

STATE WATER QUALITY ADVISORY COMMITTEE
December 4, 2009
MINUTES

ATTENDEES:

Members/Alternates: Michael Clar, Emery Cleaves, Allison Dungan, Dave Duree, Senator Dyson, Delegate Holmes, Fred Jacobs, Shannon Lucas, Terry Matthews, Norm Meadow, Bob Mitchell, Matthew Pajeroski, Nancy Pentz, Sarah Taylor Rogers, Fred Samandani, Karen Wiggen, Steve Witt, Victoria Woodward

Excused Absences: Thaddeus Graczyk, Jan Graham, Neil Jacobs, Ed Merrifield, Dee Nolan, Burt Sklar, Mark Symborski

Others: Jay Sakai (MDE), Sherm Garrison (DNR), John Rhoderick (MDA), Steve Luckman (MDE), Yen-Der Cheng (MDE), Adam Rettig (MDE), Paul Emmert (MDE), Jay Prager (MDE), Chris Thomas (MDE), Marcus Griswold, Dan Wilson, Melissa Kenney (JHU)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motion** to approve October 2, 2009 meeting minutes - **approved**.

News from DNR – Sherm Garrison (*attachment*)

- **Chesapeake Bay Monitoring Program**
 - Changes underway to modify program
 - Shifting funding to some other priority areas
 - Not eliminating any monitoring – just reducing number of active monitoring sites
- **Chesapeake Bay Executive Order Draft Strategy**
 - Now available for public comment
 - Held several meetings
- **Savage River – Didymo Survey**
 - Fisheries biologists identified the invasive species *Didymo* in lower Savage River
 - Another unidentified species was found in abundance in main channel of the River
 - Biologists will continue to monitor this winter to evaluate growth/distribution of these algae
- **Climate Change Monitoring Workshop**
 - Md. Water Monitoring Council (MWMC) sponsored a climate change monitoring workshop on November 17th
 - Focused on nontidal streams where changes might first occur
 - Workgroups to be set up to look at long term monitoring plan
- **4th Smart Buoy**
 - NOAA has installed a 4th smart buoy at the mouth of the Severn River on November 11th
 - Weather conditions and water quality in the Bay can be accessed by phone at 877-BUOY-BAY or online at www.buoybay.org

**State Water Quality Advisory Committee
Minutes**

- 2 -

News from MDE – Jay Sakai (*attachment*)

- **Marcellus Shale**

- 4 permit applications
- Operators seeking to hydrofracing in western Maryland primarily Garrett County
- Mining Program is currently working with that operator
- Will be multi-sector effort:
 - Where is water coming from
 - How are they going to do this
 - Concerns with water appropriation
 - Permitting is complicated (6 months or more)
 - Issue with at least one location – on State land

SWQAC to form subcommittee – Fred Jacobs (Chair), Matt Pajerowski, Emery Cleaves, Dave Duree, Sarah Taylor Rogers, Norm Meadow.

Request presentation on Marcellus Shale at next meeting.

Matt Pajerowski – USGS has fact sheet on Marcellus Shale at:

<http://md.water.usgs.gov/publications/fs-2009-3032/fs-2009-3032.pdf>

- **Montgomery County**

- Permit has not been issued yet

- **Stormwater Regulations**

- Implementation by May 2010
- Lot of discussion from development community
- Concerns about the implementation of Smart Growth

- **New Federal Effluent Guideline**

- Construction sites to meeting turbidity for discharge 10-20+acres
- Limiting focus to larger sites
- Rule goes into effect February 1, 2020 - on EPA's website
- Trying to figure out how to adopt this
- Reopening General Permit to accommodate new requirements
- Currently revising erosion and sediment regulations
- Next year – new requirements for construction sites

- **Septic Funding**

- Department in process of developing new requirements
- SB 554 requires replacement of septic systems in Critical Areas to require BAT
- Sufficient funding for replacing failing systems in Critical Areas
- Prioritization - If system is not failing or not in Critical Area – put on waiting list
- Failing system not in Critical Area – 2nd highest priority
- Legislature wanted an income criteria developed – tiered approach to amount of funding

**State Water Quality Advisory Committee
Minutes**

- 3 -

News from SSA – Adam Rettig

- **TMDLs**
 - To date, SSA has addressed 452 listings of TMDLs for water quality
- **Fish Tissue**
 - Completed analysis
 - Testing Rockfish in Bay and coastal waters
- **Temperatures**
 - Comparing temperatures in streams for water quality standards.

Presentations

Bay TMDL – Paul Emmart – MDE/SSA (powerpoint)

- Information can be found at Bay TMDL website at:
<http://www.epa.gov/chesapeakebaytmdl/>

Nutrient Trading –

Point Sources - Steve Luckman – MDE (powerpoint)

Nonpoint Sources - John Rhoderick – MDA (powerpoint)

Subcommittee Reports

Acid Mine Drainage – Neil Jacobs

- Report handed out.

Water Resources – Terry Matthews

- Set up meeting with MDE, Brigid Kenney, Herb Sachs, Director of Planning, Fred Jacobs and Emery Cleaves
 - MDP is putting out document Plan Maryland – nothing in it relates to water
 - Ask Planning (Richard Hall) to come to next meeting
 - Where they are in Plan
 - Water element?
 - Rationale why it is not in there
- Wolman Report – no committee on implementing recommendations
 - Send letter to reinstate committee for implementation (Reds to sign too)
 - There is detailed itemized budget that goes thru 2017
 - Set up conference call with Executive Committee
- Water Use
 - Waiting on Guidelines from Gene Piotrowski

Wastewater & Reuse – Dave Duree

- Lot going on wastewater side
- Lot of TMDL driven activity in regards to water resources
- Other wastewater options are being looked at

**State Water Quality Advisory Committee
Minutes**

- 4 -

Watershed – Michael Clar

- Proposal written for statewide conference on behalf of Maryland Society of Professional Engineers
- Anticipate 2010 or early 2011 for conference
- Implementation of new MDE environmental site design regulations
- Proposing SWQAC partner with Md. Society of Professional Engineers to make this happen
- Subcommittee looking at identifying venue and putting together plan
- Important to have support from full SWQAC
- Registration cost to cover expense

SWQAC gives there support.

Upcoming Agenda

- February Meeting – Planning -presentation from Richard Hall, MDP
- April Meeting – Marcellus Shale presentation from Ed Larrimore, MDE Mining

New Business

Victoria announced that her current job ends at the end of the year and she may or may not be able to continue on as Chair. In the event she cannot, Terry Matthews will take over as Chair.

Meeting Adjourned 12:00 Noon