

Garrett County Phase II Watershed Implementation Plan

1. Overview of the Local Team's Process

Garrett, the westernmost county in Maryland, is crossed by the Eastern Continental Divide. The eastern part of the County, which is within the Chesapeake Bay watershed, is largely forested. It drains to the North Branch of the Potomac River, hundreds of river miles from the Bay. Because of the land use and the delivery factor, Garrett County delivers the smallest amount of nitrogen and phosphorus of any Maryland county.

The Garrett County Phase II WIP Team (the "Team") included the following County official and staff members along with representatives from the County Soil Conservation District and a volunteer environmental organization:

1. Gregan Crawford, Chairman, Garrett County Board of Commissioners
2. John Nelson, Director, Department of Planning & Land Development
3. Steve Sherrard, Director, Garrett County Environmental Health Services
4. Linda Lindsey, Director, Department of Public Utilities
5. Jeff Broadwater, Assistant Director, Department of Public Utilities
6. Allen Festerman, Operations Supervisor, Department of Public Utilities
7. Shaun Sanders, District Manager, MDA
8. Chad Bucklew, District Conservationist, USDA-NRCS
9. Laura Haynes, Savage River Watershed Association

The only incorporated town in the Chesapeake Bay watershed portion of Garrett County is the Town of Kitzmiller with a population of approximately 300. Both Mayors serving terms during the Team's work were invited to participate, but were unable. The only federal land in Garrett County is the area surrounding Jennings Randolph Lake which is managed by the U.S. Army Corps of Engineers. The U.S. Geological Survey also did not participate with the Team. Jim Ashby of Mettiki Coal LLC attended one meeting along with Al Hooker and Mike Garner of the Maryland Department of the Environment's ("MDE") Abandoned Mine Lands Division. The MDE liaison was Brigid Kenney. The Team met six times between March 14 and November 18, 2011.

The agriculture sector in Garrett County also formed a work group and met separately. Some Team members also attended those meetings.

2. County Area Phase II WIP Strategies

The County will rely on erosion and sediment control on extractive land to achieve the desired nutrient and sediment reductions. By implementing this strategy, and with reductions achieved by Agriculture, it expects to achieve its 2017 and 2020 targets without reductions from other sectors.

In MAST, the Pre-Best Management Practices (“BMP”) Land Use includes 3,650 acres of non-regulated extractive and 51.3 acres of regulated extractive. The difference between regulated and non-regulated extractive land is covered by an MS-4 permit. No land in Garrett County is under an MS-4 permit; therefore, no land should be classified as regulated extractive. However, the 3,650 acres is approximately equal to the number of acres for which surface mining permits are currently in effect in the County. There is very little reclaimed land from inactive surface mining; almost all of it has been planted at least with grass.

Erosion and sediment control practices protect water resources from sediment pollution and increases in runoff associated with land development activities. By retaining soil on-site, sediment and attached nutrients are prevented from leaving disturbed areas and polluting streams. Existing Maryland regulations at COMAR 26.21.01.10 require mine operators to maintain and follow an approved erosion and sediment control plan throughout the life of the permit. This means that 100% of the extractive land under permit is already covered by an approved erosion and sediment control plan.

Maryland regulations at COMAR 26.21.01.16 also require that the permittee begin reclamation activities as soon as practicable after mining starts, continuing concurrently with mineral extraction. In accordance with this regulation, surface mining is generally completed in stages with mined sections being reclaimed as other sections are opened and worked. MDE’s Abandoned Mine Lands Division estimated that two-thirds of the acreage covered by permits is yet to be mined or has already been mined, reclaimed and vegetated. A significant percentage of the vegetated areas have been planted in trees at a rate of at least 400 trees per acre on slopes of less than 12 degrees and 600 trees per acre on slopes steeper than 12 degrees to meet regulatory requirements. The County is not relying on abandoned mine reclamation to achieve nutrient reductions, but notes that additional reductions should be realized because of the reclamation practices employed during the life of the mine.

The County considered other strategies but rejected them. The delivery factor for Garrett County is very small; that is, only about 10% of the nitrogen entering surface water in Garrett County reaches the main stem of the Bay. The reductions that might be achieved by septic connections, septic denitrification, and septic pumping were judged not to be economically feasible because the cost of these BMPs is very high compared to the realized reductions.

The County operates three minor municipal wastewater treatment plants (“WWTPs”) in the watershed: Bloomington WWTP, Kitzmiller WWTP, and Gorman WWTP. These serve small areas that are essentially landlocked between mountains and the Potomac River. For this reason, it is unlikely that they will experience any significant increase in population. Population growth in the County is slow. Garrett County grew by 251 residents between 2000 and 2010, and most of the growth was outside the Bay watershed. For this reason, it is not anticipated that the loading from these three municipal WWTPs will rise, and no upgrades are planned.

The minor industrial dischargers will be governed by NPDES permits issued by the Maryland Department of the Environment to achieve the needed reductions.

3. County's 2012-2013 Milestones

Erosion and Sediment Control:

Existing Maryland regulations at COMAR 26.21.01.10 require mine operators to maintain and follow an approved erosion and sediment control plan throughout the life of the permit. This requirement applies to all extractive land currently under permit; therefore, 100% of this BMP is already implemented. State enforcement of this regulation is sufficient to ensure that such controls are in place and applied.

Abandoned Mine Reclamation:

Existing Maryland regulations at COMAR 26.21.01.16 require that, unless the permittee provides a detailed explanation why site-specific factors prevent it, the permittee must begin reclamation activities as soon as practicable after mining starts, continuing concurrently with mineral extraction and, upon termination of mining, until the entire permit area is reclaimed. State enforcement of this regulation is sufficient to ensure that reclamation occurs. Because the County is relying solely on erosion and sediment control and not on the BMP of Abandoned Mine Reclamation, it is not setting any milestone for this BMP.

4. Area Implementation Tracking, Verification and Reporting Methods

The implementation actions are State-level actions. The County does not propose to track, verify or report on the erosion and sediment controls on extractive land.

5. Relationship of Local Watershed Planning Framework to Phase II WIP

The Savage River, a relatively pristine headwaters tributary of the Potomac River, flows mainly in Garrett County. It is Maryland's premier native brook trout fishery. The Savage River Watershed Association (SRWA) is participating in a two-year Savage River Watershed assessment project lead by the Izaak Walton League of America. In the past, SRWA partnered with the Canaan Valley Institute, the Department of Natural Resources, and the City of Frostburg to remove an impoundment on the Savage River in Allegany County. This project restored brook trout and other fish passage, reduced thermal impact in the Savage River headwaters, restored a 600 foot section of stream channel, and replaced the pond with a wetland providing habitat and flood protection. Substantial funding was provided by the National Fish and Wildlife Foundation, the

Chesapeake Bay Trust, and the Fish America Foundation. The watershed assessment may identify additional opportunities for restoration efforts in the future.

6. Identification of technical discrepancies, such as data concerns, and recommended future steps to address these concerns

MAST also shows no pre-BMP acres of regulated construction, although there was an allocation for 2009 and 2017. The allocation is zero for 2020. Although development pressure in the Chesapeake Bay watershed portion of Garrett County is low, some construction will obviously continue.

The Jurisdictional Target Load Summaries for wastewater treatment plants given for Garrett County seem to differ from those in MAST.