



**Maryland**  
Department of  
the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 7, 2018

The Honorable Thomas V. Mike Miller, Jr.  
President of Senate  
State House, H-107  
Annapolis, MD 21401-1991

The Honorable Michael E. Busch  
Speaker of House of Delegates  
State House, H-101  
Annapolis, MD 21401-1991

Re: Maryland Clean Water Fund Annual Reports

Dear President Miller and Speaker Busch:

As required by §9-320 of the Environment Article, the Maryland Department of the Environment is required to submit a report in accordance with §2-1246 of the State Government Article each year. The report is to provide the status of the Maryland Clean Water Fund, including a detailed description of all revenues and expenditures of the Fund for the previous year. The reports for fiscal years 2015 and 2016 are enclosed.

Please contact me or have a member of your staff contact Ms. Brenda Raivel at (410) 537-3621 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Ben Grumbles".

Ben Grumbles  
Secretary

Enclosure

cc: Sarah Albert, Department of Legislative Services, Mandated Report Specialist



## CLEAN WATER FUND

– FISCAL YEAR 2016 –

Prepared for:

Larry Hogan, Governor  
State of Maryland

Thomas V. Mike Miller, Jr., Senate President  
Maryland General Assembly

Michael E. Busch, House Speaker  
Maryland General Assembly

House Environment & Transportation Committee

Senate Education, Health and Environmental Affairs Committee

February 2018



MARYLAND DEPARTMENT OF THE ENVIRONMENT  
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Lawrence J. Hogan, Jr., Governor | Boyd K. Rutherford, Lt. Governor | Ben Grumbles, Secretary



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I. **EXECUTIVE SUMMARY**

Senate Bill 575, passed during the 2013 legislative session, requires the Maryland Department of the Environment (MDE) to report on the status of the Maryland Clean Water Fund to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee in accordance with subsection 2-1246 of the State Government Article, on the status of the Maryland Clean Water Fund. This report was compiled by the Water Management Administration of the Maryland Department of the Environment with input from the Land Management Administration, the Science Services Administration, and the Office of Budget and Infrastructure Financing.

## **II. MARYLAND CLEAN WATER FUND ACTIVITIES**

### **A. WATER MANAGEMENT ADMINISTRATION**

#### **1. Compliance Program:**

The Compliance Program is primarily responsible for inspections and compliance of the regulatory programs of the Water Management Administration (WMA). The Program is organized into three inspection divisions geographically located in field offices across the state, and the Program's Enforcement Division, administrative, and support staff centrally located in MDE's Baltimore headquarters. WMA issues permits and approvals with requirements and conditions designed to minimize pollution and impacts to resources. The Program is responsible for inspection and enforcement of permits and authorizations addressing industrial and municipal wastewater discharges to surface and groundwater, construction activities involving sediment control, stormwater management, tidal and nontidal wetlands, waterway construction, and individual wells and septic systems.

The Inspection Divisions in the Program makes inspections and works with local governments, businesses, and private citizens to ensure they operate or complete their activities in compliance with these issued permits or approvals and achieve the intended environmental results. The Program's staff assist the regulated community by determining the compliance status of sites and explaining federal, state, and local environmental laws and regulations. The Program's inspection staff also respond to citizen complaints and when necessary, take appropriate steps to ensure activities are conducted in compliance with applicable Maryland laws and regulations by developing litigation packages or developing settlements with the violators.

The Enforcement Division in the Program prepares and works with the Office of the Attorney General on appropriate formal enforcement actions for violations of issued National Pollutant Discharge Elimination System (NPDES) and State discharge permits, laws, and regulations. Based upon the facts of each case, order and penalty actions are taken by the Division to regain compliance, address environmental harm, and deter future violations. The Division also issues and administers coverage under the joint federal-State NPDES general permit for the discharge of stormwater associated with construction activities.

#### **2. Wastewater Permits Program:**

The Wastewater Permits Program operates to protect public health and water quality through federal (NPDES) and State permits for surface water discharges – both industrial and municipal – and control of discharges to groundwater of the State through both State issued permits and through issuance of federally delegated permits for Underground Injection Control. This includes responsibility for implementing Clean Water Act permits to achieve Total Maximum Daily Load requirements for the Chesapeake Bay and local tributaries consistent with Maryland's Watershed Implementation Plan (WIP).

Finally, this program is also responsible for individual wells and septic systems by overseeing programs delegated at the local level.

#### Discharge Permits for Surface Water Discharges:

This functional area affects many of the Department's Stakeholders on a daily basis through permitting activities for both industrial and municipal discharges. These permits implement the public health and water quality protections required by the NPDES as mandated under the Federal Clean Water Act and Maryland water quality standards. Included within this functional area is control of industrial stormwater, sewage treatment plants, pretreatment programs delegated to local municipalities, and wastewater discharge of industries such as power plants and mining operations. Applicants include municipalities, counties, federal facilities, schools, and commercial water and wastewater treatment plants, as well as treatment systems for private residences that discharge to surface waters.

The Program also issues general permits for industrial wastewater discharge to increase the efficiency of the Department's permitting process. These permits are developed and issued to broad categories of business activities which are generally very similar in their wastewater characteristics. For example, general permits with standardized permit conditions have been established for surface and groundwater discharges from a variety of categories including mineral mines, marinas, coal mines, and industrial stormwater.

This functional area also controls industrial wastewater discharges into municipal sewer systems. This separate "pretreatment" permit is required for certain facilities that seek to discharge non-domestic wastewater to publicly-owned wastewater treatment works (POTW). The Department delegates to many local municipalities the authority to operate a pretreatment regulatory program. The pretreatment permit is issued locally from the municipal wastewater treatment utility (POTW) in consultation with the Department.

#### State Groundwater Discharge Permits:

State Groundwater Discharge Permits are implemented by the Program to protect groundwaters of the State. Discharges include both municipal and industrial wastewaters. Groundwater Discharge Permits control the disposal of treated municipal or industrial wastewater into the State's groundwater via spray irrigation and other land-treatment applications, as well as into the subsurface by a drain field or seepage pit. Permit conditions are set to protect water resources, as well as, public health.

### **3. Sediment, Stormwater and Dam Safety Program:**

The Sediment, Stormwater, and Dam Safety Program (SSDS) is responsible for administering three major statewide programs: erosion and sediment control, stormwater management, and dam safety. In order to accomplish its mission regarding these programs, the SSDS is organized into three separate divisions.

**Sediment and Stormwater Plan Review Division:**

Reviews State and Federal construction project plans for conformance with state standards and policies relating to controlling runoff during and after construction. Additionally, this Division shapes technical policy and provides technical assistance to local governments and the private sector with regard to stormwater management and sediment control.

**Program Review Division:**

Oversees the sediment control and stormwater management programs administered by counties and municipalities and is responsible for issuing NPDES municipal stormwater permits required under the Clean Water Act. This Division also provides sediment control and stormwater management policy guidance, sediment control training, and technical assistance to local governments and the private sector regarding best management practices and new sediment control and stormwater management technology.

**Dam Safety Division:**

Performs existing dam safety inspections; issues new dam construction permits; evaluates and performs structural, hydrologic and hydraulic analyses associated with new dam permit applications; and approves modifications to existing structures. Additionally, this Division reviews, approves, and exercises emergency warning plans for “high” and “significant” hazard dams to ensure public safety during emergency situations and unusual weather events.

**4. Wetlands and Waterways Program:**

Maryland’s Wetlands and Waterways Program is responsible for the management, conservation, and protection of wetland and waterway resources. Aquatic resources managed under the Program include tidal wetlands, nontidal wetlands, and nontidal waterways, including the 100-year nontidal floodplain. In general, the regulation of nontidal wetlands and waterways affects land development interests, and the regulation of tidal wetlands affects riparian property owners (construction of shoreline protection and piers) and the boating public (construction of marinas and dredging of channels). Another important distinction is that, while regulated activities conducted in nontidal wetlands affects private property owners, regulated activities conducted in tidal wetlands typically affects submerged lands owned by the State and held in trust for the benefit of the public. The Program coordinates extensively with the Army Corps of Engineers, which is responsible for implementing the federal dredge and fill permitting program under the Clean Water Act.

The Program is comprised of four Divisions, including the Tidal Wetlands Division, the Nontidal Wetlands Division, the Waterway Construction Division, and the Regulatory Services Division. Each Division plays a vital role in maintaining the health and function of the Chesapeake and Coastal Bays. The functions and values of the natural resources

protected by these Divisions include fish and wildlife habitat and migration; water quality enhancement; natural shoreline protection; flood protection; recreational opportunities; and aesthetics. For wetlands, in particular, a statutory goal has been established to achieve "no net loss" of wetland acreage and function and to strive for a net gain in wetlands over time. This goal is achieved through the regulatory program's permit application process, which focuses on the avoidance and minimization of impacts associated with development.

#### Tidal Wetlands Division:

Regulates activities conducted in tidal wetlands and waters by avoiding and minimizing proposed impacts and requiring mitigation for impacts determined to be unavoidable. Authorization must be obtained before a person dredges, fills, or otherwise alters a tidal wetland. The form of authorization is either a tidal wetlands license (for activities on state tidal wetlands) or a tidal wetlands permit (for activities on private tidal wetlands). The Board of Public Works, consisting of the Governor, State Treasurer, and Comptroller of Maryland, is responsible for licensing activities on state tidal wetlands. The Board has issued a General License for certain types of routine activities, and delegated to the Department the authority to review qualification under the General License, on the Board's behalf. Projects that exceed the scope of the General License require approval by the Board itself. Generally speaking, only very large or unusual projects require Board review.

#### Nontidal Wetlands Division:

Regulates activities conducted in nontidal wetlands and their regulated buffers (generally 25-feet although it is expanded to 100 feet for wetlands of special State concern or wetlands adjacent to steep slopes that contain highly erodible soils) through the implementation of a comprehensive program designed to avoid and minimize proposed impacts and to mitigate for impacts determined to be unavoidable. A permit or Letter of Authorization must be obtained from the Department prior to conducting a regulated activity.

#### Waterway Construction Division:

Regulate manmade changes to nontidal waterways that affect their course, current or cross-section. The Division ensures that activities in a nontidal waterway or its 100-year floodplain do not create flooding on adjacent property, maintain fish habitat and migration, and protect waterways from erosion.

The regulatory process for each of the above Divisions incorporates a Federal Clean Water Act, Section 401 Water Quality Certification, as applicable, to ensure that requested activities do not violate State water quality standards. In addition, for activities affecting the State's coastal zone, these Divisions evaluate proposed federal activities to ensure consistency with the State's Coastal Zone Management Program objectives and policies.

Regulatory Services Division:

Provides support services to the other Divisions within the Program, including coordination of the initial permit application process, database management, and tidal and nontidal mitigation activities, required for all unavoidable impacts authorized by the Program through its regulatory program. The Division is also the State liaison for 122 Maryland communities that participate in the National Flood Insurance Program administered by the Federal Emergency Management Agency through the Community Assistance Program.

**B. LAND MANAGEMENT ADMINISTRATION**

The Land Management Administration (LMA) contributes to the Clean Water Fund from the Sewage Sludge Generator fees, the Sewage Sludge Utilization (SSU) Permit Application fees, and penalties for violations of SSU Permits and the General Discharge Permit for Animal Feeding Operations (AFO).

LMA uses these funds for costs associated with salaries and fringe, operating costs, Inspection and Monitoring of Sewage Sludge Utilization Activities Agreements with four (4) counties, contractual work for AFO Section and NPDES permit inspections.

**C. SCIENCE SERVICES ADMINISTRATION**

**1. Field Services Program:**

Responsibilities include compliance monitoring, water quality monitoring, drinking water monitoring, total maximum daily load (TMDL), shellfish and intensive monitoring, intensive and technical studies, Section 319 monitoring, fish kill response, algae bloom response and monitoring, Tier II monitoring, shoreline survey inspections, aquaculture site assessment and monitoring.

**2. TMDL Technical Development Program:**

Implement the State's requirements of the Federal Clean Water Act (CWA) Section 303(d). Responsibilities include water quality data analyses, watershed/water quality modeling which includes point and nonpoint source (NPS) modeling, TMDL development for impaired waters of the State, geographic information systems (GIS) to support TMDL development; TMDL coordination and outreach, TMDL technical reports, TMDL data center management; GIS and technical and analytical support for Chesapeake Bay TMDL and Watershed Implementation Plan (WIP) related activities; municipal separate storm sewer system (MS4), and stormwater waste load allocation (WLA) implementation plans review. The Program also manages CWA Section 604(b) Water Quality Planning Management Grant.

**3. Water Quality Restoration & Accountability Program:**

Responsibilities include TMDL implementation planning, tracking, and analysis related to nonpoint and point source pollution controls to attain State and Chesapeake Bay TMDL goals. Produce annual progress reports on Chesapeake Bay restoration and other local restoration success stories. Administer two Federal Clean Water Act grant programs: The CWA Section 319 NPS Program and the CWA Section 117 Chesapeake Bay Regulatory and Accountability Grant. The Program leads the Administration’s Clearinghouse review process and coordinates MS4, WLA, and TMDL Plan review. The Program is also responsible for policy development, legislative coordination, and acts as a liaison to State interagency working groups, and watershed partnerships such as those for the Maryland Coastal Bays, the Anacostia River, the Patuxent River, and Deep Creek Lake.

**III. FINANCIAL STATEMENT**

FY 2016, July 1, 2015 – June 30, 2016

A. Beginning Fund Balance (7/01/15)	\$3,383,363.37
All Open Encumbrances (FY 2013 - FY 2015)	<u>336,570.55</u>
Reconciled Adjusted Balance	\$3,719,933.92
B. <u>FY 2016 Receipts</u>	
Permit Fees	\$ 921,460.06
Fines & Penalties	\$1,367,880.79
Fees	\$ 448,785.91
Revenue Accrued in prior years	<u>\$ 117,234.35</u>
Total	\$2,855,361.11
C. Total Funds available FY 2016 (A+B)	\$6,575,295.03
D. FY 2016 Expenditures	

Salaries and Wages	2,731,161.18
Technical and Special Fees	114,802.36
Communications	56,784.77
Travel	8,643.08
Vehicle Replacement, Operations, and Maintenance	379,904.57
Contractual Services	42,019.44
Supplies and Materials	7,872.09
Equipment	94,830.83
Grants	270,830.00
Fixed Charges	8,445.20
<b>Total Expenditures</b>	<b>3,715,293.52</b>

E. Indirect Costs	\$ 588,130.96
F. Year End Fund Balance 6/30/16 (C-D-E)	\$2,271,870.55

**Fund Expenditures by Administration**

**FY 2016, July 1, 2015 – June 30, 2016**

	<b>WMA</b>	<b>LMA</b>	<b>SSA</b>	<b>Total Expenditures</b>
Salaries and Wages	1,632,693.73	1,051,144.21	47,323.24	2,731,161.18
Technical and Special Fees	114,555.36	247.00	0.00	114,802.36
Communications	48,617.02	8,167.75	0.00	56,784.77
Travel	4,381.56	703.89	3,557.63	8,643.08
Vehicle Replacement, Operations and Maintenance	196,438.51	55,203.62	128,262.44	379,904.57
Contractual Services	36,409.51	5,609.93	0.00	42,019.44
Supplies and Materials	7,220.03	652.06	0.00	7,872.09
Equipment	83,224.33	11,606.50	0.00	94,830.83
Grants	270,830.00	0.00	0.00	270,830.00
Fixed Charges	6,974.00	1,471.20	0.00	8,445.20
<b>Total Expenditures</b>	<b>2,401,344.05</b>	<b>1,134,806.16</b>	<b>179,143.31</b>	<b>3,715,293.52</b>