

**STATE WATER QUALITY ADVISORY COMMITTEE**  
**Maryland Department of the Environment**  
**February 3, 2006**  
**MINUTES**

**ATTENDEES:**

**Members/Alternates:** Vince Berg, Jay Charland, Mike Clar, Dave Duree, Fred Faulkner, Janice Graham, Linda Hanifin Bonner, George Hanson, Mary Marsh, Ed Merrifield, Anne Pearson, Nancy Pentz, Fred Samadani, John Scarborough, Burt Sklar, Bill Stack, Karen Wiggen, George Wilmot, Frank Wise, Steve Witt, Charlie Zeleski

**Excused Absences:** Sue Chappelle, Antoinette Sebastian, Victoria Woodward

**Others:** Bob Summers (MDE), Sherm Garrison (DNR), Jay Prager (MDE), John McCoy (DNR), Jay Prager (MDE), Jennifer Wazenski, (MDE), Mark Symborski (MNCPPC), Jennifer Bevan-Dangel (MaryPIRG), Connie Dunbar & David Gardiner (Port Tobacco River Conservancy), Sriram Gopal, Matt Shultz & Kerry Rodgers (Unv. of Md. Env'l Law Clinic), Mary Searing (Anne Arundel County), Chris Thomas (MDE)

Steve Witt opened meeting with introductions at 9:30 a.m. **Motion** to approve the December 2, 2005 minutes with change on Page 3 from Prince George's to Montgomery County. **Motion** approved with change.

**News from DNR** – Sherm Garrison (*attachment*)

- **Administration Changes at DNR:**
  - Lynn Buhl resigned 1/30/06
  - Ron Guns is Deputy Secretary
  - Frank Dawson is Acting Assistant Secretary for Chesapeake Bay ProgramOrganizational chart is online at DNR website.
  
- **Chesapeake Bay Water Quality Assessment**
  - Working to address new Chesapeake Bay criteria
  - Goal of workgroup is to define methods and differences between MD & VA regulations for clarification or correction.
  
- **Chesapeake Bay Monitoring**
  - DNR's plans to expand shallow & open water monitoring - draft map attached
  - 5 new tidal tributary areas
  
- **Corsica River Project**
  - Several meetings held between agencies
  
- **St. Mary's Lake** – Sherm will get details and provide to Chris.
  
- **Website**
  - SWQAC website is online
  - For changes or additions, go thru Chris or Victoria

**Message from Senator Dyson** - read into the record (attached).

# State Water Quality Advisory Committee

## Minutes

- 2 -

### Open Meetings

- A summary of the Attorney General's opinion on the Open Meetings complaint was handed out.

### Flush Fee – Jay Prager

- Two pieces of legislation were introduced
  - One would totally repeal that section which applies to onsite sewage disposal
  - Second on allows counties to opt out of collecting fee and as a result could not use the funds for upgrading onsite sewer disposal systems in their counties
  - MDE has not taken a position yet
  - Trying to update website – one explains Bay Restoration fund
  - Also Put link on web – to BAT & then to EPA Environmental Tech Verification (ETV) Program
  - Figure out in Maryland what are best management technologies (BAT) for removing nitrogen – best program out there is ETV Program for what units can be used in Maryland - currently comparing this program with NJ's program
  - Sidebar for BAT – link to ETV site
  - Adding preapplication form - can be completed online preferably or download & mail in.
  - Determining what activities are grant eligible – working out with Attorney General's office.

### BAT Workgroup – Jay Prager

- How is BAT workgroup determining what activities are grant eligible
- Are going to want to add this to website
- Manufacturers are going to need to know what is going to be required of them to be grant eligible
- Developing a BAT review team to review these applications

### Updating Septic video

- Almost complete – trying to show connection between septic and the Bay & what the homeowner's responsibility is.
- Would like to get it on local cable access – to reach a broad audience.

### News from MDE – Bob Summers

- ITAC
  - Looking at ways to improve wastewater system
  - Advisory Committee Report should be coming out shortly with recommends
  - 2001 Task Force on water & sewer infrastructure identified need of \$4.3 million
  - 2004 Committee – second committee has more up-to-date information – cost estimates of 5.3 billion in terms of wastewater infrastructure needs.
  - MDE & Planning finished series of workshops dealing with planning and adequate water and sewer capacity.
  - MDE put out detailed guidelines to local governments on wastewater capacity and they have received lots of comments and are doing revisions on it
- Well Regulations Update
  - Received letter from Advisory Committee
  - Plan to have draft by Spring for broad review
  - SWQAC requests presentation in April on regulations update.

## State Water Quality Advisory Committee

### Minutes

- 3 -

- **BNR/ENR Status Report**
    - Working hard to get all 66 targeted facilities upgraded as quickly as possible
    - Ongoing Bay Restoration Fund Advisory Committee – provide input/guidance on implementation of plans – meetings are open to public
    - Patapsco – one of 3 largest in Maryland
  
  - **McDonald Mine**
    - Network of old coal mine tunnels near Westernport on George's Creek
    - For years AMD drainage has been basically killing the Creek
    - Department working with various departments - put in dosing device
    - Something shifted and volume increased and vicinity.
    - Brought in EPA, mining experts and consultants in effort to find what the best fix is and to get funding.
    - Connie Lyons – lead person in Frostburg office.
- Request presentation in fall – Marie Halka on BRAC Committee

### *Presentations*

**TMDL Lawsuit Update** – by University of Maryland Law School  
Jennifer Wazenski from MDE's Attorney General's office ask for time to speak on this issue.

### *Subcommittee Reports*

#### **Watershed Restoration Subcommittee** – Mike Clar

- Subcommittee drafted letter to Bob Summers regarding erosion and sediment control issues requesting MDE staff to attend April meeting and give update on these issues
- **Motion** to send letter – passed with amendment to first sentence.
- Allow Victoria to make final decision on who letter should be sent to.
- Short meeting after this meeting

#### **Wastewater Subcommittee** – Linda Hanifin Bonner

- Two items passed out:
- Letter requesting extension of 303(d) comment period & 3 pieces of legislation out SB 174, 276 & 235 – removal of funding that this part be taken out of Bay Restoration Fund.
- Discussion on first letter on 303 (d).
- Steve read Victoria's email. He suggested making 2 motions on letter separating it into two different letters.
- Letter to MDE Secretary requesting extension of time period from 45 days to 90 days to add comment. **Motion** to draft letter on 303 (d) list extension period **approved**.
- Letter be drafted changing process to include SWQAC in its public review process be generated by the Chair - **Motion** made and **passed**. Linda to redraft letter.
- Dave Duree made **Motion** to send letter as written with amendment in last paragraph.

#### **Legislative Subcommittee** – Jay Charland

- Drafted 3 letters
- Discussion on first letter on stormwater legislation that has not yet been introduced.
- Motion to endorse concepts into a revised letter to be put before Executive Subcommittee for approval – Motion approved.
- Agricultural funding letter – Motion to go ahead with letter with adding paragraph on SWQAC – Motion approved.
- Standing letter – Motion to endorse letter to be redrafted by Executive Subcommittee.

### *Meeting Adjourned*