



June 16, 2020

Ben Grumbles, Secretary  
Office of the Secretary  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

Gregory Slater, Secretary  
Office of Secretary  
Department of Transportation  
P. O. Box 548  
Harry R. Hughes Department of Transportation Building  
7201 Corporate Center Drive  
Hanover, MD 21076

Tim Smith, Acting Administrator  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Sonal Ram, Director  
Office of Environmental Design,  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Lee Curry, Director  
Science Service Administration  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

Jana Davis, Director  
Chesapeake Bay Trust  
108 Severn Avenue  
Annapolis, MD 21403

*Sent by electronic mail only*

Dear Secretary Grumbles, Secretary Slater, Acting Administrator Smith, Director Ram, Director Curry, and Director Davis:

The undersigned members of the Choose Clean Water Coalition, a Coalition of more than 250 nonprofit organizations across the Chesapeake Bay watershed, write to express our concerns about a proposal to give the State Highway Administration (SHA) nutrient credits toward their pollution reduction requirements

of their MS4 permits for K-12 environmental education programs. The undersigned are in strong support of environmental education in our schools as an essential component of educating future generations about the importance of a clean environment and how to protect it. We are, however, opposed to efforts to skirt regulatory requirements by promoting efforts that do not necessarily lead to behavior change and measurable pollution reductions.

For years, the environmental movement relied on the idea that a person learning or just being informed of an issue was enough to create a behavior change leading to a desired action. However, social science research has proven that in most situations, there is a very weak relationship between awareness and behavior change<sup>1</sup>. True behavior change comes from identifying a target audience, assessing the barriers and benefits of an action, and implementing well-informed campaigns<sup>2</sup>. The Chesapeake restoration community has adopted social science frameworks, such as social marketing, as the model for creating change and we encourage SHA to do the same.

According to the March 30, 2020 letter to Director Ram from MDE, “the Department will allow an interim impervious acre credit equal to 50% of SHA’s 2019 Education BMP proposed credit, and up to 100% if subsequent analysis of monitoring data support the proposed credit, for a maximum Pilot Project restoration credit of 100 impervious acres.” It is unacceptable that 50 acres would be approved even if subsequent analysis of monitoring data did not support the proposed credit. It sets a dangerous precedent of allowing baseless crediting for unquantifiable or unverifiable credits for all MS4 and regulatory pollution elimination permits and it calls the integrity and value of all credits into question.

In addition, SHA’s proposed “education best management practice (BMP)” falls far short of any other approved or sanctioned BMPs that have been evaluated by the Chesapeake Bay Program’s Urban Stormwater Workgroup. In fact, the workgroup hired an independent contractor 5 years ago to evaluate the prospects of such a BMP and the subsequent report determined that, “most of the literature reviewed did not discuss actual water quality improvements backed up by monitoring data” and a “lack of consistent, statistically significant behavior change results.”<sup>3</sup> The undersigned ask that SHA look at the research that has been done, and to reassess the idea of accepting pollution reduction credits from K-12 environmental education programs that do not always include or lead to any specific quantifiable environmental benefit.

We applaud any SHA efforts to more fully engage students in environmental stewardship. However, under the Chesapeake Bay TMDL, and the efforts that state agencies must engage in to meet 2025 pollution reduction deadlines, credits cannot be given to benefits that are not tangible, modeled nor measurable. Unless any of these actions or practices can lead directly to behavior change and pollution reductions that are verified and quantified there should not be any creditable benefits toward SHA’s MS4 permit.

We agree with the assessment of the Urban Stormwater Workgroup of the Bay Program and urge SHA and the Maryland Department of the Environment to abandon the idea of getting credit toward their MS4 permit through K-12 education and look for other verified and quantifiable ways to meet their reductions. The Choose Clean Water Coalition would welcome more discussions about pollution reduction credits and how SHA can structure a program that achieves both community engagement, behavior change and on-the-ground restoration practices that reduce nutrient and sediment pollution.

Thank you for your consideration of this matter. If you have any questions please contact Ben Alexandro with Maryland League of Conservation voters at [baalexandro@mdlcv.org](mailto:baalexandro@mdlcv.org).

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<sup>1</sup> Hornik, R. Public Health Communication: Evidence of Behavior Change. Mahwah, NJ: Lawrence Erlbaum Associates, 2002.

<sup>2</sup> McKenzie-Mohr, D. Fostering Sustainable Behavior (3rd ed.) Garbriola Island, BC: New Society Publishers, 2011.

<sup>3</sup> DeSantis, M. Technical Memorandum on the Feasibility of an Expert Panel on MS4 Outreach as an Urban BMP. Unpubl., 2015.

Signed,

Anacostia Watershed Society

Arundel Rivers Foundation

Audubon Naturalist Society

Baltimore Tree Trust

Blue Water Baltimore

Center for Progressive Reform

Chemung River Friends

Chesapeake Legal Alliance

Clean Water Action

Corsica River Conservancy

Friends of Lower Beaverdam Creek

Friends of Nanticoke River

Friends of Quincy Run

Maryland League of Conservation Voters

National Parks Conservation Association

Natural Resources Defense Council

Rock Creek Conservancy

Sierra Club - Maryland Chapter

Waterkeepers Chesapeake

Watts Branch Watershed Alliance

Wicomico Environmental Trust

CC: Normand Goulet, Urban Stormwater Workgroup, Chair and Tom Schueler, Urban Stormwater Workgroup, Coordinator