

**STATE WATER QUALITY ADVISORY COMMITTEE**  
**October 3, 2008**  
**MINUTES**

**ATTENDEES:**

**Members/Alternates:** Michael Clar, Emery Cleaves, Dave Duree, Senator Roy Dyson, Janice Graham, Fred Jacobs, Louise Lawrence, Shannon Lucas, Terry Matthews, Matthew Pajerowski, Nancy Pentz, Edwin Singer, John Scarborough, Burt Sklar, Karen Wiggen, George Wilmot, Steve Witt, Victoria Woodward

**Excused Absences:** Neil Jacobs, Anne Pearson

**Others:** Secretary Richard Hall (MDP), Ginny Kearney (MDE), Sherm Garrison (DNR), Bruce Michael (DNR), Tony Allred (DNR), Herb Sachs (MDE), John Backus (MDE), Jay Prager (MDE), Janice Outen (MDE), Chris Thomas (MDE)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motions** to approve the August 1, 2008 minutes - **approved**.

**Conversation with Secretary Richard Hall of MDP**

- Secretary Hall has been with the Department of Planning for over 18 years
- Planning is a relatively small State agency
- Some issues talked about:
  - Recently acquired Maryland Historical Trust under Department
  - Data on Census is on webpage
  - Growth and the Bay
  - Task Force on Future Growth and Development
    - Meeting since January
    - Studying wide-range of smart growth and land use issues
    - Report due in December
    - Minutes are on their website
  - State Development Plan
    - In the statute since 70s
    - Task Force – one of the key parts of mission is to help outline parameters
    - Statute is fairly general
    - Article is Finance and Procurement Section 5 (will send to SWQAC)
  - Terrapin Run in Allegany County
    - Weakens Comprehensive Plan and zoning
    - How to reestablish link
    - Next meeting date to be sent to Victoria
  - HB 1141
    - Water Resource Element on website
    - Local governments will not be able to change zoning unless they have this in their Comprehensive Plan
    - Have until October 2009
    - Secretary has authority to grant two 6-month extensions

# State Water Quality Advisory Committee

## Minutes

- 2 -

### News from MDE – Ginny Kearney (*attachment*)

- **Stormwater Management Act**
  - In process of modifying regulations and changing one portion of the Manual to do nonstructural for environmentally sensitive developments
  - Held many listening sessions and input sessions
  - Website has schedule of updates
  - Proposed final regulations on website October 17, 2008
  - Notice of Public Hearing on Maryland Register November 7<sup>th</sup>
  - Publication of Proposed regulations in Maryland Register November 21<sup>st</sup>
  - Public Hearing at MDE week of December 8<sup>th</sup>
  - Pushing for final regulations to be adopted first week of January 2009
  
- **Proposed General Permit**
  - Series of listening sessions
  - Renewing General Permit for construction-related stormwater and sediment control activities
  - Currently under internal review
  - Anticipate having new General Permit in place by January 2009
  
- **General Accounting Office (GAO) Study on Clean Water Trust Fund**
  - Meeting with GAO on 2010 funds and other financing programs for wastewater and nonpoint source improvements
  - They are looking at developing a Clean Water Trust Fund nationally
  
- **Chesapeake and Atlantic Coastal Bays 2010 Trust fund**
  - MDE/DNR solicited applications on how to use funds
  - DNR has \$5 million on the table and MDE about \$6 million
  - Proposal were due at the end of August
  - Rated and ranked proposals
  
- **Nutrient Cap Management and Training**
  - Point to point trading is up on website
  - MDA is taking the lead on point to nonpoint trading
  - MDE is looking at point sources and urban nonpoint sources – calling it Phase III - just beginning this process
  
- **Maryland Groundwater Symposium**
  - Held on September 25<sup>th</sup>
  - 17<sup>th</sup> one the Department has held
  - Keep getting bigger each year about 400 attendees
  - Presentation abstracts and powerpoint slides on website
  
- **Water System Security Training**
  - Ongoing public security grant from government
  - Provide exercises and trainings to local governments and first responders in area of drinking water emergencies and security breaches
  - Invitations will go out to water suppliers in the next couple of weeks

## State Water Quality Advisory Committee

### Minutes

- 3 -

- **Capacity Development Report to Governor**
  - Capacity Management – specific to water and wastewater facilities
  - Capacity Development – federal law under Safe Water Act requires that new water systems that come on line have financial and technical capability – that they are adequately run financially
  - On website under water supply portion
- **Groundwater Protection Annual Report**
  - Report has to go to Governor every year
  - Is on MDE's website
- **Wetlands**
  - New fees that have gone into effect on July 1st
  - MDE is entering into MOU with Chesapeake Bay Trust
  - Providing money to the Trust to enhance their living shorelines
  - Allow Trust to administer funds
- **Status of Hoyes Run**
  - Permit has not been issued
  - Meeting with the developer next week
  - It is a water supply issue
  - Request for groundwater withdrawal
  - Discussions on how much water they could safely withdrawal

NPDES voluntary fees incentive – 106 fees and wastewater fees – new rule changes allotments to states. Update will be provided in next MDE News.

### *Presentation*

#### **Governor's Advisory Committee on Water Protection & Resource Management (Wolman Committee) Final Report** – Herb Sachs

- Report was 5 years in the making
- Started after drought in 2002 - many wells went dry, especially in Southern Maryland
- In March 2003, Governor Ehrlich issued Executive Order creating the Task Force headed by Dr. Wolman of Johns Hopkins in March 2003
- Final report in May 2004 – Governor issued second Order to continue the Task Force
- Interim Report was issued in July 2006 and its Final Report in July 2008
- Early on decision was to concentrate on water supply
- First Report – looked at population/supply and demand and from 1970-2000 it increased 35%
- Increase from 2000 to 2030 expected to increase another 20%
- Other big users power plants for cooling and on Eastern Shore for irrigation (about 36%)
- If land use continues to increase at current rate, we will consumer 650,000 acres by 2030
- Smart Growth if followed development would be limited to 150,000 acres
- Water utilities do little to limit use/demand
- Two pilot projects to show how to do future water supply studies:
  - Southern Maryland
  - Monocacy
- Showed we do not have the information in database to fully understand supply side
- New Executive Order in May 2005 - Committee initiated different approach
- Committee aware of lack of coordination with local government and State regulatory process

## State Water Quality Advisory Committee

### Minutes

- 4 -

- Recommendation of Committee to look at interface between State and local government
- Lots of good laws on books
- No central plan or guidance to pull all the programs together
- HB 1141 introduced to make attempt
- Recommended State Water Resources Management Plan within 3 years to assist local governments in developing plans.
- Third Report & Final Report:
  - Leadership changes - Jay Sakai took over Water Management
  - Creation of Planning Office headed by Brigid Kenney who was editor of final report
  - Report does not suggest imminent statewide crisis even though drought situations in recent years.
  - It does point out there will be an ever increasing demand on water resources
  - Committee concluded State is not prepared to carry out responsibility for effectively managing water resources – no guidance plan, insufficient database, staffing, etc.
  - Committee proposed a number of recommendations:
    - Develop a robust water resources plan – should address conservation, sustainability, source protection, etc.
    - Provide adequate and reliable funding for staffing, programmatic and information needs.
      - Establish permit fee for at least cost of administering program
      - Fund 2 major water studies
      - Provide funding for local governments
    - Personnel system – lack program to recruit and maintain staff
    - Until proper funding source, little implementation of recommendations can be made.
    - Outreach
      - No way of getting information out
    - Recommendation – concerning water under State-owned land
      - Strong recommendation – hands off – State resources
    - Tentative budget estimated at \$72 million over 8 years – insignificant to the value of the State’s water resources and importance of resources to economy and well being of the State.

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

- Bruce Michael will be attending SWQAC meetings replacing Dave Goshorn
- **St. Mary’s Dam**
  - Water level of the 250-acre lake will be lowered 7 feet below normal for necessary dam repairs.
  - Level will stay low until construction is complete in April 2009

Senator Dyson wanted everyone to know that Secretary Griffin came down to the St. Mary’s Dam and walked it with him.

- **NOAA Smart Buoy**
  - NOAA deployed a fifth “smart buoy” on 9/13/08
  - Located at the mouth of the Susquehanna River
  - Will collect weather, oceanographic and water quality observations
  - 2 other buoys have been deployed at the mouths of Potomac & Patapsco Rivers
  - Information from the buoys can be viewed at [www.buoybay.org/site/public/](http://www.buoybay.org/site/public/)

## State Water Quality Advisory Committee

### Minutes

- 5 -

- **Maryland Water Monitoring Council**
  - 14<sup>th</sup> Annual meeting will be Thursday, December 4, 2008
  - Focusing on challenges and rewards of effective monitoring of tidal and nontidal waters
- **MD commission on Climate Change**
  - Chaired by University of Maryland
  - Produced a 93-page report (Global Warming & the Free State)
  - Report is available online at <http://www.umces.edu/climateimpacts/index.html>.

#### **SSA Administration** – John Backus

- **TMDLs**
  - Met goal of 52 listings
  - 30 specific to MOU with EPA
  - 33 delistings for a total of 52 listing this year
  - Contact person is Melissa Chatham 410-537-3937
- **Water Quality**
  - \$100,000 grant from Healthy Waters Initiative with \$33,000 MDE match.  
Objectives are:
    - Water resources element
    - Alternative decision criteria to determine antidegradation
    - To develop in-house analytical data
- **Tier II**
  - Internal brown bag meeting held
  - Individuals from SSA, Permitting, Water Supply attended
  - Looking at identifying triggers for Tier II
  - To formalize strategy for helping planners, developers, etc.
  - Will reach out to other stakeholders from the outside
- **Use Attainability**
  - Look at how Department will use this use attainability tool
  - Make appropriate designated use changes
  - Moving forward with putting together group of no more than about 20 to include State, DNR, SWQAC, local government, etc.
  - Come up with a process on how use attainability will lead to a change in regulations
  - Will be moving forward in upcoming weeks to come up with a plan
  - High on SSA's priority list

#### ***Subcommittee Reports***

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

- Recommendations on Chapter 5
- Brief meeting following today's meeting
- Preparing position for SWQAC related to redevelopment requirement for stormwater management
- Email it and solicit comments by mid to late October

**State Water Quality Advisory Committee  
Minutes**

- 6 -

- Regulations to be published in Maryland Register November 21<sup>st</sup>

**Water Resources** – Terry Matthews

- Frank Wise has resigned from SWQAC
- Terry Matthews to take over Chair of this subcommittee

**Wastewater** – Dave Duree

- No report
- Victoria added that new federal rule that EPA wants states to be more self-sufficient and in doing that will get better allotment from 106 grant.

**Water Quality Exchange Data** – Steve Witt

- SSA oversees water quality data exchange program headed by George Harmon
- Status now is that of the 2 EPA grants \$750,000?
- Trying to retrieve private well data in counties
- Have hired a contract consultant in counties
- Had 3 vacancies, but could lose those PINs

***Miscellaneous***

**Open Meetings Case**

- SWQAC won the case
- Victoria will forward web link to the opinion

**Officer Elections** – Dave Duree

- Had 3 officers nominees, but with Frank Wise's resignation – now only have 2
- Opened the floor to nominations
- Not required to have 3 officers
- Nomination of Victoria Woodward at Chair and Steve Witt as Vice Chair – **unanimously approved.**

**Next Agenda**

- John Backus/Matt Rowe – 30 minutes next meeting
- Redefine Subcommittee status – would like feedback from members
- Any interest in sludge regulations update?

***Meeting Adjourned 12:30 p.m.***