

# Implementation of Maryland's Antidegradation Policy



# Presentation Outline

1. CWA/Antidegradation Background
2. Example Cases
3. Maryland's Implementation Status
4. Looking Ahead



# I. The Clean Water Act

## A Three-Legged Stool

- Designated Uses
- Criteria (narrative and numeric) to Support Uses
- Antidegradation Policy



# I. Maryland's Antidegradation Regulations (COMAR 26.08.02.04)

- Water quality better than the minimum criterion shall be maintained
- Defines assimilative capacity for high quality waters.
- Discharge(s) and W&S plan amendments to waters designated as high quality require an antidegradation review.

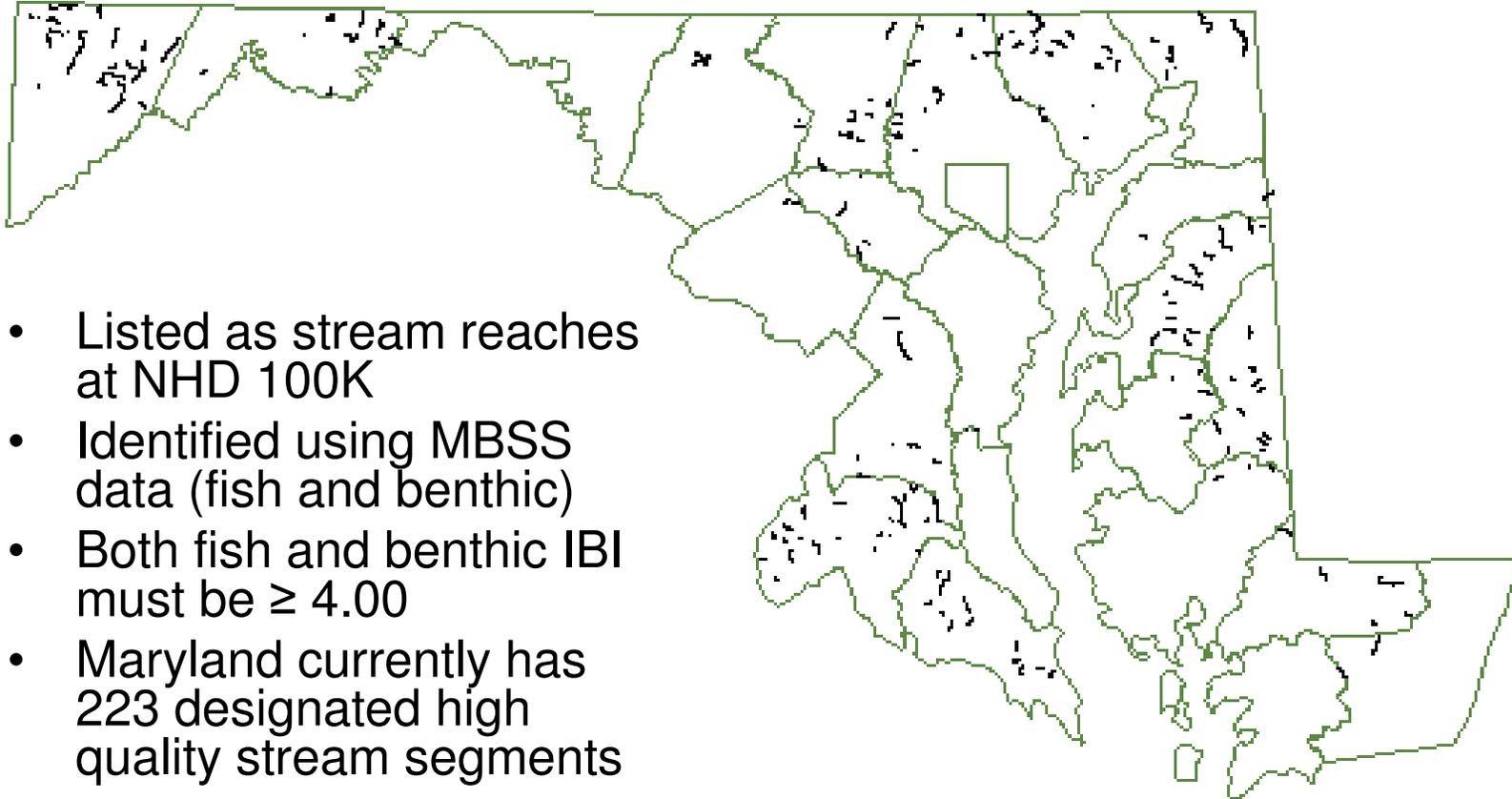


# I. Antidegradation Review

- Must consider a **no discharge alternative(s)**
- Must consider **discharge modifications** to limit the use of the assimilative capacity
- Must perform a **social and economic justification** if discharge will degrade a Tier II segment



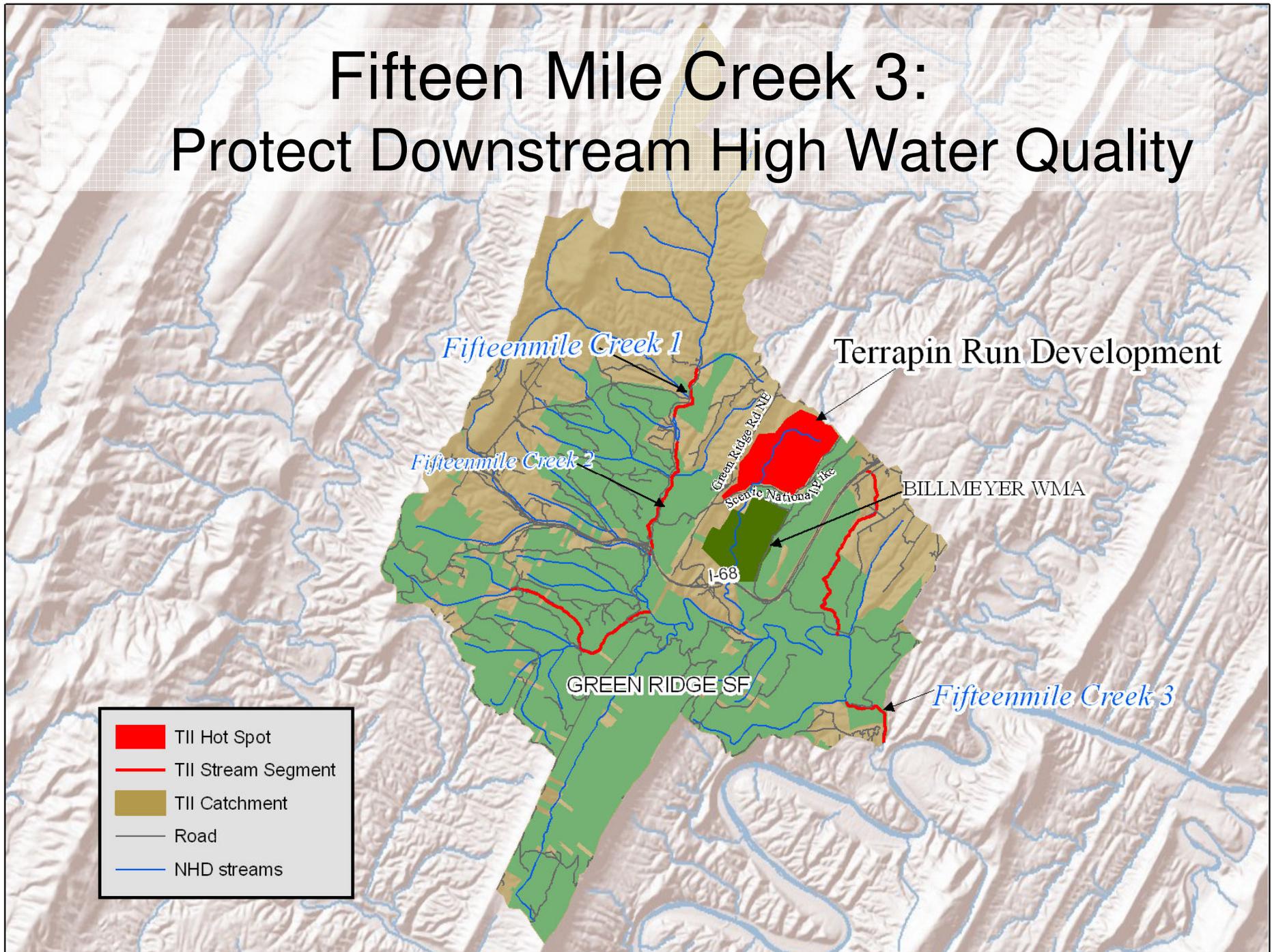
# I. Maryland's Current High Quality (Tier II) Waters



- Listed as stream reaches at NHD 100K
- Identified using MBSS data (fish and benthic)
- Both fish and benthic IBI must be  $\geq 4.00$
- Maryland currently has 223 designated high quality stream segments



# Fifteen Mile Creek 3: Protect Downstream High Water Quality



# Hoyes Run: Small Stream at Risk

Keystone Quarry  
(Proper)

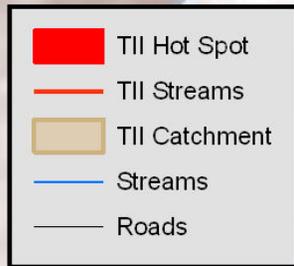
Crabtree Bottom Rd

Sang Run Rd

Hoyes Run Rd

WISP Ski Resort

Hoyes Run 1



High Quality-Cold  
Water Fishery  
(Whites Creek)

Pennsylvania

# Puzzley Run: Interstate Interests

Keyser's Ridge WWTP

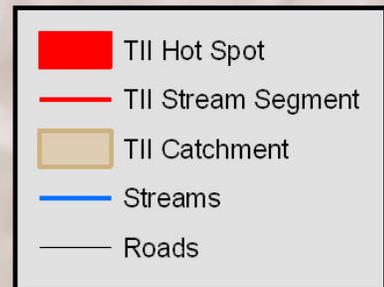
Puzzley Run I

National Pike

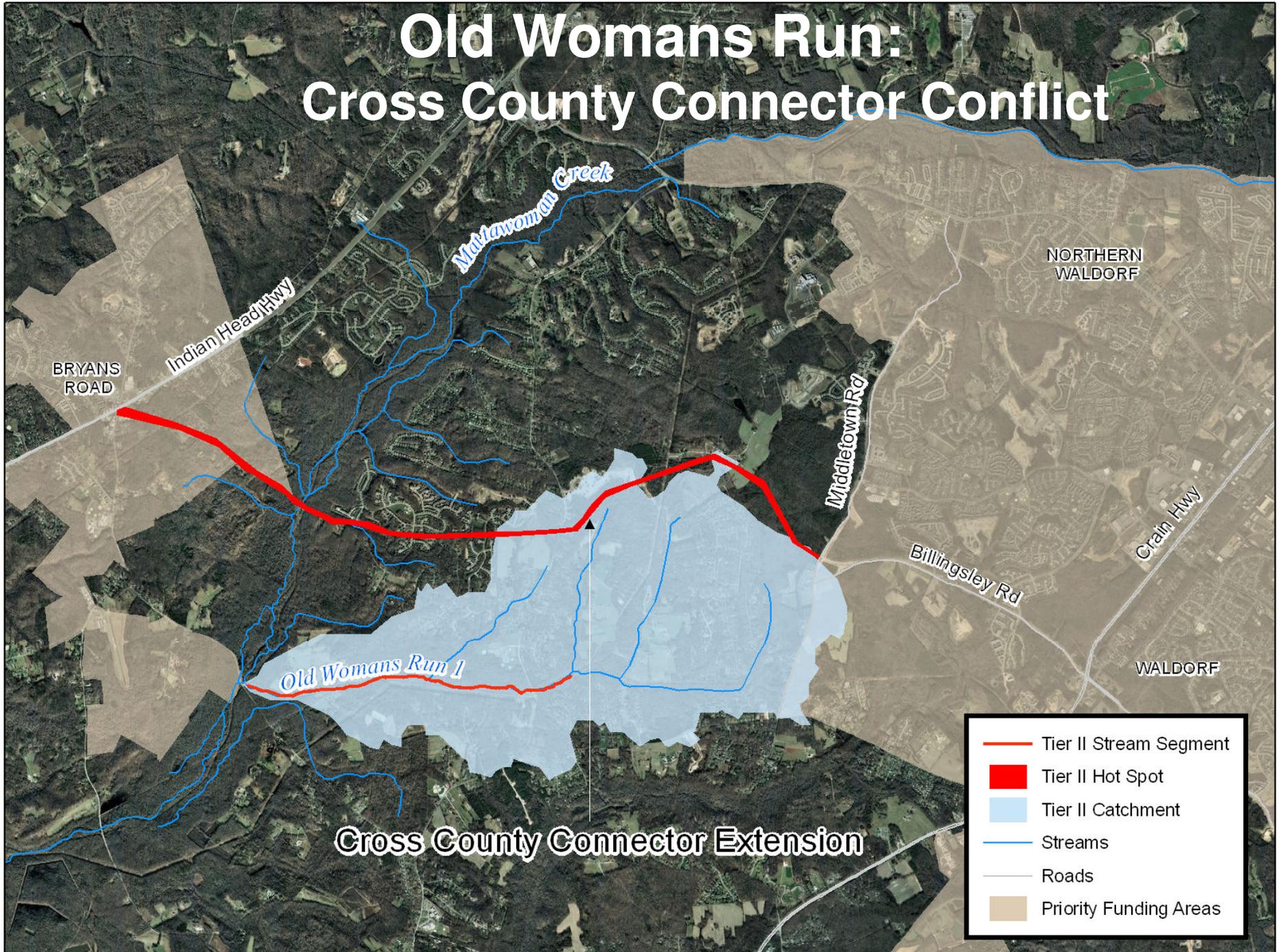
Holiday Rd

Spring Valley Farm Ln

National Fwy



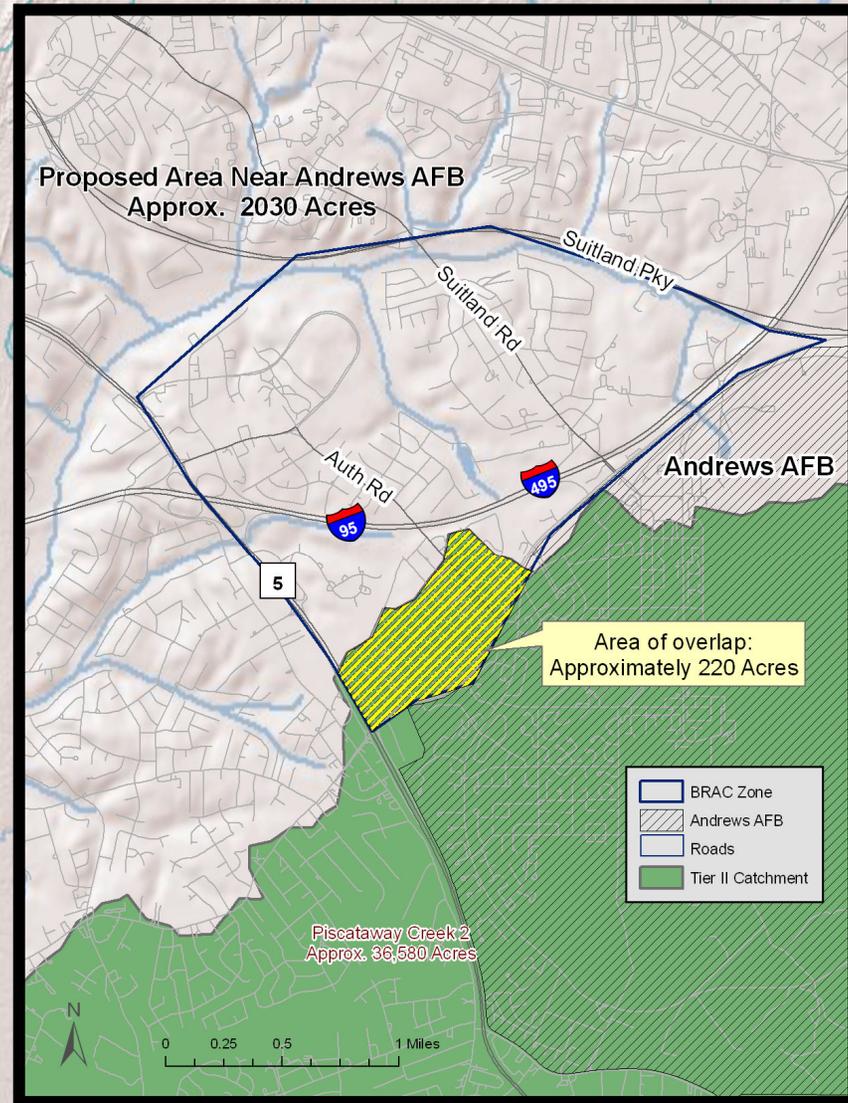
# Old Womans Run: Cross County Connector Conflict



# Possible Success Story?

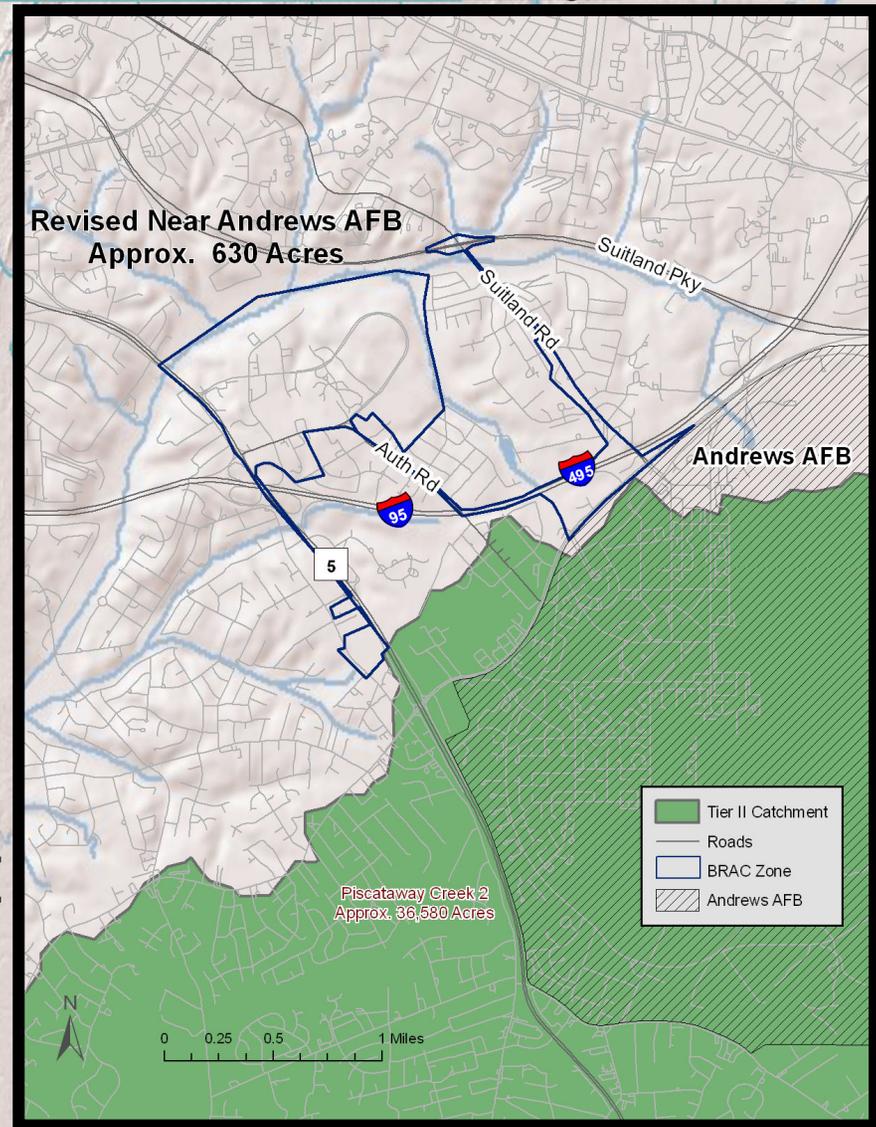
## Prince George's County BRAC Zone Proposal

- Initial proposal raised Tier II concerns
- MDE generated simple maps which highlighted our Tier II concerns



# Possible Success Story?

- After 3 attempts, the County eliminated all overlaps between the Proposed BRAC Zone and the Piscataway Creek 2 Catchment



# III. Implementation Status

- GIS Screening Tools
- Outreach
- Monitoring
- Permit Guidance
- Regulations



# Tier II GIS Screening Tools

- MDE has developed several screening tools to help make it easier to answer the question: **Will the activity specified in this permit application be located in an area draining to a Tier II stream segment?**
- Two tools at this time
  - Pre-made [Tier II Maps](#) - by County
  - Tier II Geodatabase compatible with ArcGIS



# Outreach

## Internal

- Departmental “brown bags” with key permitting programs

## External

- Targeted mailings to planning, ED, public works directors with Tier II maps and primers



# Targeted Monitoring

- Identify new Tier II segments
- Increase coverage in our “hot spot” areas
- Enhanced baseline information



# Permit Guidance Elements

- 1 – Stream Buffers (min. 100')
- 2 – Environmental Site Design
- 3 – Biological and flow monitoring as permit requirement
- 4 – Phasing
- 5 – Pollution prevention
- 6 – Land use change thresholds



# Regulations

Revising regulations to increase clarity and better define scope of regulatory authority



## IV. Near Future

- 1 – Pilot studies with 3 local jurisdictions to better understand their planning processes and identify outreach points.
- 2 – Potentially including NPDES general construction permits in future regs.
- 3 – GIS land use change tracking tool to determine cumulative impacts.



# Distant Future?

- 1 – Funding mechanism for antidegradation reviews
- 2 – Bonds
- 3 – Better science



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