

**STATE WATER QUALITY ADVISORY COMMITTEE**  
**Maryland Department of the Environment**  
**October 6, 2006**  
**MINUTES**

**ATTENDEES:**

**Members/Alternates:** Vince Berg, Sue Chappelle, Michael Clar, Dave Duree, Kevin Koepenick, Ed Merrifield, Anne Pearson, Fred Samadani, John Scarborough, Burt Sklar, Steve Andritz (for Carol Cain), Bill Stack, Frank Wise, Steve Witt

**Excused Absences:** Thaddeus Graczyk, Jan Graham, Louise Lawrence, Mary Marsh, Nancy Pentz, George Wilmot, Victoria Woodward

**Others:** Bob Summers (MDE), Dave Goshorn (DNR), Sherm Garrison (DNR), Jay Prager (WMA), Joe Beaman, John Backus (TARSA), Chris Thomas (MDE), Shannon Lucas (Brightwater), Tony Prochaska (Chester River Association), Heather Hamilton (MD Chamber)

Frank Wise opened the meeting with introductions at 9:45 a.m. In the August minutes under attendees, add Nancy Pentz. Minutes were not approved due to lack of a quorum. Addition to today's agenda, Bylaw Revisions and Triennial Review.

**News from MDE** – Bob Summers (*attachment*)

- **Nutrient Cap Management**
  - In April a “preliminary discussion” draft was put out.
  - Listening sessions have been held to hear feedback on ideas in this document.
  - Cap is being achieved by upgrading major facilities.
  - What type of activities are appropriate to offset increases
  - Both Virginia and Pennsylvania are proceeding with Cap and Trade programs. Virginia with law/regulation and Pennsylvania has issued a draft policy.
- **Board of Public Works**
  - MDE and Baltimore City have reached agreement on how to upgrade to ENR
  - Out of 66 major wastewater treatment plants, 19 are fully underway
  - Blue Plains – difficult to deal with due to multi-jurisdictions – EPA began to incorporate cap loads into permit.
- **Flush Tax**
  - Article in the Baltimore Sun by Tom Pelton was very critical of the use of Bay Restoration Funds to support growth.
- **Water and Wastewater Capacity Management**
  - At a Cabinet meeting in Frederick County on July 10, the Governor announced the release of guidance documents for water capacity management and wastewater capacity management.
  - Need to meet permit limits and not violate capacity limits on wastewater side.
  - Looking at facilities at or above 80% capacity.
  - Some facilities are exceeding their capacity.
  - HB 1141 requires local governments to incorporate water resources element in land use plan – addressing water system capacity and wastewater capacity.
  - Information on development capacity can be found on Md. Dept. of Planning website.

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- **Capital Projects**
  - (List of capital projects approved at the last Board of Public works meeting)
  
- **McDonald Mine**
  - MDE has not found a funding source to deal with this problem
  - This is a prelaw mine
  - Bureau of Mines has installed and is operating a doser, which has helped neutralize the acid.
  - In August 2005 something shifted in the mine and the acid went up and blew away the doser used to neutralize the acidity.
  - MDE is working very hard to come up with a solution
  - Conditions are improving a little.

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

- **Corsica Run**
  - Report card updated on DNR website
  - Status report on where the river stands
  
- **Executive Council Annual Meeting**
  - Meeting held two weeks ago on September 22<sup>nd</sup>.
  - 2006 Bay Initiatives include:
    - Farm Bill Agreement
    - Enhanced Role and Voice of Agriculture Resolution
    - Forest Conservation Directive
    - Healthy Lawns and Clean Water Initiative
  
- **Chesapeake Bay Water Quality**
  - Summer dissolved oxygen levels were average or slightly better than average for June.
  
- **SAV Restoration**
  - Seed planting in experimental stage
  - Staff is trying different techniques
  - On DNR website – 2005 SAV aerial survey data, shows aerial flight, impact of rains in June and clouded Bay especially in Upper Bay.
  
- **Oysters**
  - New method of shell planting implemented in Broad Creek off the Choptank River. Method off of barges was only suitable for deeper water.
  - To plant in shallower areas, method developed to offload from barges to small runabout boats to provide access to shallow waters.
  
- **Chesapeake Bay Program**
  - Draft addendum to Water Quality Criteria developed.
  - Discusses defining chlorophyll criteria, updates to criteria assessment methods/procedures, etc.
  - Report can be accessed on DNR website:  
[www.chesapeakebay.net/baycriteriaaddendum.htm](http://www.chesapeakebay.net/baycriteriaaddendum.htm).
  - Official deadline is Friday, October 13<sup>th</sup>, but comments will be accepted until a final version is ready for external review.

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- **DNR Water Leasing** – Dave Goshorn
  - Letter from SWQAC went out on August 21, 2006
  - DNR is in comment gathering mode.
  - There is no deadline for comments.
  - There will be no appropriation of water until this policy is formalized.
- **CD on 305(b) Water Quality Standards**
  - Went to EPA
  - Looking for comments
  - 58-68% of waters are not supporting aquatic life.
- **SWQAC Website**
  - DNR funding was found to maintain the SWQAC website for another year

### **TARSA** – Joe Beaman

- **Issues from SWQAC**
  - List of issued received by email from Frank Wise:
    - Self monitoring
    - Wastewater treatment fees
    - Intermittent zones
    - Mixing zones
  - Victoria identified these as things that might be looked at during Triennial Review
  - Workgroups to look at these issues
- **Triennial Review**
  - The whole regulation is up for review.

Letter discussed at August meeting on Beaches Program was not sent. SWQAC is waiting until after TARSA's presentation on the Program.

### ***Special Presentation***

**Overview of Maryland Beach Program** – presented by John Backus of TARSA (copy of powerpoint will be sent to members via email)

Discussion followed on Beach Program and what to incorporate into letter to MDE. **Motion** for Frank Wise to draft letter and to then be approved by Executive Subcommittee – motion approved.

### ***Subcommittee Reports***

#### **Nominations** – Dave Duree

- Jay Charland resigned and Victoria Woodward is Acting Vice Chair until a replacement can be made.
- Slate – presented to full SWQAC to vote on at December meeting.
- There are vacancies – interested candidates should send letter of interest and resumes
- Since there was not a quorum at this meeting, Dave will send slate to SWQAC members to vote on – need 14 votes to move forward.
- At December's meeting the 1<sup>st</sup> Vice Chair position will be voted on.

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### Water Resources Subcommittee – Frank Wise

- Frank is still attending Governor's Advisory Committee on Water Resources meetings
- Interim Report out on June 30, 2006 and is posted on MDE website
- Committee met in September
- Subcommittee is still in need of Chair

### Wastewater Subcommittee – Dave Duree

- Victoria Woodward has agreed to Chair this Subcommittee
- Committee will be looking at Bay Restoration Fund as it relates to wastewater and septic systems; and blending
- No meetings have been held

### Legislative Subcommittee

- Purpose of this Subcommittee was to keep on top of legislation pertaining to water quality

### Watershed Subcommittee – Mike Clar

- Met with Ken Pensyl and staff in June to follow up on sediment and erosion
- They are focused on finalizing Forest Harvest regulations
- They will be revising sediment and erosion control in the fall
- Subcommittee needs to develop strategy
- Short meeting will be held today
- Anne Pearson handed out a list of initiatives (attached) and is looking for input – issues should be flushed out thru Subcommittee and put into recommendations.

### *Other Business*

#### Triennial Review

- Victoria is looking for volunteers

#### Possible Topics for December Agenda

- Green Buildings Program
- Open Meetings Process
- Antimicrobial soaps
- Larry Kaufmann
- Fish mutations – handout from Ed Merrifield
- Vicky Blades (?)

#### Planning Retreat

- Frank will send out email
- Looking at March 2 or March 9, 2007
- Local site with environmental importance.

*Meeting Adjourned 12:30*