Citizen's Engagement Guide for Maryland's Phase III Watershed Implementation Plan (WIP)

Background: In 2009, the states whose water drains into the Chesapeake Bay planned with the Chesapeake Bay Program to have all the practices in place that will clean the Bay by 2025. If successful, it could be a model for how to fix the problem of dead zones growing in coastal areas around the world. Each state agreed to a total maximum daily load, or 'pollution diet', of how much nitrogen, phosphorous, and sediment that state could put into the water for the Bay to be able to recover. On July 27th, the EPA released their midpoint assessment to assess progress on the state's goal of reducing pollution by 60%. *The water is getting cleaner, but we still have a long way to go.*

For the first time in years, we are seeing real progress. Bay grasses are coming back, and the dead zone is starting to shrink. However, recovery is fragile. Together the states have only reached 40% of the reduction in nitrogen pollution necessary to clean the Bay by 2025. To reach the goal, each state is creating the final stage of its plan to close the gap: a Phase III WIP.

How is Maryland doing?

Maryland is making some progress. As a result of hard work by many sectors, primarily farming and wastewater treatment plants, we nearly met our sediment and phosphorous goals. With the help of several cost-share programs, many Maryland farmers are managing their land to reduce runoff by doing things like planting cover crops to better hold soil on the farm and by planting forests to buffer streams. Maryland also implemented the Bay Restoration Fund (flush fee) and raised enough money to upgrade 60 major wastewater treatment plants. In many cases, the water coming out of our treatment plants is cleaner than the water in the river.

We still need to stop millions of pounds of nitrogen from getting into the Bay every year. We need to pick up the pace.

- Maryland Department of the Environment (MDE) says current MD nitrogen loads were 54.8 million pounds per year in 2017.
- According to the new phase 6 planning targets, MD needs to get down to 45.78 million pounds per year by 2025.
- So that is approximately a gap of 9 million pounds of nitrogen.
- MDE claims that if all the Phase II WIPs are followed 100%, then Maryland will still have a gap of over 1 million pounds for Phase III.

What does Maryland need?

Comprehensive approach needed: In order to be successful, Maryland needs a comprehensive approach that looks at this gap and allocates who is responsible for what quantitative targets. Then Maryland needs to work with each partner, sector, and local government to ensure they have the understanding, resources and accountability necessary to get the job done. MDE also needs to significantly engage with local governments to ensure success on a comprehensive approach. For more details, see the spring 2018 Choose Clean

Water Coalition sign on letter, 'Improving the Phase III WIP Process and Local Government Engagement'.

Urban sector lagging: Maryland's suburbia is growing quickly and sprawling over the land covering huge areas in concrete, roofs and asphalt. Not only are the existing plans only designed to achieve 23 percent of the necessary nitrogen reductions from the Urban/Suburban Stormwater sector, but despite the plans in place, polluted runoff coming from these urban and suburban areas has not gone down at all. [1] In fact, it has gone up! This makes the next round of municipal separate storm sewer system (MS4) permits even more important than ever. We need to ensure that these permits push counties and municipalities to exert maximum effort in funding and installing stormwater projects. Meanwhile, we also want to ensure MS4s promote permanent green infrastructure practices that help provide other co-benefits like wildlife habitat, flood control, and climate resiliency when possible. While some counties like Prince George's County have made impressive investments to reducing polluted runoff, few have met their permit. So far, only Baltimore and Carroll County expect to meet their permit goals. Others like Harford, Frederick, and Baltimore County lag far behind in investment and in progress.

- The Pollution Solutions: Case Stories from the Chesapeake map located on the Municipal Online Stormwater Training (MOST) highlights some of the region's best projects, showcasing how communities and local governments can work to solve big problems like polluted runoff.

Septic pollution: Although septic systems only account for 6% of Maryland's nitrogen pollution, septic systems located in southern Maryland, are creating significant hotspots of pollution causing significant threats to human health. For example, in extreme cases nitrogen pollution from septic entering well water can result in ailments such as blue baby syndrome.

- Unfortunately, there is not a consensus on the exact magnitude of this problem. Throughout the state, an estimated 420,000 septic systems exist in Maryland. More importantly, these systems lack proper inspection and routine maintenance, resulting in leaks. There is no central database keeping track of how many might be leaking and failing.
- With the rollback of best available technology requirements on new septic systems, septic is expected to be a rising concern in the coming years.
- The 2012 septic bill limited the amount of new septic pollution from new development, but this bill periodically comes under threat in county zoning discussions across the state.

Agriculture: According to CBF, "Despite making substantial progress, Maryland agriculture is still the largest source of nitrogen, phosphorus, and sediment pollution to the Bay and the state did not achieve its 2017 nitrogen-reduction goal."

- Many farmers have already done a lot of work to clean the runoff coming off their land thanks to several voluntary problems that pay farmers or provide cost share, however, they will need to do more to ensure farmers choose to put in even more green practices, particularly permanent practices such as wetlands and riparian buffers (growing forests and grasses along stream banks). Forest Buffers reduce the most pounds of nitrogen and phosphorous of any

[1] EPA EVALUATION OFMARYLAND's 2016-2017 and 2018-2019 MILESTONES : "Based on existing WIP commitments, Maryland plans to achieve 23 percent of the necessary nitrogen reductions from the Urban/Suburban Stormwater sector between 2009 and 2025."

Climate change must be incorporated: Climate change is fully considered in the Phase III WIPs. Maryland is considering adding numeric and specific commitments to account for these impacts.

Need for land use planning and accounting for growth: Land conservation is a part of a long-term plan for restoring and maintaining water quality in the region. Land use change continues to be a major driver of pollution in the Chesapeake Bay watershed. Land conservation best management practices (BMPs) need to be options that jurisdictions are considering and committing to in developing their WIPs.

- **Accounting for growth:**
  - As Maryland's population continues to grow, Maryland must figure out how to meet the total maximum daily load (TMDL) pollution diet. Phase III WIPs that are accounting for growth include policies that keep track of and offset pollution from new or expanding sources for all sectors, consistent with the TMDL and EPA expectations. The O'Malley administration convened stakeholders to create an accounting for growth principle document back in 2013. This administration has so far largely ignored that document; however, MDE will soon be reassessing accounting for growth principles.

- **Protect sensitive areas from development:**
  - Charles County Watershed Conservation District is a good model for other counties in the state to follow. In a pristine area of forest that drains to critical wetlands and waterways, the county set up zones that limit home building and zones for less polluting uses. This concentrates growth more intelligently in some areas, eliminating traffic while setting aside areas where forests can naturally filter water.
  - The 2012 septic bill is the most powerful force beyond local zoning that concentrates growth in areas already connected to waste water treatment plants by restricting dense subdivisions built on septic systems in many rural areas in the state.

- **Realism in Growth Estimates:**
  - Planning should include an understanding of growth projections. Comprehensive plans should require a review of resource elements to see if proposed actions are supported in view of cross-jurisdictional resource competition (e.g. How much potable water can the local water & sewer authority reasonably supply?) and climate impacts (e.g. is desalinization of increasingly salty water something to reasonably include in planning?).

- **Need for more forests:**
  - Forests are the gold standard for water quality. Forests along streams and in wet areas are particularly efficient pollution filters while improving local communities.
  - The state of the art Phase 6 Chesapeake Bay model predicts that Maryland will lose tens of thousands of acres of forest by 2025, on average over a dozen acres a day.
  - The Bay Program's goal is to have 900 miles of streamside be reforested every year, is nowhere near reaching this goal. For example, in 2015, Maryland only planted 15.4, and the whole watershed planted only 64 miles.

Nutrient trading: We need to make sure that any nutrient trading in Maryland holds to the Coalition's 12 nutrient trading principles.

- Maryland is assuming that trading will help them close the gap on pollution, but it will only do so if there is a high enough prices (demand) for pollution reduction credits that it creates a market for new and better projects that would not have happened otherwise.
- Though the regulations have improved greatly through Coalition involvement, still worrisome are things like the lack of retirement ratios[2] and the need for more transparency, accountability, and enforcement.
- Environmental Justice in particular is an important issue- underserved communities and communities of color often are overburdened with particularly high levels of pollution. Nutrient trading must never create hotspots of pollution in these areas.

Increased compliance needed: Agency staffing dropping, enforcement is lagging and more education on requirements and on execution are needed.

- **Staff Vacancies:** "The Department of Legislative Services has told the General Assembly's Spending Affordability Committee that abolition of more than 7,700 positions in state government by governors of both parties since 2002 has left the government seriously understaffed…. In some areas, analysts said, staffing shortages have made it difficult for agencies to achieve their goals or carry out duties mandated in law. They identified MDE as the agency with the greatest need for more staff: 295 positions."[3]
    - These vacancies comes amiss Maryland implementing new programs such as the nutrient trading programs which will require constant watchdogging.
- **Enforcement:** We must enforce the laws to make sure that the actions we want actually happen. The drop off in enforcement actions is a concern at the local, state, and federal government. For example, MDE Water and Science Administration took only 771 enforcement actions in FY2017- a 46% decline from the number reported the previous year and the fewest since fiscal year 2008.[4] Excluding the lead paint violations, the MDE's overall enforcement activity in 2017 was the lowest in a decade.
    - This drop off in actions combined with the loss of staff is worrying that violations may be happening but are going unnoticed and allowing polluters to ruin our water without consequence.
- **Verification and validation:** Maryland must ensure strong BMP verification protocols.
    - Maryland should increase the size and funding of the verification task force to ensure all the plans and projects that Maryland claims are in place are actually functioning properly to remove pollution. Any practices that are not verified or cannot show proof it is functioning in good condition no longer gets any credit towards the TMDL according to the Chesapeake Bay Program.
    - The task force and the verification plans in the state also need more transparency with reports available to the public and better adaptive

[2] The retirement ratio represents the percentage of the total generated credits to be taken out of the market to contribute toward net water quality benefit.
[3] Dresser, Michael. "Maryland Government Needs More Staff to Perform Mission, Analysts Say." *Baltimoresun.com*, Baltimore Sun, 20 Nov. 2017, www.baltimoresun.com/news/maryland/politics/bs-md-state-understaffed-report-20171116-story.html.
[4] Wheeler , Timothy B. "MDE Taking Fewer Enforcement Actions against Water Pollution." Bay Journal RSS, Bay Journal, 18 Apr. 2018, www.bayjournal.com/article/mde_taking_fewer_enforcement_actions_against_water_pollution.

management procedures to ensure problems found are efficiently and promptly dealt with.

What Your Organization Can Do:

1. **Advocacy with Choose Clean Water Coalition**. Your organization's voice — and the voices of your members — are making a difference. Sign-on letters and action alerts matter. Commit to participating in advocacy efforts and the Choose Clean Water Coalition to impact funding and policies that benefit our local streams. Take part in the CCWC Coalition workgroup calls. Our agencies and your watershed need these funds to continue our progress.
2. **Engage your local governments on the WIP:** Work with your local government to ensure that they are tackling robust WIPs and doing their part to reduce as much pollution as possible. They should be completing evaluations of what worked and what did not in their phase II WIPs and what they need to do to in phase III. Ensure MDE engages local governments on an individual basis to assess what worked in the phase III WIP what did not, and most importantly what is needed in order to ensure local quantitative targets are met. Use the 'Improving the Phase III WIP Process and Local Government Engagement' sign on letter as a guide, and look to Appendix A at the end of this document for tips and talking points to engaging local governments.
3. **Hold agencies accountable**: attend hearings, comment on proposed plans, and use the press through Op-eds, LTEs, etc. to hold them accountable. See Appendix B for more upcoming permits that are up for renewal and will have a comment period. Chesapeake Legal Alliance can help Choose Clean Water organizations lie yours draft comments.
4. **Engage counties on stormwater permits:** The State Highway Administration, Baltimore and the 9 most urban MD counties will soon have new draft MS4 permits. Comment on these permits and work with your county to ensure the permits are ambitious and helping to reach phase III WIP.
5. **Local planning:** Get involved in your local planning and zoning to ensure that forests are conserved and Maryland's population growth and development do not endanger the health of the Bay. Engage in your local comprehensive plans and growth development planning processes. Smart Growth Maryland helps to coordinate interested groups in some counties.
6. **Stormwater education and outreach:** Have at least one person from your group be a point of contact for public inquiries about best management practices for homeowners and businesses. Educate elected officials and the movers and shakers about the importance of polluted runoff fees or other programs that set money aside for pollution reduction
    a. Coalition members are encouraged to advocate for stormwater (polluted runoff reduction) programs and policies in your county/ area. We have the Pollutions Solutions success stories and MOST Center website to gain more examples of successful projects that you can use to convince the movers and shakers in your area that polluted runoff fees and other similar programs are important.
7. **Support important legislation on the state level and hold elected officials accountable**: Help build the effectiveness of the environmental community by maximizing participation of conservation-minded individuals in public policy decisions. This Vision 2025 guide can help you understand the environmental issues facing Maryland in the coming years. Contact Maryland League of Conservation Voters to get more involved in legislative session.

Cross-Region Asks:

If we are to achieve the necessary pollution reductions critical to saving the Bay, Maryland must also ensure that:

Climate Change/Coastal Resilience

- Why is this issue important?
    - Chesapeake Bay Program scientists have determined that Bay states need to eliminate an additional 9 million pounds of nitrogen pollution and 500,000 pounds of phosphorus to offset the impacts of climate change and ensure that dissolved oxygen standards can be met in the Bay mainstem by 2025 (to say nothing of compliance with WQS in watershed tributaries). While the jurisdictions rejected a proposal that would commit each jurisdiction to account for their proportion of the these numeric loads, the partnership did approve a policy to qualitatively or programmatically address climate impacts in the Phase III WIPs.
- *What is our ask?*
    - In addition to the Bay Program's own guidance (currently in draft form, final in October), Coalition members should ask for
        - A quantitative commitment to address climate-attributable pollution loads, as presented by the Bay Program modeling produced in 2017-2018, and supported by narrative discussion of proposed practices to eliminate the jurisdiction's proportion by 2025
        - An assessment of and specific actions to address the impact that increasing loads of inorganic nitrogen will have on watershed tributaries
        - Quantitatively address risk of climate impacts to proposed BMP siting based upon the best-available projections for inundation factors such as modeled storm surge and sea level rise; qualitatively and/or quantitatively consider impacts on design where feasible and supported by available science
        - Conduct and include assessment of and specific actions that will be taken to address the climate vulnerability of existing BMPs, consistent with the guidelines above.
        - Include clear commitment to specific actions that will be taken to facilitate the collection and evaluation of BMP performance data to support future development of BMP standards for climate resilience
        - Provide a clear and specific narrative description of how potential climate co-benefits, addressing challenges such as flooding and urban heat islands, were identified and prioritized through the selection and design of proposed BMPs and other interventions
        - Provide a clear and specific narrative description of how the Phase III WIP is adequately flexible and adaptable to addressing elimination of climate-attributable, numeric pollution loads (once adopted by the partnership in 2021) before that 2025 deadline. In other words, have a plan for a plan to eliminate climate-attributable pollution loads, beginning in 2021 (sooner is better) and no later than 2025.
            - "Cadillac-option": include commitments and specific actions to begin elimination of climate-attributable pollution loads before they are adopted in 2021. E.g. "We can expect that the modeling will indicate our burden will be somewhere between XX,XXX and YY,YYY additional pounds by 2025, so we propose getting started

on implementing BMPs before 2021 that will address half of that additional pollutant loading."

- Commit to consideration of a set of "stopping rules" policies - before Phase III WIPs are finalized – that would ensure adoption by 2021, and action no later than 2025, to address numeric pollution loads attributable to climate change.
- Include a clear and unequivocal commitment to addressing climate-attributable pollution loads beginning no later than 2022.

Accounting for growth

- Why is this important?
  - Partnership agreed to policy decisions related to accounting for growth. While the Bay Program has forecasted growth through 2025 in order to give states a better sense of what they will need to offset, the states still need to make policy changes or ramp up BMP implementation in order to deliver on that. Advocates have an opportunity to help state lawmakers and officials develop innovative policy approaches that are uniquely tailored to their states. It is imperative that we push states here, because this is not a traditional aspect of Clean Water Act implementation. Rather, it is unique to the Bay TMDL and necessary to achieving the TMDL's goals.
- What is our ask?
  - Phase III WIPs that are *accounting for growth* include policies that account for and offset pollution from new or expanding sources for all sectors, consistent with the TMDL and EPA expectations. If the state has not created an accounting for growth regulation, policy, or even working/stakeholder group, then we should urge the state to move forward to create one and volunteer to assist.
  - It is also crucial that we advocate that states develop policies for ALL sectors. This is not solely designed to focus on new residential/commercial developments. New animal populations in many states will dwarf the impact of pollution from human population or economic growth.

Land Conservation

- Why is this important?
  - *Land conservation* is a part of a long term plan for restoring and maintaining water quality in the region. Land use change continues to be a major driver of pollution in the Chesapeake Bay watershed. Land conservation BMPs are among the options that jurisdictions are considering and committing to in developing their WIPs.
  - Since one of the major drivers of pollution in the Chesapeake Bay Watershed is land use change (from less polluting to more polluting uses), land conservation must be a part of long term plans for restoring and maintaining water quality. That should start with Phase III WIPs. Permanent land conservation is one of the most cost-effective and enduring forms of pollution reduction--by avoiding pollution in the first place and maintaining protection of that land in perpetuity. And its value in delivering this and many other benefits will only increase in future decades, making it an even sounder investment as time passes.
- What is our ask?
  - Ensure that land conservation BMPs are among the options that jurisdictions are considering and committing to in developing their WIPs.

- Engage local land trusts as stakeholders in the WIP III planning process
- Consider land trusts not only as partners who can deliver land conservation, but also as partners who are stewarding land and have relationships with landowners that could help facilitate "traditional" BMP implementation on private land

State and Local Funding

- Why is this important?
  - State budgets are essential for meeting the 2025 target. We will not succeed without new and enhanced programs backed by strong budgetary support. Our WIPs will not succeed without identifying funding deficiencies and developing a plan of action to increase those funds.
  - Funding is the most difficult challenge facing our efforts to meet our goals. There are not enough available fund and state legislatures are unwilling to appropriate the necessary funds.
- What is our ask?
  - Phase III WIPs identify innovative *state and local funding* needs to implement best management practices (BMPs) for farmers and conservation practices.
  - See state expectations resource for compelling and local arguments as to why an investment in clean water is a good one.

State Best Management Practice (BMP) Verification Programs

- Why is this important?
  - The TMDL will only succeed if pollution reduction practices – including "Best Management Practices," or BMPs – work as intended. The only way to know whether BMPs are working as intended is to verify that they have been installed, implemented, and maintained correctly. Verification is also key to public trust in the TMDL process.
- What is our ask?
  - For more detail, see the state CCWC BMP Verification Protocol Comments submitted to the EPA chesapeake Bay Program in January 2016. In general, we need to work to ensure verification plans should require more provisions to ensure adequate transparency, enforcement, adaptive management, and funding. See you state expectations for more guidance here.

Farm Bill

- Why is this important?
  - The Farm Bill provides an opportunity to increase funding to the Chesapeake Bay through the Regional Conservation Partnership Program (RCPP) and the Conservation Reserve Enhancement Program (CREP).
- What is our ask?
  - Chesapeake Bay jurisdictions should collectively support improving funding mechanisms such as the RCPP and CREP within the Farm Bill that will bring continued, critical funding back to the region.
- What does this mean?
  - RCPP - The 2014 Farm Bill's RCPP was meant to replace the Chesapeake Watershed Initiative, which brought $47 million annually to Chesapeake Bay watershed farmers to install conservation practices meant to benefit water quality. RCPP fell short, and has only brought in about $10 million annually. The changes made to RCPP in the Senate Farm Bill, supported by the Choose Clean Water Coalition, should substantially increase conservation funding for all eight

Critical Conservation Areas across the country, which includes the Chesapeake Bay watershed. The primary change is to have 60% of all RCPP funds, rather than the current 35%, go to those 8 Critical Conservation Areas.
    - CREP - This is the primary Farm Bill program used to restore and protect riparian forest buffers in the Chesapeake Bay watershed and nationwide. The Coalition supported a provision that got into the Senate Farm Bill which will increase the number of acres that can be restored nationwide by at least 50% - from 1 million acres to at least 1.5 million acres. Riparian forest buffers are a primary conservation practice used in every state's WIP to meet pollution reduction targets by agricultural sector.

Conowingo Dam

- Why is this important?
    - The Conowingo Dam unintentionally acts as a "pollution gate" stopping sediment (and attached pollutants) from going down stream into the Chesapeake Bay. At this point in time, the reservoir behind the dam is essentially full and is trapping smaller and smaller amounts of sediment over time. When the region experiences large storms that create strong floods, this scours the sediment and other pollutants behind the dam and sends them downstream into the Bay. Original estimates stated that the dam would not be at trapping capacity until 2030 or 2035, but the dam is approximately 95 percent full right now, and recent assessments have determined the dam is no longer stopping pollution at all.
- What is our ask?
    - A strong WIP for the *Conowingo Dam* that provides sufficient funding.

Clean Water Act Permits

- Why is this important?
    - The jurisdictions are gathering input from stakeholders and conservation organizations leading up to and during *Clean Water Act Permit* renewals and development.
        - A significant percentage of reductions have come from facilities regulated under CWA permits. Many of these facilities are regulated under general permits that come up for renewal every 5 years (or they're supposed to). At any given time, some of these permit renewals are under development. Advocates need to know when the permit renewals are due and start working with the state months, if not a full year, in advance to have our voices heard in the permit development process.
        - As an example, under a TMDL milestone assessment, EPA downgraded Maryland's stormwater sector and one condition to prevent further downgrading was to develop the next round of MS4 Phase I permits two years early, sharing the draft template permit with EPA Region 3. MD advocates met with MDE a number of times during that year and submitted written comments.

Phase III WIP Schedule:

- **Phase III WIP Planning District Commissions (PDCs) Assistance Grants**
    - Grant contracts to PDCs- April 15. PDC grant project start date- July 2. Project completions date- Dec 14.

- **Release of final planning targets**-May 25-June 25.
- **Seek input from Chesapeake Bay Stakeholder Advisory Group (SAG)**-March, April, June, August, October, and December.
- **CAST Training**- Staff training-May. Local partner training- June.
- **Coordinated meetings with PDCs and Soil and Water Conservation Districts (SWCD) Areas**- May/June.
- **SWCD Area meetings to evaluate agriculture input desks**- July2-November 1.
- **PDCs meetings with local elected officials to evaluate non-agriculture input decks**-July 2-November 1.
- **PDCs convene meetings with local partners and SWCDs to evaluate non-agriculture input decks**-November 1-December 14.
- **On-going drafting of Phase III WIP document**-May-December.
- **DEQ builds Phase III WIP input decks from SWCD and PDC engagement**-November-January 2019.
- **Submit draft Phase III WIP for Executive Review**-February 1, 2019.
- **Submit draft Phase III WIP to EPA**-March 1, 2019.
- **Public Comment on draft Phase III WIP**-April 12, 2019.
- **Public Comment period ends**- June 7, 2019
- **Final Phase III WIPs will be released**- August 9, 2019.

Additional Resources:

- Chesapeake Bay Foundation Blueprint progress portal
  - 2017 Maryland Midpoint Assessment
- Coalition Communications Committee
  - This communications toolkit with watershed-wide and state specific language.
  - We are using two hashtags - #HalftimeForTheBay and #NoOvertime
- Blog posts:
  - Coalition Blog post
  - Maryland LCV blog post
  - Center for Progressive Reform midpoint blog
- Phase I MS4 documents: (Maryland's NPDES Municipal Separate Storm Sewer System (MS4) Permits)
  - Financial Assurance Plans outline how each county plans to finance the work they will need to do to meet their permit. Want hold your county accountable? Follow the money.
  - New Phase I Permits and modification of permits

For more information or assistance on anything Phase III WIP related, reach out to your Choose Clean Water State Lead, Maryland League of Conservation Voters. Contact Ben Alexandro, Water Policy Advocate at 410-280-9855 ext. 204 or email balexandro@mdlcv.org.

Appendix A

Tips and Talking Points on meeting with County Government on Phase III WIPs

When talking with your county, consider asking questions about their phase III Watershed Implementation Plan (WIP) process. The goal of these conversations is to let the County know that citizen groups want the County to have an updated plan for how to reach their local WIP targets by 2025. Counties need to know and that organizations in their community are going to be advocating for them to set goals that go beyond the goals set during the last time they went through this a few years ago for the Phase II WIP. Now they need to meet Phase III expectations set by MDE. (You can also consider having similar conversations with your local Soil Water Conservation Districts – they will be working with MDA to set nutrient reduction goals for agricultural land.)

- The WIP is a plan each local municipality is being asked to create by MDE to show how they will reduce nutrient loads into local waterways and ultimately the Bay. These documents will help inform MDE on what local projects the municipality plans to implement by 2025.
    - We want counties to undertake a program assessment that builds on their local Phase II WIPs as the first step in local Phase III WIP planning. This assessment should lead to the development of a strategy to close any projected capacity or implementation gaps identified for the 2018-2025 timeframe.
    - The Phase II WIPs provide valuable information about local conditions, local capacity to reduce pollution, and expected levels of BMP implementation over the Phase II planning period. Many local plans also identified specific opportunities to increase the rate of progress. The local Phase II WIPs remain relevant and instructive. The central challenge in most jurisdictions at this time is not planning, but instead creating the conditions necessary to accomplish these plans.
        - WIP Phase II County Plan documents can be found here- You may want to review your County's phase II WIP document prior to talking with the County.
- In reviewing the Phase III document, see if there are any categories of BMPs you think the county can set a higher goal to meet by 2025.
- **Example Questions: Ask the County…**
    - If they evaluated their Phase II document to make an updated Phase III WIP document?
        - If not, ask them to use their Phase II document to help create a Phase III WIP.
    - What changes they plan to make/ made to the Phase II document?
        - Can you see a draft copy of any Phase III documents?
    - Who at the County level will be leading the effort?
    - How they plan to implement the Phase III plan?
        - If they have funding set-aside?
    - To be clear with MDE on what resources they need to accomplish their goals.
    - How can (your organization) help them accomplish their target reductions by 2025?
    - What is the management plan and maintenance plan for BMPs?
    - What verification system will they be using to ensure they can get credit for the BMPs proposed?

For more details, see the spring 2018 Choose Clean Water Coalition sign on letter, 'Improving the Phase III WIP Process and Local Government Engagement'.

Appendix B

List of General Permits in Maryland up for Renewal:

In addition to the Phase I MS4 permits, here are other general permits coming up for renewal in Maryland (with a proposed priority ranking to help advocates think about which permits we need to engage MDE on). Consider engaging so that they can be as strong as possible in reducing pollution during Phase III to help meet the 2025 TMDL goals.

Number	Name and Link	Issued	Expired	Priority*[5]	Reason for Priority
MDR000000	STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVIITIES	1/1/2014	12/31/2018	High	Expiring soon, large number of permittees; highly toxic pollutants; very high noncompliance rates
MDG010000	CAFOS	8/1/2016	11/30/2019	High	Due to timing and loads
MDR100000	CONSTRUCTION GENERAL PERMIT	1/1/2015	12/31/2019	High	Due to timing and loads
MDR0555000	STATEWIDE SMALL MS4s (Phase II MS4s)	4/27/2018 NOI to MDE by 10/31/2018	10/30/2023	Medium	Just issued- but large amount of stormwater pollution at stake.
MDR055501	STATE AND FEDERAL MS4s (Phase II MS4s)	4/27/2018 NOI to MDE by 10/31/2018	10/30/2023	Medium	Just issued- but large amount of stormwater pollution at stake.
MDG340000	STORMWATER AND HYDROSTATIC TEST WATER FROM OIL TERMINALS	12/12/2013	12/11/2017	Medium-low	Expired permit, but small number of permittees
MDG670000	HYDROSTATIC TESTING OF TANKS, ETC, OTHER THAN OIL TERMINALS	2/10/2012	2/28/2017	Medium-low	Expired (in drafting as of 7/18), medium number of permittees.
MDG910000	TREATED GROUNDWATER FROM OIL CONTAMINATED GW SOURCES	1/1/2015	12/11/2018	Medium-low	Timing; small number of permittees; hazardous pollutants; regulated by other programs
MDG850000	SURFACE COAL MINING & RELATED ACTIVITIES	10/1/2014	9/30/2019	Medium-low	Partially out of the watershed, expiration not for a little while
MDG870000	DISCHARGES FROM THE APPLICATION OF PESTICIDES	4/8/2011	10/30/2016	Medium-low	Expired (administratively continued as of 7/18), but mostly regulated by MDA
MDG520000	SEAFOOD PROCESSING	3/13/2012	4/30/2017	Medium-low	Expired permit, discharge to tidal waters, but small number of permittees
MDG760000	SWIMMING POOLS AND SPAS	6/27/2012	9/30/2017	Medium-low	Expired (administratively continued as of 7/18), high noncompliance rate, but not particularly hazardous
MDG490000	MINERAL MINES, QUARRIES, BORROW PITS, CONCRETE & ASPHALT	3/31/2017	4/30/2022	Low	Expires in 2022
MDG990000	MARINAS INCLUDING BOAT YARDS AND YACHT BASINS	9/13/2017	7/31/2022	Low	Expires in 2022

[5] These proposed priority ranking systems help advocates think about which permits we need to engage MDE on.