

Attachment 2: Overview of Wastewater Planning Program Procedures

Act 537 – Developer Subcommittee

New effluent limits for NPDES permits for point sources are needed to meet new water quality standards promulgated by Maryland in August 2005, which relate to restoration of the Chesapeake Bay. The effluent limits are being based on annual mass loads for nitrogen and phosphorus (i.e., “cap loads”) for point sources in the watershed, in relation to wastewater flows. The Department developed an allocation approach to accomplish the compliance obligations with respect to the new Maryland standards, described in the Department’s Chesapeake Bay Tributary Strategy (December 2004).

In June of 2006 a subcommittee of the Point Source Workgroup (PSWG) was organized to examine the relationship between the existing Act 537 sewage planning program and potential affects on that program from implementation of the Chesapeake Bay Tributary Strategy. Experts from a variety of fields volunteered to work on this question. The subcommittee met several times between June and August 2006.

The subcommittee felt there were several places the existing 537 planning program did not “match up” with potential affects of the Tributary Strategy. The subcommittee provided a set of recommendations for consideration by the Department and the Steering Committee. These recommendations have been considered, and the following decisions have been reached.

Decisions:

- a. The Department has decided that the alternate allocation method will be implemented.
- b. The Department will develop appropriate guidance documents and revise planning module forms to provide the requested tools.
- c. The Department will revise applicable documents (e.g. sewage planning modules and DEP’s municipal 537 Planning Blue Book) to explain how the Tributary Strategy will affect the on-lot septic program, both in terms of nutrient limits on new systems and credits obtained for taking septic systems off-line.
- d. The Department will draft language and add it to applicable documents (e.g. sewage planning modules and DEP’s municipal 537 Planning Blue Book) that explain the relationship between the 537 planning process and the introduction of nutrient reduction.
- e. The Department will not consider the treating of septage at municipal plants as generative of nutrient credits.

- f. The Department will work with municipalities and authorities to help them meet their planning and permitting requirements. However, the Department does not consider that existing treatment capacity is a vested right.

- g. The Department will allow a developer to commit in writing (perhaps in an agreement of sale) as part of the sewage permit approval process, to purchase nutrient credits sufficient to cover needs for their project. The developer would only be required to actually purchase credits sufficient to satisfy each phase, provided the developer has a vested interest in the development. The Department will clarify this when drafting guidance that explains the relationship between the 537 planning process and the introduction of nutrient reduction.