



**Maryland Department of the Environment**

# **Tier II Waters Protection and EPA's New Vision**

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**Maryland Department of the Environment**

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# Antidegradation Regulations

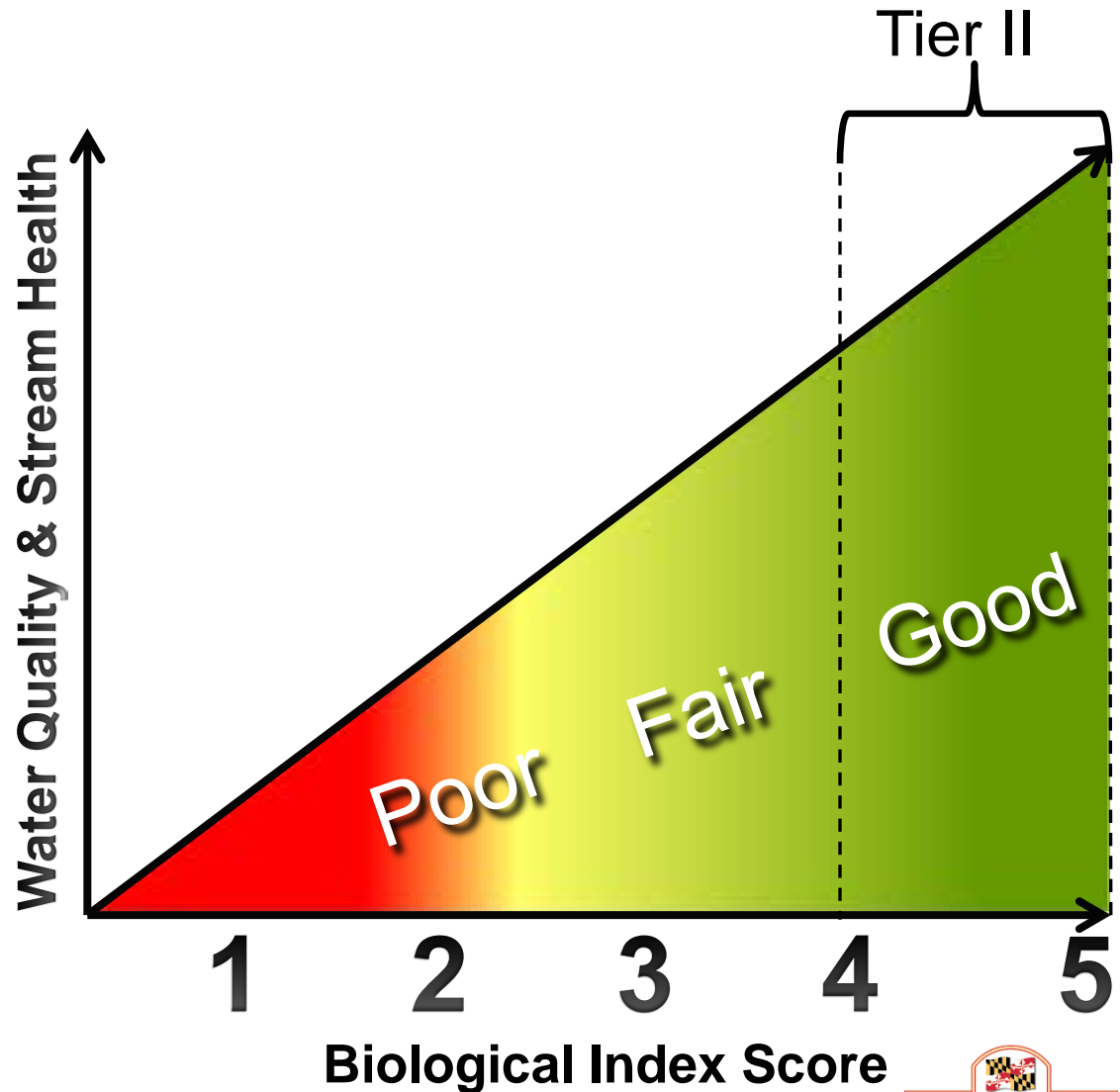
## (COMAR 26.08.02.04-1)

- Requires:
  - That Tier II water quality be significantly better than the minimum standard
  - An antidegradation review for discharge(s) and Water and Sewer Plan amendment approvals
  - That Nontidal Wetlands and Waterways permits meet the standards of the regulation
- Defines Assimilative capacity, e.g. when Tier II conditions are not maintained
- Lays out the social and economic justification procedure used to determine when unavoidable impacts are allowed.

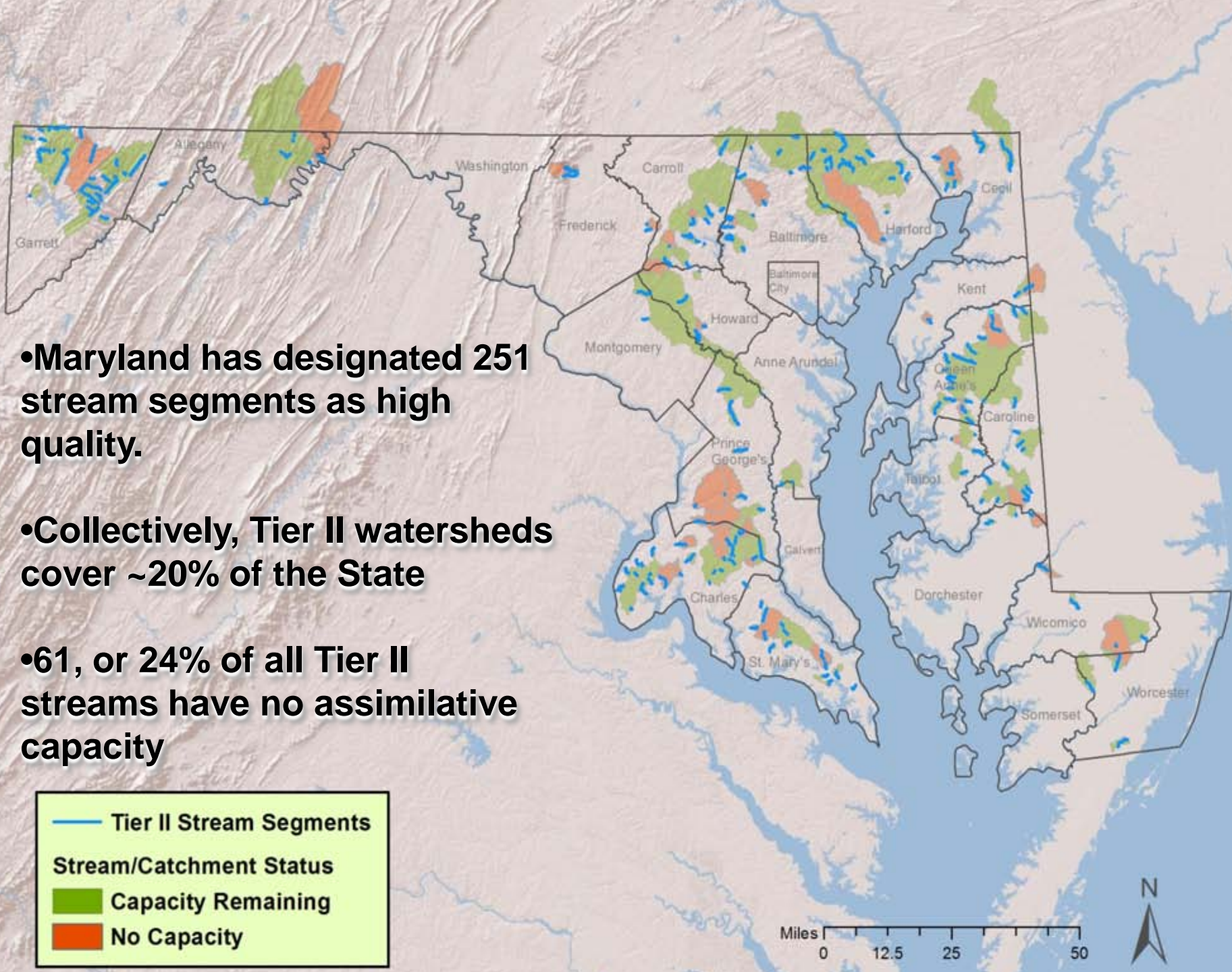
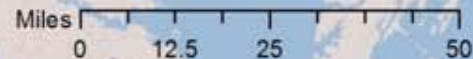
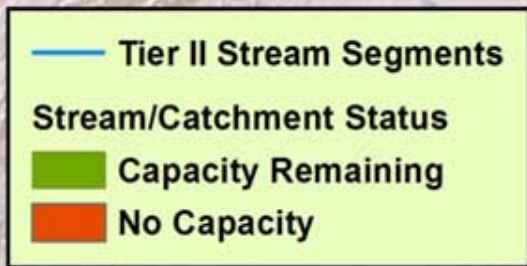


# Tier II Waters Designation

- Streams are sampled using the Maryland Biological Stream Survey (MBSS)
- MBSS assigns scores for stream benthic and fish assemblages
- To be designated Tier II, both scores must be  $\geq 4.00$

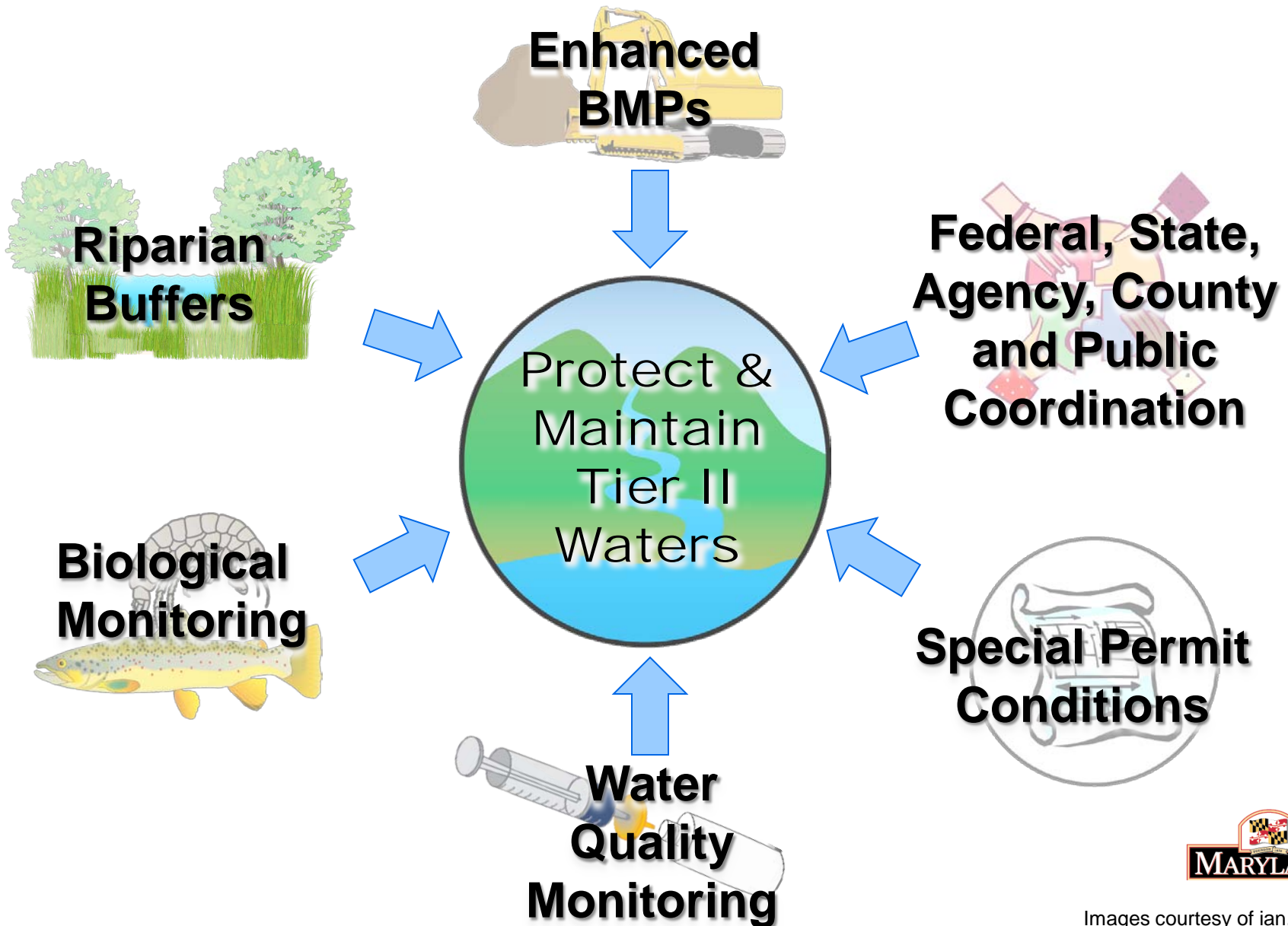


- Maryland has designated 251 stream segments as high quality.
- Collectively, Tier II watersheds cover ~20% of the State
- 61, or 24% of all Tier II streams have no assimilative capacity





# Current Protections





# Tier II & TMDL Watersheds

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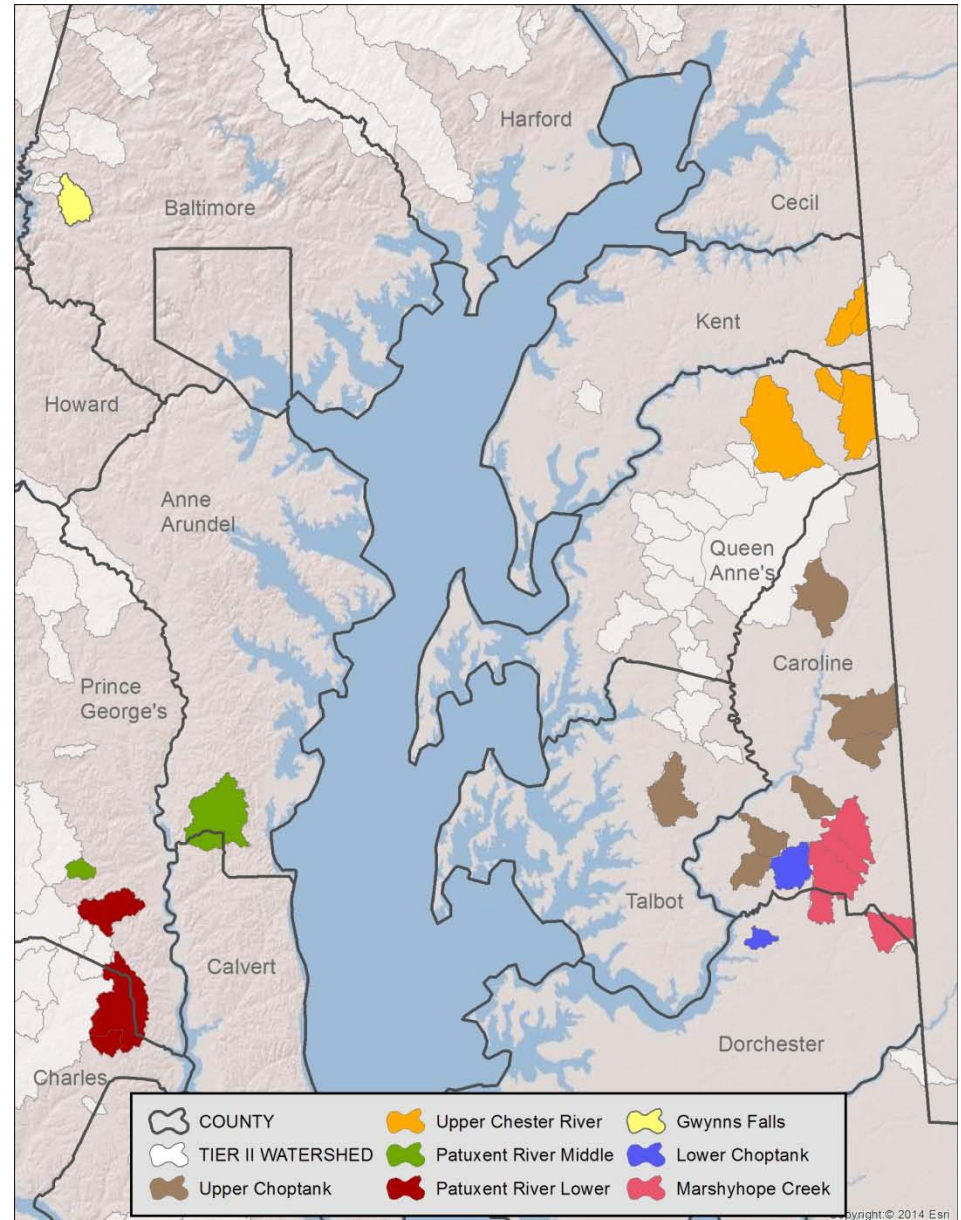
- Identify Tier II watersheds within the watersheds targeted for TMDL development
- Outside of targeted TMDL watersheds, focus on Tier II watersheds within Phase I MS4 Jurisdictions



MDE

# Tier II & Targeted TMDL Watersheds

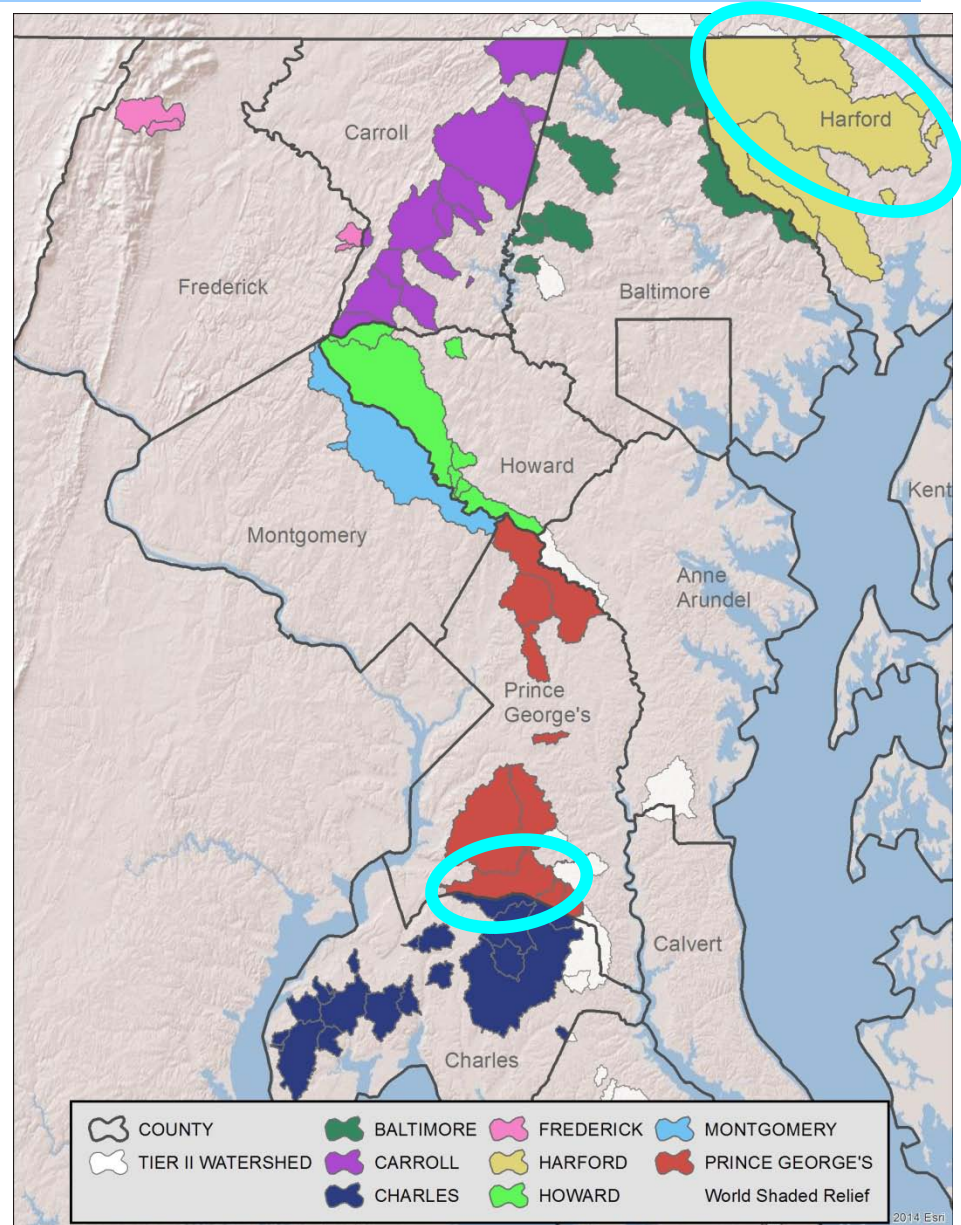
- Identified 26 Tier II watersheds in 7 targeted TMDL watersheds
- Information will be used to facilitate outreach to Counties to direct some implementation activities into priority Tier II-TMDL watersheds





# Tier II & Non-TMDL Targeted Watersheds

- Identified 70 Tier II watersheds in 8 Phase I MS4 Jurisdictions
- From among the 70, MDE will select a few watersheds where pilot protection programs may be effective, based on receptive County and stakeholder participation, and existing programs

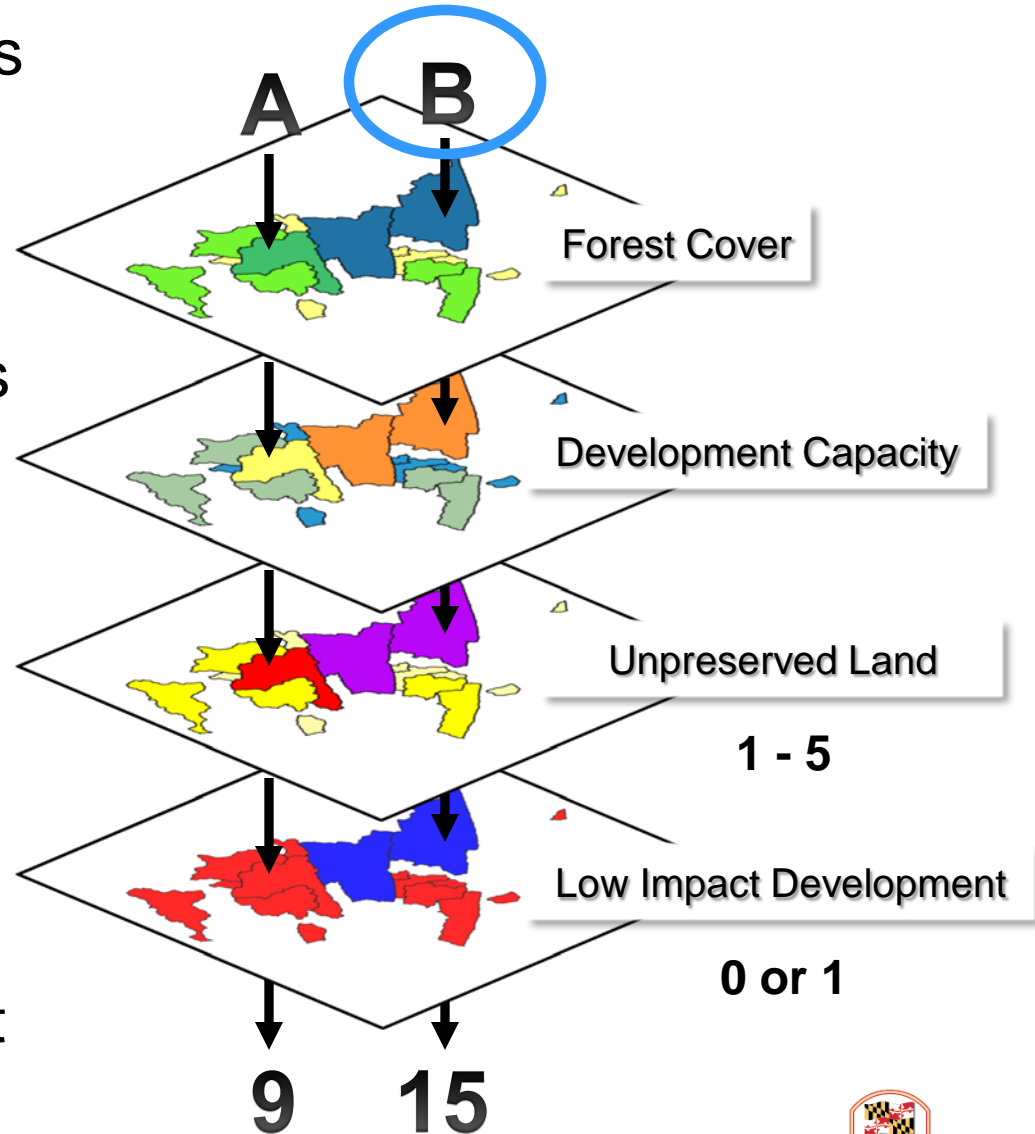






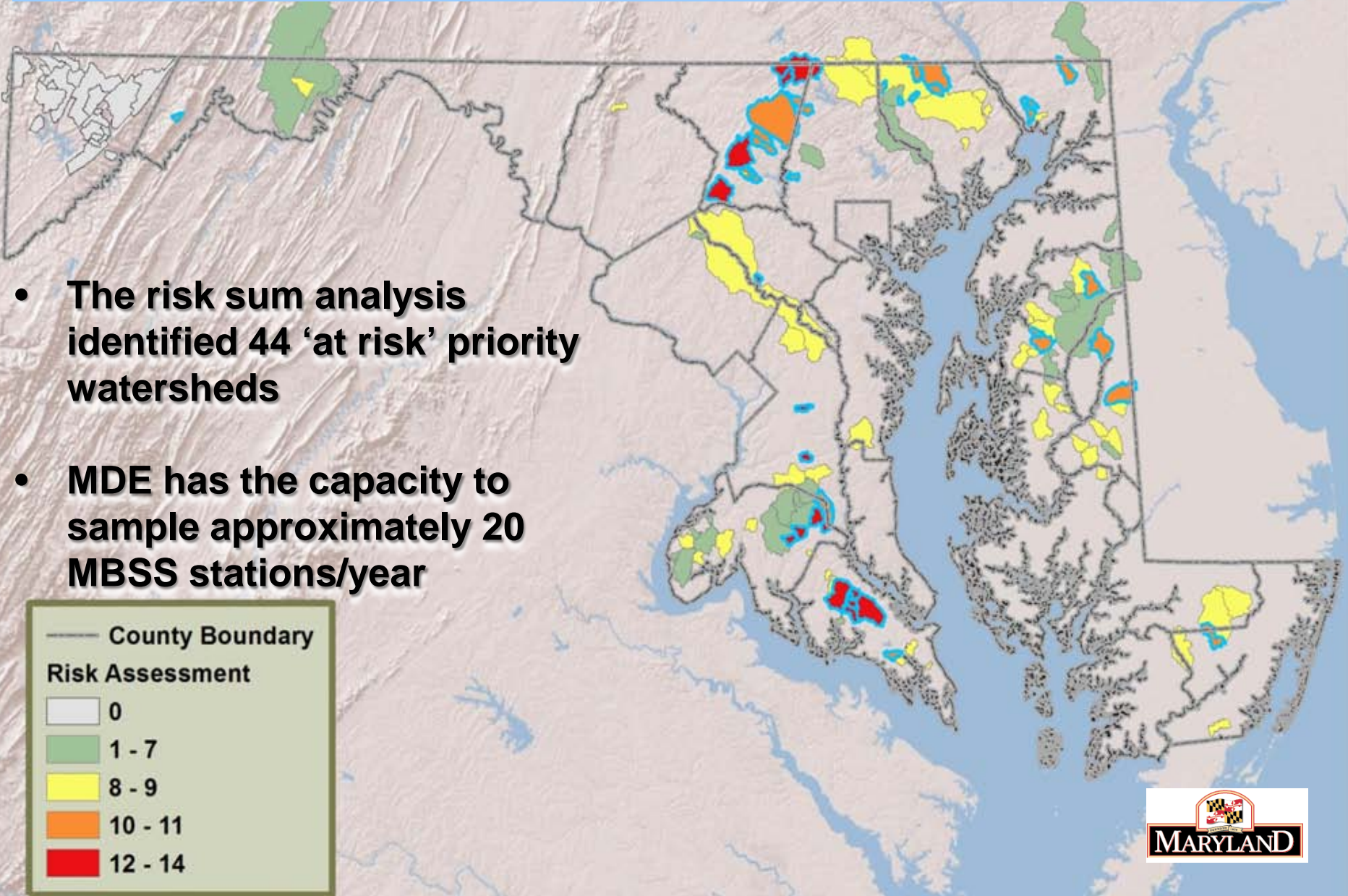
# Tier II Monitoring Priorities

- Identify those Tier II waters with capacity, but are facing the most pressure from land use changes.
- A sum analysis model was used to rank watershed attributes.
- The model 'overlays' each layer, and then totals the scores of the watershed across the different attribute layers.
- The areas with the highest scores are targeted for monitoring.

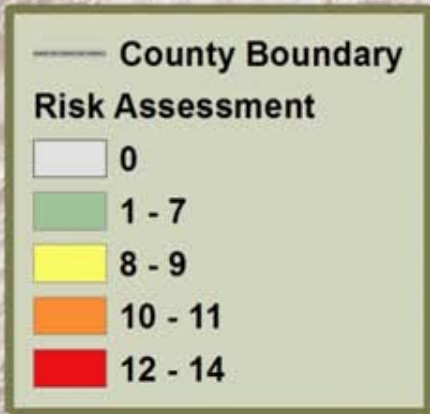




# Tier II Monitoring Priorities



- **The risk sum analysis identified 44 'at risk' priority watersheds**
- **MDE has the capacity to sample approximately 20 MBSS stations/year**





# Potential Future Actions

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- Revise the regulation to ensure a more consistent implementation process across the State
  
- Revise Tier II Implementation guidance documentation in accordance with the updated regulations



# Summary

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- MDE already consistently applies a number of practices designed to protect high quality waters
- New Vision & Tier II focus:
  1. Target some TMDL implementation into Tier II watersheds
  2. Pilot outreach protection programs within Phase I MS4 jurisdictions
- Priority monitoring of Tier II ‘at risk’ watersheds
- Clarification of existing regulations and technical guidance will increase the effectiveness of Tier II protections



# Any Questions?

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