Assateague Coastal Trust
PO Box 731, Berlin, MD 21811

July 7, 2011

Mr. Brooks Clayville, Chairman
Worcester County Planning Commission
1 West Market Street
Snow Hill, M 21863

Dear Chairman Clayville and members of the Planning Commission,

Thank you for the opportunity to provide public comment on the draft Worcester County Water Resource Element today. As the Assateague COASTKEEPER, I'm here today to speak on behalf of the water in this process.

I sat through many of the Planning Commission work sessions as you all were taken line by painful line through this entire document by the Planning Staff and I would like to acknowledge appreciation for your careful review and thoughtful questions throughout that process.

As a result, Worcester County has created a good document and it is obvious that Keota and her team put many hard hours into the creation of this document and they are to be commended.

That being said, I must also comment that during the work sessions I heard senior staff advising that the WRE is just an exercise in numbers, just a formula that the State requires and is just a matter of punching in some equations, don't worry about it, just do the bare minimum the State requires and let's get this thing out of here."

The Water and I would like to know that Worcester County takes this planning document a bit more seriously.

Clean water that is swimmable, fishable and drinkable is a natural right to all Worcester County citizens. THIS IS the planning document that assures our residents, our businesses, our industries, and our visitors that they will all have access to adequate clean water supplies and waterways that are fishable and swimmable.

It should be noted that 2012 is the 40th anniversary of the Clean Water Act, an historic piece of national legislation which assures all citizens that their water resources will be protected. Will this draft of the County's Water Resource Element guarantee our waterways will be fishable – swimmable – drinkable between now and 2025? The recent trend of the Maryland Coastal Bays reports cards says otherwise, documenting continued degradation of our Coastal Bays watersheds. Let's make sure we create a plan, here today, that corrects this alarming trend.

I'd like to start with just a few suggested additions and changes to this draft document.

First, we would like to see greater emphasis about **water quality protection mentioned in the first half of document** and we would like to see more language addressing the specific issue of water quality throughout this document. The WRE makes little or no mention of the **value** of these water resources for recreation, seafood, aesthetics, tourism, etc.

We would like to see upfront acknowledgement that agriculture is the county's number 1 industry, followed by tourism, and that one contributes pollutant loads to the water while the other requires pollutant free water resources.

We would also like to see the addition of language that recognizes this document will be the basis of a Coastal Bays WIP and TMDL

There is no acknowledgement of sea level rise in this document, nor discussion of salt water intrusion into our aquifers. Is there a plan in place for this?

Is the 2011 Coastal Bays TMDL completed, and if not, how will it be amended into this document once it is completed?

Why aren't the County Watershed Restoration Action Strategy (WRAS) documents a part of the WRE?

It was was reassuring to see the mention of a land use strategy that converts farmland to forest land as a way to protect and improve water quality. But what is the reasonable assurance this will actually occur? Under 'scenerios' forest conversions are noted as voluntary measures, so again what is the reasonable assurance this will occur. More importantly, how will you balance this out with other stated goals in the WRE to maintain the agricultural industry of the county as it is now, which is more crop and CAFO production than forestry?

Stormwater –

There is a lack of stronger language about infrastructure upgrades from municipalities. Is there a plan to implement these needed upgrades? Is the county willing to have the difficult conversations with its municipalities about funding the needed upgrades in order to improve water quality in the County?

We'd like to see an explanation of what the identified causes for surface water impairments are and how will your planning proposals will specifically address those causes.

For example, are the septic systems they propose for removal targeted for the Dividing Creek watershed first? This is the body of water that's currently listed as impaired for bacteria.

Agriculture contributions –Worcester County zoning documents acknowledge that agriculture is nearly 90% of our land use. Yet it is interesting to note that here in Worcester County most planning strategies revolve around having too many houses per acre as an issue, but there is never discussion relating to how too high a density of poultry houses may affect our water resources and land use in the county.

We would like to see a strategy in the plan that addresses the dilemma of our many ag ditches – these are our 'streams' and should be addressed in the WRE. Furthermore, because they are man man man-made and managed, ag ditches should be identified as point sources so that we can begin an honest discussion on how to better manage these necessary evils.

Wastewater -

There is a major strategy in this plan to use land application of wastewater effluent, yet land application raises a number of issues that don't appear to be addressed in the WRE.

Waste Water Treatment Plant upgrade assumptions - page 3-40 section 3.3 outlines pollution impacts. How will the county deal with contributions from the Snow Hill WWTP if the funding does not materialize and the upgrades do not happen? For Pocomoke, a designated growth area, are there funding strategies in place now between the County and the City of Pocomoke to handle increased WWTP capacity?

Growth estimates from the 2007 County Comprehensive Plan have been downsized in the WRE from 18,000 people to 8,000 people. This economic downturn will not last another 15 years. The Baby Boomer generation has reached retirement age and is moving to the water. Has this plan scaled back too much?

Land application policy is used to change point source discharges to non-point discharges and, apparently to increase capacity.

What is the capacity of the current and proposed spray fields to use up nutrients before impacting groundwater? Nitrogen pollutants to groundwater and wells is a danger to young children.

How are you assuring these spray fields are capable of not polluting after long term application? Is there a plan to allow the spray fields to go idle to allow for absorption?

The issue is not the application itself, but rather the capacity and term of use for the spray fields. When do you know this piece of land has had too much? Is there a NMP that accounts for leachate, absorption and long term application? Does the county have adequate land resources to accommodate complete transition to land application? This in not addressed in the WRE.

In the case of Berlin we have now created a situation where we are taking a discharge out of one watershed and putting it over into another. How does the county plan to deal with this situation if your strategy is to increase the use of land application of effluent?

REUSE – There is no discussion of re-use of treated effluent in the WRE. There should be greater emphasis on developing a county wide purple pipe strategy and language that compels municipalities that discharge or spray to develop purple pipe strategies.

It is interesting to note that in this WRE, responsibility for nutrient reduction is mostly laid on the backs of the municipalities and citizens with the implementation of ENR treatment plants, BAT septic

upgrades, and urban stormwater management while most of our pollutant loads are coming off the crop land outside of their jurisdictional control.

Water withdraws

During the period between 1990 & 2010 the population grew more in the unincorporated areas (59%) than in the incorporated community boundaries (29%).

You predict that the entire county will grow about 16% in population and about 19% in water withdrawals between 2010 and 2025. With all of the conservation features you discuss, couldn't we do better than a 19% increase in water withdraws?

While the WRE draft does have good coverage on growth areas there is little planning, or goals, related to agricultural lands.

Agriculture, again, is not adequately covered. Our concern is that water withdraw calculations are not adequate and based on outdated data.

WRE calculates a current use of 9.3 M gpd for agricultural uses and estimates a 1 M gpd increase in the next 15 years.

But industry estimates of poultry production in the state shows there are 6 times more chickens than people in MD. Most are on the lower shore. The number of chickens in Worcester County from 1997 to 2007 more than doubled and production has continued to increase since 2007. Given recent industry claims of expansion on the lower shore, we can assume the poultry industry in Worcester County will continue to grow between 2010 and 2025. CAFO withdraws are a substantial drain on the aquifer and these withdraws are not put back as recharge.

The WRE does not adequately address the crop irrigation needs in the County. Water Withdraw permit applications this year have increased and we can expect this trend to continue as Climate Change and drought conditions require a greater need for water withdraw to grow crops. What is the county's strategy to protect crop production while also protecting water resources? Does the county have a strategy for dealing with inevitable salt water intrusion affecting crop production needs?

SOME ISSUES TO ADDRESS:

Uncompleted Studies are mentioned throughout the WRE.

The Mystic Harbor wastewater needs is mentioned as an incomplete study. When will you have a strategy in place for Mystic Harbor?

It appears many strategies within the WRE are dependent on the completion of a USGS Coastal Plain Study. Yet the results of this study won't become available until such time that is between the County's Comprehensive Planning cycles. How will the WRE be modified when these studies are completed? What if estimates are different? What if the USGS completed study shows there is not enough water? What then?

Comprehensive Planning for Water and Sewer:

The County does not have a strong Comprehensive Water and Sewer Master Plan. Currently a very outdated Master Plan is amended as each new use comes on line, piece meal.

In the Anne Arundel County WRE, as an example, the Anne Arundel County Water and Sewer Master Plan includes goals, objectives, policies and procedures as well as background information, descriptions of facilities and service areas, population and flow projections, strategies for facility optimization, and policies to address problem areas in both water supply and sewerage systems. The most recent update to the Water and Sewer Master Plan was completed in 2007 and reflects the land use policies of the 1997 General Development Plan and related planning policies that focus on protection of water resources.

Can we say this about Worcester County's Water and Sewer Master Plan as it is drafted today? The County needs to address this issue and not delay any longer on creating an updated, strong Water and Sewer Master Plan that is indeed a planning document for the future of Worcester County.

Groundwater issues:

I see no consideration of ways that groundwater use affects quantities of surface waters and therefore water quality. Does the groundwater provide important flows in dry periods (almost certainly yes) and could heavy usage in one or more areas affect this significantly?

Are there already known groundwater contamination areas that should be accounted for?

Other missing documents and strategies in this plan:

It would be an asset to have the State's Water Resource Element Analytical Framework Flow Chart included in the WRE, documenting the County's use of the flow chart in the drafting of this WRE.

All Watershed Restoration Action Strategy documents should be part of the Worcester County WRE. Is there a strategy to complete all WRAS planning documents with targeted dates, and will they be added as amendments to the WRE?

Is there a strategy in place to change the WRE if and when problems come up with unplanned water use increases or the completion of studies that show the Worcester County WRE does not adequately address water usage, or use of our water resources?

And finally, as a Waterkeeper I would be remiss if I did not state for the record that despite the fact MD laws allow for nutrient trading, I believe it is illegal and should not be a tool considered available in the Water Resource Element or the County's comprehensive planning strategy.

Thank you for your time and consideration of these comments.

Respectfully submitted,

Assateague COASTKEEPER, member WATERKEEPER Alliance
sponsored by Assateague Coastal Trust.