

STATE WATER QUALITY ADVISORY COMMITTEE

October 1, 2010

“Draft” MINUTES

ATTENDEES:

Members/Alternates: Allison Dungan, Dave Duree, Senator Roy Dyson , Jim Gracie, Marcus Griswold, Fred Jacobs, Neil Jacobs, Melissa Kenney, Louise Lawrence, Shannon Lucas, Terry Matthews, Ed Merrifield, Katherine Nelson (for Mark Symborski), Dee Nolan, Matthew Pajerowski, Nancy Pentz, Sarah Taylor Rogers, Karen Wiggen, Daniel Wilson, Steve Witt,

Excused Absences: Michael Clar, Jan Graham, Sarah Taylor Rogers, Ed Singer, Victoria Woodward

Others: Jay Sakai (MDE), Bruce Michael (DNR), John Backus (MDE/SSA), Jay Prager (MDE), Chris Thomas (MDE)

Terry Matthews opened the meeting with introductions at 9:30 a.m. Changes to Agenda – No reports from Water Resources and AMD subcommittees. **Motion** to approve October 1, 2010 meeting minutes - **approved.**

News from MDE – Jay Sakai

- **Regulatory Proposals**
 - In the middle of promulgating the Standards for Sediment and Erosion control
 - Through with the public hearing process – had a very good turnout
 - Lots of comments received, some very useful
 - General Permit modification is out as well
 - The Standards and General Permit go hand in hand
 - Standards had not been updated since 2004.
 - Worked very closely with the Soil Conservation District and technical workgroup
 - Recognized we need to do something with turbidity standards
 - Once we know target from EPA
 - Expect new standards to be final by the end of the year
- **General Permit for Stormwater Associated with Construction Activity**
 - A permit was adopted in 2009
 - Made a commitment to incorporate new effluent limit guidelines into standards
 - Phase in 20 acres or more by August 2011
 - By February 2014 for 10 acres
 - ELG was challenged
 - Court remanded the turbidity aspect back to EPA for reconsideration
 - Not in effect until EPA promulgates it, looking at fall of next year
 - Discussions on states moving forward with permit modification with parts of EOG
- **Sediment & Erosion Control Certification (green card)**
 - Discussion on certification and opportunity to improve it
 - Suggestion was made to make continuing education requirement for it
 - There are resource issues with that
 - Need to work with Districts and locals to improve program
 - Welcome anyone that wants to take on this issue
- **Casselman Mine Discharge Permit**
 - Permit has been issued – worked closely with DNR
 - It is protective of environmental habitat

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News from DNR – Bruce Michael (*attachment*)

- **Boat Waste Disposal**
 - Legislation for “no discharge” zone did not pass
 - There’s potential opportunities to designate specific rivers/tributaries as “no discharge” zones
 - West River and South River have expressed interest in this issue

- **Deep Creek Lake**
 - Large fishkill in the Lake - caused by multiple factors
 - Primarily record high water temperatures
 - Caused cold water fish to be stressed
 - Kills occurred in deep as well as shallow waters
 - Lasted for several weeks and dissipated around August
 - Homeowners complaining not adequate water levels in coves to get to piers/docks
 - DNR has proposed sediment plan for lake
 - Working on phase I over the next year
 - Homeowners suggesting dredging – could be an option
 - No State resources to pay for this

- **2010 Algal Bloom**
 - Microcystis – one of the species causing a lot of problems in some Bay tributaries and several lakes
 - Blooms can produce a toxin that can cause gastrointestinal discomfort when ingested and minor skin irritation
 - 3rd year in 26 years haven’t had microcystis blooms in the Potomac River

- **Bay Water Quality**
 - DNR has been working with MDE looking at some water quality standards
 - Has proposed modification to State criteria for lower site-specific dissolved oxygen criteria in Pocomoke River
 - Proposed changes have been published in the MD Register

- **Upcoming Activities**
 - Woman Fall Workshop – Garrett County, MD
 - Chesapeake Watershed Forum – Shepherdstown, WV
 - Annual MWMC Meeting - Linthicum, MD
 - Theme – Environmental Justice – Healthy Waters, Healthy Communities

- **Regulation Updates (handout)**
 - Fisheries - Oyster sanctuary expansion process - goes from protecting only 9% of remaining oyster bar habitat to one that protects 25% (9,000 acres).

- **Public Meetings (handout)**
 - Re: Draft Phase I Watershed Implementation Plan
 - Next 2 meetings October 4th (Md. State Fairground) and October 6th (Prince George’s Soil Conservation District)
 - EPA hosting 3 public meetings on October 12th (Easton Club), 13th (Sheraton Annapolis) & 14th (Hagerstown Hotel)
 - Would like input from SWQAC
 - Deadline for comments November 8, 2010

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News from SSA – John Backus

- **Proposed Standards**
 - Went out in September MD Register
 - Comments due October 12, 2010
 - Two powerpoints handed out from Public Hearing:
 - Review of Water quality Standards – John Backus
 - Monitoring Data & Modeling Results Supporting Amendments to MD Water Quality Standard – Rich Batiuk, EPA
- **Tier II**
 - High water quality water
 - Proposed list includes over 230 segments
- **Intermittent Stream Regulations**
 - Working with SWQAC over 3 years
 - Regulations have been proposed
- **Toxic Criteria Updates**
 - Hearing held last Friday
 - Not well represented, but constructive
 - Very little comments

Subcommittee Reports

AMD – Neil Jacobs

- Economic Impact Study
 - First draft delivered this afternoon
 - Would like at December meeting to give 20 minute presentation: historical problems, technical solutions, economic impact study
 - Discuss how best to use study and where to direct it and deploy it
 - Would like report to go to the Secretaries by year's end

Question raised that a decision was made at Retreat to change meetings to odd months next year and the first meeting will be in January, should SWQAC still have a December meeting. **Motion** to have the December meeting and a presentation of AMD Report at that meeting – **approved**.

Watershed – Shannon Perry

- Still working on Stormwater forum for fall 2011
- Focus is on review of the WIP and have a meeting sometime in October to get together comments
- Subcommittee to take on looking at possibility of third party responsible personnel inspection for sediment and erosion control and the green card program. Will ask for name of someone from MDE to work with and will put together a draft letter.

Marcellus Shale – Fred Jacobs

- Draft permit in review for a particular project
- Was undergoing internal review because of controversy with it
- DNR reviewing it and didn't have many comments
- Still with Attorney General and MDE Secretary for review
- Tried to get an early review, while it is still in internal review
- Told appropriate time would be during public notice period

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WIP Comments – Melissa Kenney

- Will coordinate and consolidate comments – must send them to Melissa (kenney@jhu.edu) by October 15th
- Everyone read at least 10 page Executive Summary and Chapter 5
- Marcus and Jim Gracie review each subcommittee work and any individuals
- Due date 10-16-10 to Melissa
- Draft 10-23-10 comments due
- Final Letter 11-1-10 to Terry
- Will send email reminder

New Business

Followup to Retreat

- Trying to move to make meetings more timely and more effectively
- Executive Committee will meet with agencies prior to regular meetings
- Focus on 4 big issues: Wolman Report, WREs, TMDLs and WIPs, wastewater and stormwater permitting
- If on a subcommittee, get involved
- If not, get on one with your expertise
- Subcommittees need to get reports in ahead of time & let Chair know if they need more time on agenda
- Respect everyone's time with questions
- Get News from State 2 days ahead of meeting – distribute by email

Communication

- Website:
 - Select audience and target audience
 - “Advisory” is key – not lobbying, outreach
 - New website - scheduled to be up this week
 - Allison Dungan to Chair
 - Should letters to Secretaries be on website?
 - Section for “members only”?
 - Conference call feature into meetings?
 - Location is over an hour for some members
 - Physically be at 2 meetings a year
 - Video conference?
 - Bylaws –might need addendum

Adjourned 12:30 pm