

# The CLUE

## Calendar of Events

### **Monday, December 20, noon and 7 pm**

Planning Commission (County Admin. Building) *A general discussion of the comprehensive rezoning process (required by the new Comprehensive Plan) is the last agenda item for the noon meeting*

### **Tuesday, December 21, 7 pm**

Board of County Commissioners (County Admin Building)

### **Mid-January, date and place TBD**

CLUA Annual Meeting with election of Board members

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## CLUA Annual Meeting Coming Up

### **Wanted: 2011 Dues and Board Members!**

The Cecil Land Use Alliance will hold its annual meeting in January to elect Board members and discuss priorities for 2011. Because the library system is switching to a new computerized scheme for reserving meeting rooms, which is not yet working, we do not yet have a date or place secured, but we will announce the details by e-mail, hopefully before the end of the year.

We are asking all CLUA members to pay their 2011 dues before the meeting. The dues remain only \$10, and are payable by check to the Cecil Land Use Alliance, mailed to CLUA at **P.O. Box 215, Colora, MD 21917**. Thank you for your continued support!

We are also soliciting volunteers to serve of the CLUA Board. You can nominate yourself or someone else simply by writing an e-mail to [info@cecillanduse.org](mailto:info@cecillanduse.org). The Board meets about once a month to decide on priorities for the organization and to plan meetings and other events. The Board also elects the CLUA officers. Serving on the Board is a great way to find out what's going on around the county and influence the direction that CLUA takes.

CLUA's bylaws are on our web site at [http://cecillanduse.org/clua/CLUA\\_Bylaws\\_3.pdf](http://cecillanduse.org/clua/CLUA_Bylaws_3.pdf) . They contain the election rules, duties of Board members and officers, and similar information.

Please pay your 2011 dues, participate in the January meeting, and consider serving on the Board! Thanks!

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## **Charter Government Voted In ... and new work begins**

With 57% of the votes, the Charter Amendment for Cecil government passed on November 2. CLUA actively supported this initiative both in its development and in working together with Friends for Charter to secure passage. Despite a history of five failed attempts to secure local control and an economy and political shift that ran counter to significant change, the voters of Cecil County said "yes" to Charter.

Now new county commissioners are taking their places and among their many activities will be organizing for the transition, which will begin with the 2012 election for a County Executive and two of the five County Council members. (The three Commissioners just elected will become County Council members in 2012.) An early order of business for the first County Executive will be the preparation of a County strategic plan. It's a ways off but worth being aware of and maybe thinking about how we'd like to see the strategic plan development carried out.

Before moving into the future though, it is worth considering why Charter passed this go 'round. What brought a substantial number of voters to step up and support change? There are several key factors that we can keep in mind in our efforts to move the County forward.

- The Charter Board kept focused on
  - minimizing change while securing more local control
  - keeping the change cost neutral
  - assuring the document was short and easy to read
- The Charter Board committed to educating the public on what the Charter would do. If there was a meeting that would like to hear about Charter, a Board member or two were there delivering the same message each time.
- A Friends for Charter committee was organized to provide support in publicizing and financing communication on Charter.
- Two General Assembly members — one of our state senators and one of our state delegates — may have unwittingly performed a service for the effort by jumping into local government issues last spring and failing to support county requests before the state legislature. This was political theater that demonstrated the need for local control.
- There was support from both the local Republican and Democratic organizations and no organized opposition, save a last minute scare crusade by the two aforementioned General Assembly members.

All who participated in securing more local control and accountability in government can be proud of their efforts whether it was putting up a yard sign, talking to friends and neighbors, writing letters to the papers, working the polls, approving CLUA's support of Charter, or simply voting. The CLUA group that followed the Charter Board actions and provided input to and support for Charter included: John Bolinski, Steve French, Charles Herzog, George Kaplan, Nancy Valentine, and Wyatt Wallace.

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## **EPA Getting Tough on Polluted Runoff to the Bay**

A Baltimore Sun story on October 29 stated that the Environmental Protection Agency (EPA) has assessed fines on three Maryland jurisdictions for not providing adequate controls on stormwater runoff into the Chesapeake Bay. The EPA fined Baltimore City \$90,000, Anne Arundel County \$83,500, and Harford County \$75,000. The jurisdictions are appealing the fines.

According to the Sun, these jurisdictions were fined “after inspections found they were violating permits requiring them to control storm-water pollution from government facilities, construction sites, and businesses”.

An EPA spokesman said that enforcement actions against other localities are likely.

In closely related news, as described in Rupert's “Watershed Watch” of October, the EPA has formulated a “budget” of allowed nutrient contributions — the so-called “Total Maximum Daily Load”, or TMDL — as part of a multi-state plan to clean up the Chesapeake Bay, within the authority of the Clean Water Act. In this context, “nutrients” are *not* a good thing; they represent several types of water pollution that encourage algae blooms each summer and reduce water clarity, creating dead zones in the Bay. States with watersheds draining into the Bay must put into place Watershed Implementation Plans for reaching the TMDL targets, which are specified for every river that drains into the Bay. For example, for Maryland as a whole, a 20% reduction in nitrogen by 2020 is called for. Phase I of the Maryland plan was just submitted to the EPA and is discussed in Rupert's Watershed Watch this month (following article).

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**Cecil Watershed Watch**

December 2010

Rupert Rossetti  
([RupertRossetti@aol.com](mailto:RupertRossetti@aol.com))

### **Redesigned MDE Website - excerpt from a recent notice**

Maryland Department of the Environment has a newly revamped website! Please take a moment to visit them at [www.mde.state.md.us](http://www.mde.state.md.us).

You can [search a geographical area](#) to find out whether permits have been issued. You can also find up-to-date information about [regulations MDE is working on](#). Interested

in greening your business -- and saving money? Learn about the Maryland [Green Registry](#).

## **The Chesapeake Bay TMDL & Maryland's Phase I WIP**

Maryland's final Phase I Watershed Implementation Plan has been submitted to the EPA. You can read it here (make sure that there are no blank spaces in the address):

[http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final\\_Bay\\_WIP\\_2010.aspx](http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final_Bay_WIP_2010.aspx)

The following is the gist of a presentation I made recently to the Cecil County Economic Development Commission about it.

### **The Chesapeake Bay TMDL, Maryland's Watershed Implementation Plan & what they mean for Cecil County**

#### **Acronyms & Jargon!**

CWA:	Clean Water Act - the driver behind the new plan
TMDL:	Total Maximum Daily Load - the pollution diet
WIP:	Watershed Implementation Plan - the year by year dieting plan
BAT:	Best Available Technology
BMP:	Best Management Practice
E3:	Everything, by Everyone, Everywhere
ENR:	Enhanced Nutrient Removal
SWM:	Stormwater Management

#### **Geographic Building Blocks:**

- Bay Segments (the 92 water quality units into which the Bay is subdivided)
- Major Basins (very large drainage basins, e.g. Susquehanna, Potomac)
- Tributary Basins (e.g. Upper Western Shore, Upper Eastern Shore)
- Segmentsheds (a watershed or cluster of watersheds)
- Watersheds (small drainage basins, e.g. Octoraro Creek, North East Creek)
- States
- Counties

#### **Source Sectors**

- Point Sources (wastewater discharge permits):

- Major Municipal (>500,000 gpd)
- Minor Municipal
- Major Industrial (>500,000 gpd)
- Minor Industrial
- Non-point Sources:
  - Agriculture
  - Septics
  - Urban/Suburban Stormwater
  - Forest
  - Air Deposition (to freshwater streams)

### **Why a Bay TMDL?**

- Chesapeake Bay does not meet Water Quality Standards
- Clean Water Act requires Total Maximum Daily Load (TMDL) if Water Quality Standards are not met
- TMDL establishes a "pollution diet" to restore water quality
- Bay TMDL will set limits for nitrogen (N), phosphorus (P) and sediment that meet dissolved oxygen, water clarity and submerged aquatic vegetation criteria in each of 92 Bay Segments (52 of the Bay Segments are in Maryland)
- Maximum Daily Loads for N, P & sediment will be allocated to the land areas that contribute pollutants to the Bay

### **Why a Watershed Implementation Plan?**

- Effort to address "Reasonable Assurance" of implementation per the Clean Water Act
- Allows States to develop equitable and transparent load and wasteload allocations
- Part of new federal "Accountability Framework" to Ensure Results:
  - Bay TMDLs
  - Watershed Implementation Plans (WIPs)
  - 2-Year Implementation Milestones
  - Tracking & Evaluating Progress
  - Federal "Consequences"

### **Phase I Plans - 2010**

- Interim and Final nutrient and sediment target loads by sector and impaired segment
- Statewide response to 8 Elements
- Mechanism for engaging local partners

### **Phase II Plans - 2011**

- TMDL allocations may be modified in Phase II

- **More time to address technical issues**
- **More time for stakeholder advice**
- Loads divided by smaller geographic areas (e.g., county)
- Local contributions and responsibilities to reduce pollutant loads
- Controls and practices to be implemented by 2017

**Phase III Plans - 2017**

- Possibly modify TMDL and allocations
- Identify controls to meet final target loads

**TMDL Nutrient & Sediment Target Loads**

- July 1, 2010 & Aug 13, 2010: EPA announces Baywide and Major Basin Target Loads of Nutrients & Sediment for Bay Watershed States/DC

MAJOR BASIN	TN	TP	Sediment
	Mill lbs	Mill lbs	Mill lbs
MD Potomac	15.7	0.9	654-719
MD Western Shore	9.74	0.46	155-170
MD Susquehanna	1.08	0.05	60-66
MD Patuxent	2.85	0.21	82-90
MD Eastern Shore	9.71	1.09	166-182
MD Total	39.09	2.72	1,116-1,228
Baywide:	187.4	12.5	6,066-6,673

These are the maximum loads that the receiving waters can take on an annual basis and still meet water quality standards.

**Where We Are Today... and Where We Will Need to Get To**

	TN	TP	Sediment
	Mill lbs	Mill lbs	Mill lbs
MD 2009	49.53	3.10	1,387
MD 2020	39.09	2.72	1,218
<b>Difference:</b>	<b>-10.44</b>	<b>-0.38</b>	<b>-169</b>

**How We Get There - some examples from the list of 58 in the Final Plan!**

- Implement some or all of a suite of recommended Best Management Practices across the various sectors:
- Point Sources (wastewater discharge permits):
  - Major Municipal (>500,000 gpd) - **Upgrade to ENR - in progress**
  - Minor Municipal - **Upgrade to ENR; retire/connect to ENR**
  - Major Industrial (>500,000 gpd) - **Retrofit & Optimize**
  - Minor Industrial - **Identify target loads & issue permits**
- Non-point Sources:
  - Agriculture - **plant 355,000 acres Cover crops; Plant Streamside Grass & Forest Buffers**
  - Septics - **Upgrade to BAT in Critical Area; Retire & connect to ENR Facilities**
  - Urban/Suburban Stormwater- **Retrofit & Restore SWM; Regulate Fertilizer application; Tree Planting (urban & rural residential)**
  - Forest - **No Net Loss of Forest;**
  - Air Deposition (to freshwater streams) - **Expand Diesel Engine Retrofit Program**

For the complete list of options, go here:

[http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/MD\\_Phase\\_I\\_Plan\\_Exec\\_Sum\\_Submitted\\_Final.pdf](http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/MD_Phase_I_Plan_Exec_Sum_Submitted_Final.pdf)

**We will get our allocations by Sector at the County and Segmentshed level in March 2011.**

**There will be six segmentsheds in which we will participate**

- CB1TF Northern Chesapeake Bay Tidal Fresh
  - Includes Lower Susquehanna, Conowingo, Octoraro & Principio Creeks and the towns of Port Deposit, Perryville & Rising Sun.
- NORTF North East River Tidal Fresh
  - Includes North East Creeks and the towns of Charlestown & North East
- ELKOH Elk River Oligohaline (a measure of salinity)
  - Includes Elk Creeks and the town of Elkton
- C&DOH\_MD C&D Canal Oligohaline Maryland
  - Includes Back Creek and Chesapeake City
- BOHOH Bohemia River Oligohaline
  - Includes Bohemia River and the town of Cecilton
- SASOH Sassafra River Oligohaline
  - Includes Sassafra River and outskirts of the town of Cecilton

Note: Christina River is not included, since it flows to the Delaware Bay.

For maps, go here, or email me and I'll send you some Cecil-specific GIS versions:

[http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/Appendix\\_B2\\_Maps\\_Final.pdf](http://www.mde.state.md.us/programs/Water/TMDL/Documents/www.mde.state.md.us/assets/document/Appendix_B2_Maps_Final.pdf)

### **Next Steps - State Agency View**

- Introduction at MACO - Cambridge Hyatt
  - 7<sup>th</sup> January, 11:30 - 12:30
  
- Regional Meeting in late January or early February
  - Cecil, Kent, Queen Anne's, Caroline & Talbot
  - Date TBD (19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> January or 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> February)
  - Venue TBD: Washington College?
  - Morning session for County & Municipal Electeds
  - Afternoon session will include County-level break-outs with a designated State liaison
  
- Handbook materials to include:
  - Guidance
  - Templates
  - Maps
  - Scenario Builder Spreadsheets
  - Contact Info
  - Schedule for Deliverables

### **Next Steps - County View**

- Formation of a Watershed Implementation Plan Advisory Committee to include representatives from
  - Cecil Soil Conservation District
  - Cecil Farm Bureau
  - Cecil County Planning Commission
  - Cecil County Planning & Zoning
  - Cecil County Health Department
  - Cecil County DPW
  - U of MD Extension Service
  - Cecil County Economic Development Commission
  - Engineering Community
  - Development Community



- Artesian
- Concerned Citizen
- Municipality
- Board of County Commissioners

I have been asked to serve as the Concerned Citizen representative, and would like to get a network of citizens to advise me. Let me know if you are interested.

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**Let us hear from you!** The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at [gkaplan@zoominternet.net](mailto:gkaplan@zoominternet.net).

*The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to [gkaplan@zoominternet.net](mailto:gkaplan@zoominternet.net), or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecillanduse.org>*