Section 307 of the federal Coastal Zone Management Act.
- Continue and enhance the State/federal partnership established by the Maryland State

**GOAL 6:
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DNR ACTIVITIES

- Programmatic General Permit issued by the U.S. Army Corps of Engineers.
- Develop state-of-the-art-engineering specifications to reduce both flooding hazards and adverse environmental impacts.
- Obtain updated low altitude aerial photography to provide more recent information on early season submerged aquatic vegetation (SAV) and tidal wetland trends to improve tidal wetland management, expedite regulatory decisions, and assist in the identification of unauthorized activities.
- Develop monitoring protocol for effectiveness of non-structural shore erosion control measures.

Planning and Restoration Implementation Activities

- Support the Governor's Wetland Restoration Steering Committee, which is charged with making recommendations concerning the 60,000 acres restoration goal.
- Develop a Statewide wetland conservation plan, which will assist in local land use and watershed planning efforts.
- Develop an inventory of areas suitable for wetland creation, restoration and enhancement, including stream restoration and buffer plantings.
- Develop a database of existing natural resource and environmental information and their sources.
- Encourage watershed management plans for long-term management of wetland resources and for expediting the permit review and decision-making process.
- Strengthen partnerships between MDE and other agencies, non-profit entities, and private citizens for wetland creation, restoration, or enhancement.
- Update and publish informational brochures on wetland protection and management.
- Publish brochures promoting wetlands restoration

Other Related Activities

- Participate in the implementation of the Conservation Reserve Enhancement Program.
- Participate in the implementation of Stream Releaf, Maryland's riparian forest buffer restoration and conservation
- Require all proposed landfill sites to identify all wetlands on the prospective property, and to ensure that all wetlands are adequately protected or mitigated in accordance with State and federal law.

EPA Activities

- Implement Chesapeake Bay Agreement initiative to restore wetlands at a watershed scale;
- Enforce against federal wetlands violations in accordance with EPA/Army Corps of Engineers Memorandum of Agreement; and
- Review and comment on proposed wetland impact projects of one acre or more.

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Goal # 8 — Protecting and Maintaining Maryland's Natural Resource Land Base and Encourage Smart Growth and Community Revitalization

Maryland has recognized the importance of ensuring that its natural resource land base is protected and maintained and that certain natural resources are not pre-empted by development. This is critical to achieving both effective public and ecosystem health protection. A critical element in this goal is to encourage smart growth: intelligent and efficient patterns of development and re-development of existing properties, including refurbishment of aging infrastructure to sustain older communities and support their growth.

Management Objectives and Strategies

There are several key management objectives that seek to achieve this goal: (1) to increase the use of vacant or underutilized land through cleanup and re-use of former commercial or industrial sites and federal facility bases slated for closure; (2) to encourage smart growth in efficient development patterns and conservation of existing neighborhoods; (3) to increase the volume of waste recycled and markets for recycled products; (4) planning at the local level for the management of solid waste; (5) establishment and enforcement of appropriate floodplain development ordinances to protect human life and property from the effects of flooding; and (6) to work with MDOT and local government transportation officials on transportation conformity issues.

(1) In 1997, the Maryland General Assembly enacted a Voluntary Cleanup Program (VCP) to reform the clean up process of eligible properties that are, or are perceived to be, contaminated by hazardous waste. The Voluntary Cleanup Program has received applications covering 550 acres of property. MDE oversees cleanups and actively promotes the Program through participation in seminars, workshops, and other outreach activities. MDE is drafting regulations to further streamline Maryland's cleanup process.

As part of its Site and Brownfield Assessment and State Superfund Program, MDE received federal funding to assess 5 publicly owned Brownfields. MDE also is working with EPA and the Department of Defense to inform and involve local communities in

close proximity to federal bases slated for closure and to expedite work where assessments or cleanups are planned or underway.

(2) MDE is actively targeting eligible water and sewerage financing to designated smart growth priority funding areas as identified by local governments.

Under state law, MDE delegates authority for the issuance of septic systems construction permits to County Health Officers or other officials empowered to enforce environmental laws. Development in "no planned service areas" using on-site systems is guided by local planning and zoning laws and other locally determined land use decisions. One aspect of this process is the suitability of land for development, given environmental conditions and constraints, the desire to preserve agricultural and open spaces, and other concerns. MDE intends to work with local governments to provide additional environmental guidance on evaluating the suitability of areas for development with on-site sewage disposal systems in "no planned service areas" given the need to protect sensitive groundwater resources, wellhead recharge and source water protection areas, wetlands, waterways and floodplains, and steep slopes and erodible soils.

MDE plans to work with 1 or 2 counties to develop environmental overlays as a tool for directing development in "no planned service areas" to environmentally appropriate areas. It is anticipated that such evaluations will result, in less development using on-site sewage disposal systems, less sprawl

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development, and better protection of environmentally sensitive areas.

MDE will implement the recommendations of the "Report of the Citizens *Pfiesteria* Action Commission," dated November 3, 1997, The Honorable Harry Hughes, Chairman. The Commission recommended that MDE require best management practices be employed in the design and construction of all new on-site sewage disposal systems, using appropriate policy changes and /or regulatory amendments. MDE is in Phase I of a multi-phase plan to adopt new regulations that will mandate new design, maintenance, and performance standards for septic systems. Future changes to regulations will go further, based on recommendation of various stakeholder groups and other public policy considerations, and include requirements for installing nitrogen removal equipment for certain septic systems.

MDE recognizes that the extraction of minerals is a basic and essential activity making an important contribution to Maryland's economy. The availability of these minerals is rapidly diminishing due in large part to the preemption by development or the exclusion by land use decisions. MDE will counteract with county planning and zoning offices in an effort to promote the wise utilization and availability of mineral resources.

(3) MDE will promote, as resources allow, the diversion of materials from disposal through regulation, monitoring and education. The Maryland Recycling Advisory Group (MRAG), created by MDE, has made recommendations on ways to improve recycling in Maryland. MDE will seek additional funding to implement the recommendations and continue to implement the Market Development Strategy and recommendations of the MRAG. A Recycling Industry Database has been developed and will be used to create market lists as requested to assist in locating markets for materials to be recycled. A Maryland Directory for Recycling Construction and Demolition Materials has been distributed to promote recycling of those materials. The economic development aspects of recycling will be promoted through contacts with the Department of Business and Economic Development, local economic development offices and Small Business Development Centers. The "Buy Recycled" concept will continue to be promoted to businesses and consumers through distribution of public education materials, presentations and exhibits. Additionally, MDE will continue to work with other State agency recycling coordinators to increase the amount of materials recycled in their agencies.

To expand recycling in the future, focus will be given to developing markets for certain priority materials (those that are generated in large quantities and have great potential for recycling if markets were expanded to the extent resources allow). The goals for the State to pursue in order to develop markets for priority materials are:

- Create a statewide campaign to increase purchase of recycled products.
- Establish a program for fostering business expansion in these areas.
- Coordinate recycling market development activities of appropriate State agencies, local government, private industry and organizations.
- Support research about supply/demand for these materials in Maryland to guide future planning and decision-making.

(4) Each County and Baltimore City is responsible for planning for the management of solid waste generated within its borders and must develop and update a 10-year solid waste management plan for review and approval by MDE. The purpose of the plan is to allow a county to develop the necessary planning at the local level to identify and provide adequate solid waste facilities to meet and support growth in the jurisdiction.

MDE will provide technical assistance to local governments and review the plan review process to provide maximum flexibility to assure that the plan is a useful tool for managing solid waste in a cost effective and environmentally sound manner. Governor

Glendening created a Solid Waste Management Task Force through Executive Order to make recommendations for the development, planning and implementation of a long-range policy on solid waste management in Maryland. Recommendations developed by the Task Force require implementation through policy development, new legislation, additional funding, and public education.

(5) MDE's Flood Hazard Mitigation Program works with local governments to encourage and support the establishment and enforcement of appropriate floodplain development ordinances to protect human life and property from the effects of flooding. By providing technical assistance, training and cost-share grants, MDE supports local efforts to eliminate and/or control floodplain development so that human life and property losses are minimized when flooding occurs. MDE staff provide technical assistance and training for planning and ordinance development that enables local governments to participate in the National Flood Insurance Program, which significantly reduces the cost of flood insurance for Maryland's citizens. In addition, MDE can provide capital cost-share grants to local governments to remove flood-prone properties from the floodplain and/or develop appropriate flood control measures.

(6) MDE has implemented a variety of air pollution control activities to maintain vehicle emissions at levels that keep the air quality healthy. Limiting emissions encourages Smart Growth since emissions from a number of daily activities involving driving, such as trips to work, day care, school and shopping, are reduced in frequency or length under Smart Growth. Target levels of vehicle emissions are established in MDE's air quality plans. Transportation plans and improvement programs must "conform" to the limits set in these air quality plans. A check on emissions level changes anticipated from improvements to the highway and mass transit systems is performed each year through a process called "conformity". Although many technological measures such as clean fuels and cleaner cars contribute significantly to maintaining vehicle emissions at the set level in the near term, long range solutions include transportation control measures aimed at reducing vehicle miles traveled (VMT). Transportation control measures include carpooling and mass transit use as well as community enhancements to encourage walking. The viability of these types of measures depends on compact growth. Other Smart Growth measures such as cluster development and planned communities facilitate transportation control measures. The emissions limits set in the conformity process encourage State and local planners to implement Smart Growth measures. Transportation conformity has been included in MDE's Smart Growth Implementation Plan.

EPA Activities

- EPA commits to continued financial and administrative support as resources allow to a Region III organization of State agency municipal solid waste recycling and economic development program managers (MACREDO);
- EPA will oversee and monitor a grant to MDE for the purposes of determining significant commercial waste contributors to Baltimore and Harford Counties landfills, and to contact certain of these contributors to advise them on methods to reduce and/or recycle portions of their wastes currently being land disposed; and EPA will disseminate the information collected.



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Goal # 9 — Preventing Pollution and Increasing Compliance Assistance

Pollution Prevention. MDE supports pollution prevention as the preferred approach to environmental protection. In its interaction with businesses, MDE permitting, inspection, compliance, and enforcement staff will promote pollution prevention through written materials and referrals for further assistance.

In the past, the Environmental Permits Service Center's pollution prevention program has provided training for over a hundred MDE employees, conducted over 20 pollution prevention workshops for auto body shops, provided technical and financial consulting to dry cleaners, and worked with the Maryland Chamber of Commerce in organizing a conference called "The Future of Pollution Prevention in Maryland."

Compliance Assistance. Compliance assistance is both a valuable customer service and an efficient, effective way to improve environmental safeguards. Compliance assistance as applied to MDE's activities is very broad and requires more than one definition. We have traditionally applied the term in two different ways. Compliance assistance may be an element of MDE's enforcement process. An MDE inspector renders an identifiable act of compliance assistance when he or she: documents a specific past or current violation which the regulated entity corrects in the absence of a formal enforcement action; or documents a specific action(s) which the regulated entity has the option of undertaking to prevent the likelihood of potential future violations, and the regulated entity undertakes such action(s) voluntarily, and in such manner and within such time period as deemed acceptable by MDE in the absence of a formal enforcement action.

Programs have strongly emphasized the use of compliance assistance in conjunction with enforcement procedures. The typical assistance provided can range from improved record keeping, housekeeping and maintenance, training and inventory control to equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, and substitution of raw materials. The intent is to fix minor violations and to prevent significant violations from occurring, and to promote the reduction of pollution at the source.

Compliance assistance also involves MDE's public outreach and assistance activity, which helps the regulated community understand the law and assists the regulated community in complying with the law's requirements. Compliance assistance is both a valuable customer service and an efficient, effective way to improve environmental safeguards.

Management Objectives and Strategies

Pollution Prevention. MDE's objectives are to institutionalize pollution prevention approaches within the Department and expand the use of pollution prevention techniques by Maryland's regulated community and citizens.

MDE is currently developing a pilot project that will focus pollution prevention efforts on sources affecting a specific waterway that has been placed on the 303(d) list of impaired waters. The project will be linked to MDE's efforts to develop Total Maximum Daily Loads for the water body. Technical assistance will be provided to affected businesses and citizens through MDE's permitting, inspection, compliance, and enforcement activities, as well as through direct, non-regulatory outreach. The pilot project will allow MDE to focus its efforts in a specific geographic area and assess which policies, procedures and training programs are useful and may be expanded department wide. For instance, the project will pilot the use of the Department's Permitting, Compliance and Enforcement database to track pollution prevention activities.

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MDE is also involved in promoting *Businesses for the Bay*, a voluntary program that encourages businesses to take specific steps to prevent pollution. The program acknowledges the efforts of businesses and encourages them to share their knowledge and experience with other companies through a mentoring program. The *Businesses for the Bay* program will also be instrumental in tracking progress and in providing technical assistance. MDE plans to increase the number of participants in this program each year through the pilot program and other targeted promotions.

MDE also participates in the activities of the National Pollution Prevention Roundtable, a forum for state and industry representatives to share innovative ideas in pollution prevention. These innovations are then shared with MDE staff to incorporate into their work activities.

Compliance Assistance Training and Outreach. To maintain effective and efficient enforcement and compliance programs, it is necessary to have a highly trained inspection workforce. In July 1997, MDE developed an inspector survey that was distributed to all enforcement inspectors in the air, water, and waste programs. From this survey we have identified our training, communication and support needs. The preliminary survey results showed us that most MDE enforcement inspectors have adequate tools to do their job including safety equipment, reference materials, and vehicles. However, there are clear needs in the areas of testing equipment, laptop computers, and communication devices.

MDE will be looking at improving training in the areas of evidence gathering and investigating techniques, expert witness techniques, recognition of criminal activities, knowledge of specific statutes, regulations, and policies, and more cross training in other media. Other interesting points in the survey data show that over 70 percent of our inspectors believe it would be helpful to collectively view air, water and waste data for a particular facility. MDE is developing an integrated permitting, compliance and enforcement database to address these needs.

A well-trained workforce is an integral component to the success of any organization. MDE has held two inspector forums to continue to solicit and receive feedback from its inspectors. MDE will use the inspector survey results to refine the curriculum for future forums and will continue to emphasize and support inspection and enforcement training needs throughout the Department.

EPA Activities

EPA commits to the following Pollution Prevention activities:

- Continued support and participation in the Pollution Prevention Workgroup of the Chesapeake Bay Program Toxics Subcommittee. This includes involvement in *Businesses for the Bay* activities whenever resources allow.
- Timely processing of Pollution Prevention Incentives for States grant awards and amendments.
- Support of MDE Pollution Prevention training and outreach activities where appropriate.
- Coordination of winter and summer Regional Pollution Prevention Roundtables to exchange information regarding P2 activities in the Region.

EPA commits to the following compliance assistance activities:

- Work with Maryland to plan, develop, and implement compliance assistance projects.
- Continue to support the Maryland Business/Industry Compliance Assistance Project with a cooperative agreement. The project will produce quality-training materials for a variety of sectors.
- Continue close liaison with the Clean Air Act 507 Small Business Assistance Project, and
- Work with Maryland, selected POTWs, and the National Metal Finishing Associations to construct and implement the Strategic Goals Program – Metal Finishing in Maryland.





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II. DNR ACTIVITIES

Theme # 1 — Protecting Water Quality for Ecosystem Health

DNR is designated as the State's lead non-regulatory agency for non-point source control. Over the past 25 years, since passage of the landmark Federal clean water legislation, developing science has pointed more and more to the nutrients nitrogen and phosphorus as the pollutants of primary concern for the Chesapeake Bay system. Work undertaken by the inter-agency Chesapeake Bay Program suggests that the bulk of these nutrients are derived from non-point sources, including agricultural and urban runoff, polluted ground water and atmospheric deposition.

Concern about nutrient enrichment is related primarily to broad ecological impacts more than on public health issues. Excessive nutrient loading causes rapid, uncontrolled growth of algae in surface water. These algal blooms cloud the water and block sunlight, which causes Bay grasses to die. When algae die and sink to the bottom water, decomposition of the resulting organic matter uses oxygen; if too much oxygen is used for decomposition, oxygen levels drop to the point that living resources are stressed or excluded. In yet another insult to water quality, chemical contaminants compromise the immune system of Bay organisms, cause cancer in aquatic organisms, harm marine life, and affect the Bay's food web.

Management Objectives and Strategies

DNR relies on a network of programs with state and local partners to prevent and reduce non-point source pollution; it also supports the State's participation in the multi-state cooperative Chesapeake Bay Program, which has set as a target a 40% reduction of nutrient inputs from controllable sources by the year 2000. The primary tools available to DNR to apply to achieving these goals are essentially non-regulatory and focus on increasing the extent of riparian forest, providing grants to State and local agencies, working with the boating community and implementing shore erosion control. A related objective of the Department's is to improve the information available to support decision-making and track the progress of the various programs, through activities such as monitoring, modeling, and providing planning and other technical assistance to local governments working to implement water quality protection and restoration activities.

Primary Activity Areas

- **Stream and shoreline restoration projects**, including non-structural shore erosion control, wetland restoration and planting of submerged aquatic vegetation (SAV), are carried out where conditions are favorable and restoration activities are consistent with land use management decisions. Priority for projects using newly available Federal dollars will be given to priority watersheds identified in the Unified Watershed Assessment completed as part of the Clean Water Action Plan.
- **Fish passage projects** result in removal of blockages to anadromous fish. Priority rivers for projects include the Patapsco, Patuxent, Upper Chester and Upper Choptank, although other rivers can receive attention as opportunities arise.
- **Oyster recovery** activities focus on working cooperatively with the Oyster Recovery Partnership to enhance areas of the Bay and tributaries for oyster bar creation for both harvesting and sanctuaries.
- **Shore Erosion Control** program stabilizes eroding shorelines and stream banks through the implementation of non-structural shoreline protection practices.
- **Monitoring of habitat quality and living resources**, including aquatic animal populations, in part supported by Chesapeake Bay 117a and 117b grants and NOAA monies specifically targeting *pfisteria*, helps to characterize existing systems, evaluate status and trends, and

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improve understanding of ecosystem processes and the impacts of management activities.

- **Eradicating water chestnut infestations** in Bird and Sassafras Rivers and monitoring for early signs of outbreaks elsewhere.

Supporting Management Activities

- Develop fishery management plans
- Operate fish hatcheries
- Continue cooperative program to control phragmites on public and private lands
- Coordinate development of new Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act
- Monitor SAV, target best areas for restoration using GIS
- Implement coordinated multi-agency nutria eradication program.
- Monitor and assess status, trends and socio-economic importance of fisheries resources
- Enforce fishery regulations



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Theme # 2 — Preventing Non-Tidal Aquatic System Degradation, Fragmentation, or Isolation and Restoring Impaired Systems

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Non-tidal aquatic systems encompass the range of plants and animals found in free-flowing rivers, streams, lakes and some wetlands—those not subject to the influence of tides. Some anadromous species of fish are temporary components of these systems. As with tidal systems, non-tidal systems incorporate physical and chemical components of habitats, as well as the interactions among biological species. Because of its importance to physical and chemical habitat and its contribution in cycling nutrients to aquatic species, riparian vegetation is included in our consideration of non-tidal aquatic systems.

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Through scientific monitoring and analysis, technical assistance and hands-on project implementation, DNR promotes development and implementation of watershed management strategies that will control and minimize water pollution, prevent the depletion of ground water supplies, minimize the area of impervious land cover, restore riparian forests and wetlands, keep livestock out of stream channels, and remove blockages to fish movements, thereby restoring access to historical spawning grounds for migratory and resident fish.

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- **Maryland Biological Stream Survey** will begin the next statewide round of the stream survey in 1999; four to five basins will be sampled in each of four years to document change and monitor the effects of management activities.
- **Stream and shoreline restoration** projects, including wetland restoration, stream bank stabilization and riparian forest establishment, will be carried out on sites identified through comprehensive watershed assessment and targeting. Local government and citizen support and participation are critical to the long-term viability of the efforts.
- **Phase 2 of the Lower Eastern Shore Conservation and Restoration Action Strategy** will undertake field investigation of a limited number of small watersheds and the installation of restoration measures.

Management Objectives and Strategies

Supporting Management Activities

Primary Activity Areas

- Operate fish hatcheries
- Establish riparian forest buffers
- Protect riparian areas from development through purchase or easement
- Remove blockages to fish passage
- Improve and employ Stream Corridor Assessment Methodology
- Conduct pilot studies to develop methods for sampling large rivers and tidal streams
- Sample streams to determine the extent of degraded and high quality areas
- Identify habitat and flow requirements for aquatic biota, for use in permitting decisions
- Identify and protect high quality areas as reference watersheds

Supporting Management Activities

THEME 3: PREVENTING TERRESTRIAL SYSTEMS DEGRADATION, FRAGMENTATION, OR ISOLATION AND RESTORING IMPAIRED SYSTEMS

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Theme # 3 — Preventing Terrestrial System Degradation, Fragmentation, or Isolation and Restoring Impaired Systems

Upland communities have been, and continue to be, lost to the development of human uses, including agriculture and urban development. The remaining natural area is often broken into many pieces by the transportation systems connecting these human uses, as well as by the farms, residences, commercial and industrial areas themselves. Population growth in recent years has been accompanied by a sprawling pattern of development—land consumed for urban development has grown at a substantially faster pace than the increase in population. Often isolated patches of forest or wetland are left behind, too small to support viable communities of living resources. Thus the goal of maintaining Maryland's natural resource base is a necessary support for the other state goals of conserving natural communities and maintaining ecological processes. The Governor's Smart Growth initiative is in part a response to these issues.

Management Objectives and Strategies

DNR's contribution to Smart Growth, an effort to contain sprawl development, is to identify resource lands for conservation and protection; to identify resource protection measures that reinforce smart growth objectives of neighborhood conservation and urban revitalization; and to work with local governments, private land owners and other government agencies to implement the Rural Legacy program. Through development of maps and data for dissemination to local governments, areas most sensitive to disturbance can be identified and avoided; through purchase of lands or easements on land, or grants to local governments to purchase land, important natural resource areas can be permanently set aside. Assistance is also provided to homeowners and other private sector landowners to improve management of their properties to support ecosystem concerns.

Primary Activity Areas

- **Development of comprehensive stewardship plans**, and implementation of a variety of incentive programs encourage private land owners to manage their holdings in such a way as to improve ecosystem function and, in some cases, their economic returns.
- **The MERLIN System (Maryland Environmental Resources and Land Information Network)** will be made more accessible through the Internet. This GIS mapping activity continues to be developed and refined.
- **The Integrated Natural Resources Assessment (INRA)** framework will be used to refine the identification of the State's "green infrastructure" and to integrate it with local and statewide Greenways planning and implementation. A major local government outreach component will be implemented.
- **The Rural Legacy Program** helps to assure protection of important agricultural and associated natural resource areas. Implementing the program, through funding and award of grants for both easement and fee estate purchases, is under way in 14 designated areas, and additional area selection is under way.
- **The Smart Growth Implementation Plan** pulls together a number of DNR programs grouped under three themes: protecting resource lands, guiding development to suitable areas, and encouraging development that is environmentally responsible.

Supporting Management Activities

- Acquire public land for DNR and make grants to local governments for land acquisition
- Conduct Community Alliance System mapping and documentation

THEME 4:
CONSERVING BIOLOGICAL
DIVERSITY

THEME 5:
FOSTERING A
STEWARDSHIP ETHIC:
PUBLIC UNDERSTANDING
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EPA ACTIVITIES FOR
THEMES 1-4

- Acquire conservation easements through gift or purchase
- Stimulate backyard habitat establishment through Wild Acres program
- Develop and standardize a continuous forest inventory process as basis for multiple use management of State Forests
- Recover boundaries to facilitate adequate management of public lands
- Apply Conservation Reserve Enhancement Program (CREP) to establishment of warm-weather grasses
- Work with local governments under the Urban Initiative
- Enforce wildlife laws and regulations
- Develop interpretive maps for major geologic resources

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Maryland's FY 2000

Environmental Partnership Agreement

Maryland Department of the Environment • Maryland Department of Natural Resources • U.S. Environmental Protection Agency

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CHAPTER 2:

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CHAPTER 3:

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DNR ACTIVITIES

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THEME 2:

PREVENTING NON-TIDAL

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Management

Objectives and

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Theme # 4 — Conserving Biological Diversity

Diverse natural communities in temperate zones are more resilient to the effects of human activities and natural hazards than less diverse communities. Focusing on protection of diversity in addition to particular charismatic species, or species of human interest, is a relatively new goal of state policy and action, representing a broadening of the view taken of both wildlife and plant communities. Swelling human population has introduced non-native species into the landscape and helped to stimulate growth in the population of human-tolerant species, often at the expense of diversity. Simply identifying the great variety of species native to Maryland and understanding their habitat needs and how they interact, is a major part of the problem. Protecting a core network of natural areas representative of the State's biological diversity is an important goal.

Management Objectives and Strategies

DNR is moving to an ecosystem approach to management in order to improve stewardship of the State's natural resources. It seeks to minimize or avoid the loss and isolation of native terrestrial habitats and to conserve habitats and processes necessary to support the diversity of native species, with particular emphasis on top predators in the food chain. Monitoring, data analysis and mapping are critical to the Department's ability to meet these objectives and to develop additional or more appropriate indicators to track future progress. Because the issue of protection of biological diversity and associated ecosystem concerns are new relative to the long-standing public concern with environmental pollution, public education and outreach are particularly important.

Primary Activity Areas

- **Natural Heritage area land acquisition** funded by Program Open Space brings into public ownership some components of biological diversity.
- **Mapping of community alliances** in cooperation with The Nature Conservancy will highlight high-value representatives of the range of Maryland's natural communities. Some of these will serve as reference sites to identify type localities for some of Maryland's richest biological diversity.
- **The Ecosystem Management Council** provides a focal point for the Department's interests and activities related to biological diversity.
- **Completion of a GAP analysis** will identify areas and terrestrial vertebrates most vulnerable in terms of unprotected biological diversity.
- **Ecological restoration** is being carried out at biological diversity sites, including restoration of hydrologic and fire regimes and the removal of exotic species. The primary focus in these projects is on total ecosystem integrity and function.
- **Information and assistance to local governments** is provided regarding rare, threatened, and endangered species for use in land use planning and decision making.

Supporting Management Activities

- Undertake reforestation projects, which re-establish habitat for some species
- Restore wetlands, improving or re-establishing habitat for some species
- Operate Information Resource Center to bring together relevant data from multiple sources
- Expand Greenways network
- Conduct biological inventory
- Re-evaluate and update rare, threatened and endangered species listings and regulations
- Implement deer management plan through actions such as revised hunting regulations.

Activities

THEME 5:
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EPA ACTIVITIES FOR
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**CHAPTER 1:
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Theme # 5 — Fostering a Stewardship Ethic: Public Understanding and Community Support

**CHAPTER 2:
REVIEW OF FY 1999
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More and more people are developing a stewardship ethic—a sense of personal responsibility for environmental protection and maintaining natural values—partly as a result of improved understanding and more experience in natural settings. An important goal of many of DNR's programs is educating the citizens of the State about natural resources and environmental issues through the dissemination of scientific information, and the provision of technical assistance to both individuals and communities is offered in support of local efforts. Education of all citizens, from children through adults, is a primary function of one of DNR's operating units and underlies much of the programming of activities at State Parks. Clearly, environmental education goes beyond school and curriculum, although much of a family's education may begin with the experiences of its school children.

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Management Objectives and Strategies

INTRODUCTION

DNR's management objectives include providing consistent information focused on environmental goals and outcomes, both to selected audiences and to a more general public through the mass media. Much of the Department's educational effort focuses on simply being available to numerous and diverse audiences, sometimes in their local settings, often at events they may be attending for recreational purposes. Development of written materials, particularly focused on lay or student audiences, permeates many other activities. Stimulating and supporting individual and civic interest and action needs to be part of how the State carries out the entire array of its environmental programs. The strategy is also to get people who have been reached by the information provided to expand their efforts in their own communities. A special Urban Initiative seeks to improve DNR's presence in the cities.

MDE ACTIVITIES

DNR ACTIVITIES

**THEME 1:
PROTECTING WATER
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HEALTH**

Primary Activity Areas

**THEME 2:
PREVENTING NON-TIDAL
AQUATIC SYSTEM
DEGRADATION,
FRAGMENTATION, OR
ISOLATION AND RESTORING
IMPAIRED SYSTEMS**

- **A training program for DNR staff is being developed and conducted** that is designed to increase sensitivity for and ability to deal with urban natural resource management/protection challenges. Trained staff will more effectively work with urban communities to restore urban natural resource systems.
- **Workshops and training programs for educators** are conducted through Project WET, Aquatic Resources Education conferences and the Chesapeake Bay National Estuarine Research Reserve program, which also offers citizens opportunities to explore the Chesapeake Bay ecosystem.
- **Teaching Environmental Awareness in Maryland (TEAM)** brings together volunteers and elementary school children in classrooms for hands-on learning opportunities.

**THEME 3:
PREVENTING TERRESTRIAL
SYSTEMS DEGRADATION,
FRAGMENTATION, OR
ISOLATION AND RESTORING
IMPAIRED SYSTEMS**

Supporting Management Activities

**THEME 4:
CONSERVING BIOLOGICAL
DIVERSITY**

- Develop a printed and electronic compendium of Bay information and references
- Develop an Atlas of Environmental Indicators
- Conduct Smart Growth/Rural Legacy outreach events in each region of the State
- Support Envirothon competitions

**THEME 5:
FOSTERING A
STEWARDSHIP
ETHIC: PUBLIC
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**EPA ACTIVITIES FOR
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EPA Activities for Themes # 1 - 4

EPA commits to the following activities:

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THEME 3:

PREVENTING TERRESTRIAL SYSTEMS DEGRADATION, FRAGMENTATION, OR ISOLATION AND RESTORING IMPAIRED SYSTEMS

THEME 4:

CONSERVING BIOLOGICAL DIVERSITY


THEME 5:

FOSTERING A STEWARDSHIP ETHIC: PUBLIC UNDERSTANDING AND COMMUNITY SUPPORT

- Work with MDE and DNR to provide technical assistance if requested to help resolve issues arising in Watershed Restoration Action Strategies (WRASSs);
- Continue providing timely technical guidance and review of the WRASSs;
- Work with Maryland to identify funding to support the Maryland Coastal Bays CCMP;
- Continue to work with and provide funding for DNR to produce a State of the Streams Report (ESD/ORD);
- Work with DNR to develop landscape indicators (ESD/ORD);
- Provide timely technical and policy guidance for the development and implementation of Clean Water Act requirements and EPA regulations and policies;
- Provide timely processing of approvable State Nonpoint Source Management Program and Plan revisions;
- Participate, as requested or appropriate, in State public hearings, legislative oversight committees, and other public forums to provide testimony and insight regarding EPA positions relative to clean water and the Nonpoint Source Program efforts;
- Provide continued financial and technical support, along with flexibility and less oversight to the statewide Nonpoint Source control activities;
- Address regional Nonpoint Source pollution issues;
- Provide timely review and approval of Program progress reporting;
- Assist with all activities to address the actions of the Clean Water Action Plan;
- Provide timely technical guidance and review of the State Water Quality Report (305b);
- Continue to work with the State in support of the Chesapeake Bay Program;
- Work closely with NOAA to review and approve the State Coastal Nonpoint Pollution Control Program; and
- Provide timely technical guidance with review and approval of the State Water Quality Assurance Management Plan (QMP) and individual Quality Assurance Project Plans.
- Take the lead in bringing other Federal agencies into the priority system established under the Clean Water Action Plan.
- Work to provide the timely review of grant workplans and applications so that the award can be processed by the beginning of the fiscal year.

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