



## **10.0 SPECIAL PROGRAMMATIC CONDITIONS**

### **10.1 CHESAPEAKE BAY AGREEMENT (C2K)**

Frederick County continues to work toward meeting the Chesapeake Bay 2000 Agreement and updates. The Chesapeake Bay Program's Local Government Advisory Committee recognized Frederick County in 2004 as a Gold Chesapeake Bay Partner Community. NPDES Program Manager Shannon Moore received a Governor's Citation on March 13, 2004 in recognition of her commitment to the Upper Potomac Tributary Team and for the County's efforts to support the Chesapeake Bay Program. In 2007, Frederick County continued the efforts that earned it recognition in the past. Additionally, the County conducted the following activities.

- Continued to attend Tributary Team meetings and the annual meeting. Presented program information at Tributary Team meetings and sponsored several meetings.
- Conducted watershed restoration activities in support of Chesapeake Bay 2000 Agreement goals as documented in Section 7.
- Conducted outreach in support of Chesapeake Bay 2000 Agreement goals as documented in Section 6.5.
- Participated in the Alice Ferguson Foundation's Trash Free Potomac Initiative and sent Department Head for Solid Waste Management to 2007 conference. Sponsored Big Sweep Event on April 17, 2007. Participated in Potomac Watershed Clean Up on April 2, 2007.
- Participated in the Schoolyard Habitats program. Coordinated additional restoration sites at schools in addition to those selected by Schoolyard Habitats. Added projects to tracking database and digitized projects using GIS.
- Coordinated with the Eastern Brook Trout Joint Venture through the Maryland Brook Trout Alliance and the Catoctin, Antietam and Monocacy Brookie Initiative.
- Developed capacity for stormwater wetland projects through the Urban Wetlands Program, Bennett Creek Watershed Pilot Project.
- Coordinated House Bill 1141 compliance with Planning Division to include impervious area estimates and pollutant loading estimates for current and 20-year scenarios for all areas in County at catchment scale
- Used "House Calls" GIS tool to provide environmental data to citizens that have an interest in voluntary conservation programs.
- Spoke at the Mid-Atlantic Highlands Action Program (HAP)-sponsored youth leadership event on December 16, 2007.
- Facilitated the Monocacy & Catoctin Watershed Alliance to protect and restore these watersheds.

- In 2007, the Watershed Management Section (WMS) was awarded a \$16K grant by the Chesapeake Bay Trust to conduct public education, outreach, and restoration in the Toms Creek Watershed related to Bay Program Goals.
- In 2007, WMS was awarded and completed a \$71K grant from EPA and was awarded a \$247K grant to enhance the urban wetland program in Bennett Creek to address Bay Program goals in this area.
- WMS was awarded \$2750 in 2007 by the MUCFC for tree plantings in Linganore and Fishing Creek at various parks including Utica Park planting day on April 21, 2007. Park opening and County Commissioner press event was held on April 26, 2007. The event focused on importance of trees and riparian reforestation. CBT awarded \$3,768 for trees in Mt. Airy Village Gate Park.
- The County Commissioners approved a stream buffer setback for the Linganore Watershed in 2007 and asked staff to propose a similar ordinance for the entire County.
- Planning Division requested review of riparian buffer widths recommended by scientific literature for different purposes with local relevance (water supply, trout survival, etc.) for forest resource ordinance. This was provided and planning staff used data in proposed changes to Forest Resource Ordinance (FRO) to require additional forestation in new development.
- Staff gave talk to Science Department at Mt. St. Mary's College on April 18, 2007 as part of a seminar series to female science students about the importance of protecting tributaries to the Chesapeake Bay.

## **10.2 TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS**

Within Frederick County, there are currently TMDLs for Lake Linganore for sediment and phosphorus. These TMDLs do not include specific waste load allocations (WLA) to the NPDES MS4 permit. The Interstate Commission on the Potomac River Basin (ICPRB) is currently preparing TMDLs for the nontidal Potomac River, and it is expected that there will be several more draft TMDLs for waterbodies in Frederick County. These TMDLs will most likely include WLAs. Future NPDES MS4 permits are likely to include language that relates to TMDL implementation; to this effect, Frederick County has been working diligently to address pollutant loads in the Linganore TMDL. The following activities work toward achieving the Linganore sediment and phosphorus TMDLs (with an understanding that the allocations within the TMDL for nonpoint sources do not explicitly mention the MS4 permit) and to plan for future TMDLs:

- Frederick County completed a Watershed Assessment of Lower Linganore Creek in June 2002.
- Frederick County focused on the Upper and Lower Linganore Watersheds as part of its Lower Monocacy Watershed Restoration Action Strategy. The strategy, completed in May 2004, included Stream Corridor Assessments (SCA) for several stream reaches in Upper Linganore.

- The County hired DNR to walk the remainder of Upper Linganore and all of Lower Linganore using the SCA protocol in 2004. These watersheds are complete and the reports became available in 2005.
- County staff led a process facilitated by the Environmental Finance Center to create a Task Force Report on Source Water Protection in Linganore; this report was completed in 2004 and accepted by the Board of County Commissioners.
- Frederick County Commissioners requested an Action Plan to present implementation scenarios to reduce nutrient and sediment pollution in Lake Linganore and Linganore Creek. This was adopted in 2006.
- In 2006, Frederick County completed a study and report on Assessment of Stormwater Management Retrofit and Stream Restoration Opportunities for Linganore Creek Watershed.
- Frederick County created a Capital Budget for Restoration projects in the Linganore Watershed, with design beginning in 2006.
- Frederick County worked to obtain outside funding for the Linganore TMDL area to conduct outreach and restoration projects in the area. Funding includes \$25K from the Chesapeake Bay Trust for rain gardens and riparian reforestation in Libertytown (completed 2007), \$40K from the National Fish and Wildlife Foundation for outreach (completed 2007), and \$216K from EPA's 319(h) Incremental program for urban demonstration projects (completed 2007).
- Staff installed watershed signage for Linganore to encourage stewardship and protect water quality in 2006.
- Staff from the WMS has been coordinating with Jim George of MDE's TARSA group. Staff has participated in a working group to create guidance for local government implementation of TMDLs. Staff met with Jim George from MDE on May 16, 2006 to review recent developments in TMDL guidance for local governments and wrote a short description of TMDL efforts in Linganore for TARSA. A guidance document has since been released for local governments.
- Staff developed a scenario builder with BMP effectiveness ranges that allows the County to quickly, and on demand, model pollutant load reductions and costs by drainage basin. The model provides an opportunity to maximize reductions for minimal cost. The model, which uses Simple Method-type calculations, is scalable to an individual landowner's property and is part of an outreach tool for the County's "House Calls" program that targets large landowners and homeowner's associations.
- Comprehensive Planning reviewed rezoning applications for proposed developments in Linganore TMDL watershed and made recommendations based on TMDL limits.
- Staff wrote articles for the "LakeTalk" Newspaper for residents of the Linganore Watershed about the TMDL and homeowner practices.
- Staff coordinated a meeting on October 2, 2006 with the Upper Potomac Tributary Team to review TMDL regulations and their intersection with the Tributary Strategies program.

- Staff coordinated a meeting between MDE and ICPRB on September 19, 2006 to discuss the development of TMDLs for nutrients in the Monocacy River. Other TMDLs for sediment, biological impairments, and bacteria are under development.
- In 2007, the Division Directors for Utilities and Solid Waste Management and Planning coordinated with USGS to develop a project in the Linganore Creek Watershed TMDL area that would refine sediment loads and sources. This project will be proposed for funding in 2008.
- WMS was awarded \$71K and \$247K by EPA in 2007 to enhance the urban wetland program in Bennett Creek, an area on the 303(d) list for nutrients and biological impairments.
- WMS was awarded \$2750 in 2007 by the MUCFC for tree plantings in Linganore and Fishing Creek in TMDL/303(d) list areas.
- The County Commissioners approved a stream buffer setback for the Linganore Watershed in 2007 to address TMDL issues from new development and asked staff to propose a setback for the entire County.
- Planning Division requested review of riparian buffer widths recommended by scientific literature for different purposes with local relevance (water supply, trout survival, etc.) for forest resource ordinance. This was provided and planning staff used data in proposed changes to Forest Resource Ordinance to require additional afforestation in new development, which is especially important in preventing additional impairments from new development.
- WMS staff provided TMDL information for New Market Region Plan Revision and reviewed a Floodplain District Text Amendment.
- WMS staff met in Middletown with MDE about sediment TMDL for Catoctin Creek and provided comments on July 26, 2007. WMS provided comments for all draft TMDLs in Monocacy and Catoctin watersheds in 2007. The following TMDLs were in development/draft:
  - Catoctin Creek
    - Sediment (comments due 9/17/07)
  - Double Pipe Creek
    - Nutrients
    - Sediment (comments due 9/17/07)
    - Bacteria (comments due 7/31/07)
  - Lower Monocacy River
    - Nutrients
    - Sediment
    - Bacteria (comments due 9/4/07)
  - Upper Monocacy River
    - Nutrients
    - Sediment
    - Bacteria (comments due 9/18/07)

- Potomac River
  - Nutrients
  - Sediment
  - Toxics

Evaluation: Frederick County has excelled in the past year by meeting its many and varied commitments under Special Programmatic Conditions. Staff has actively coordinated support for initiatives designed to meet the Chesapeake Bay 2000 Agreement and has taken a leadership role to meet its own TMDL requirements and to help other local governments.

