

**STATE WATER QUALITY ADVISORY COMMITTEE**  
**December 5, 2008**  
**MINUTES**

**ATTENDEES:**

**Members/Alternates:** Michael Clar, Emery Cleaves, Dave Duree, Thaddeus Graczyk, Fred Jacobs, Neil Jacobs, Louise Lawrence, Shannon Lucas, Terry Matthews, Norm Meadow, Ed Merrifield, Matthew Pajerowski, Anne Pearson, Nancy Pentz, Fred Samandani, Edwin Singer, Mark Symborski, Karen Wiggen, Steve Witt, Victoria Woodward

**Excused Absences:** Janice Graham, Burt Sklar

**Others:** Jay Sakai (MDE), Sherm Garrison (DNR), Bruce Michael (DNR), John Backus (MDE/SSA), Shawn Seaman (DNR), Adam Rettig (DNR), Charles Poukish (MDE), Sarah Taylor Rogers (HRHCAE), Allison Dungan (Caroline County), Katheleen Freeman (Caroline County/CWRAC), Jim Gracie (Brightwater), Razin Yasin, Elizabeth Ignatowski, Patricia Merkel, Lindsay Tague, Holly Caten, Paulo Farqui, and Alison Rapp (Johns Hopkins SPH). (Chris Thomas (MDE))

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motions** to approve the October 5, 2008 minutes - **approved**. Tier II presentation moved to February meeting. Amended agenda approved.

**News from MDE** – Jay Sakai (*attachment*)

There are a lot of initiatives going on in WMA. We have committed to meeting a lot of regulatory updates by the year's end.

- **Montgomery County MS-4 Permit**
  - Hearing held 2 weeks ago
  - A lot of comments were received
  - Many stakeholders are looking at permit as moving forward in stormwater management
  - Permit is breaking new ground in trying to tie municipal stormwater permitting to TMDL compliance
  - Short on setting new outfall limits
  - Permit will allow more accurate assessment of what is going on in the County
  - Think it sets a very high standard for the county & will be a model in Maryland
  - Expect permit to become final very soon
  
- **Stormwater Management Act 2007**
  - Very active and engaged community in a very open process
  - Regulations have been finalized
  - Hearing on regulations on Monday, December 8, 2008 at MDE
  - Expect wide range of comments
  - Want to come up with new principles on how to implement environmental site design
  - Redevelopment issue will be a more contentious and difficult problem
  - Tentative determination for General Permit for stormwater construction activities
  - A lot of scrutiny for erosion and sediment control at construction sites
  - Development of Maryland's new draft permit was open stakeholder process

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- Draft permit tries to meet needs of all concerned in a balanced way
- Promulgation complicated by release of proposed EPA rule
  
- **New Permit for Confined Animal Feeding**
  - Permit to be finalized December
  - Expect to start implementing permits next year
  - Addressing bringing bulk of poultry operations under umbrella for first time
  - Requires close relationship with Department of Agriculture in regards to enforcement
  - In the final stages
  
- **Gas Drilling Operation – Marcellus Shale**
  - An evolving regulatory process
  - To date, we have not received an actual application to drill
  - There has been a lot of activity in Pennsylvania
  - Working with some of the entities in Pennsylvania that are doing some preliminary ground work.
  - They are using a large amount of water from streams and groundwater
  - Disposal is an issue
  - Mat Pajerowski will send information on presentation at U.S. Geological Survey
  - MDE presentation at next meeting – possibly Ed Larrimore
  
- **2010 Trust Fund**
  - Started as \$50 million point source program
  - Settled on \$25 million – but it will be significantly less
  - Went through allocation process with DNR and MDA
  - To achieve best outcome for NPS in Bay
  - MDE/DNR have a good list of potential projects to be funded
  - Will have increased cover crop implementation
  - How much urban stormwater is funded is open question

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

- **Chesapeake Bay Executive Council**
  - There have been a couple of key changes
  - Council setting short term goals and monitoring those
  - Increasing accountability Council has requested Bay Program be evaluated by national independent science organization to identify shortcomings & recommend solutions.
  
- **Green Print**
  - Governor announced on Wednesday launch of Green Print
  - It is an interactive web-based map
  - Provides summary information on planning and part of Smart, Green and Growing sites
  
- **Zebra Mussels**
  - Found in Conowingo reservoir – first in Maryland
  - Four zebra mussel empty shells were found on shoreline of Muddy Creek Reservoir in Pennsylvania
  - A potential one was taken from a boat hull in Glen Cove Mariana in Harford County
  - Maryland has been working to monitor and build defenses in reservoirs for over a decade
  
- **NOAA**

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- Targeted buoy at the mouth of Patapsco River was replaced by NOAA & upgraded for a cost of \$7,000
- Currently have six, may increase up to 20, if they can be funded
- DNR coordinating with NOAA on monitoring sites
  
- **Coastal Watershed Restoration & Advisory Committee (CWRAC)**
  - December Meeting will be next Friday the 12<sup>th</sup>
  - Location will be MTA Police building on south side of Bay Bridge toll plaza

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

- **BRAC**
  - Variety of water supply and wastewater studies
  - Analysis of new designated BRAC areas
  - Marie Halka is the contact
  
- **Environmental Assessment Program**
  - Triennial Review is almost done
  - Looking at February Maryland Register publication
  - Matt Rowe will talk about Tier II at next meeting
  
- **Grant**
  - Grant awarded \$380,000 for data management – water quality exchange
  - Overall project is to facilitate easy exchange of water quality data
  - Second part of grant used to capture DNR information
  
- **Beaches**
  - MDE will be getting about \$270,000 in grants
  - States can use for Identifying pollution sources
  
- **Water Quality Restoration Program**
  - Interim Anacostia – is out for informal review
  - Comments due January 2009
  - Paul Emmert is contact for more information
  
- **Healthy Waters Initiative**
  - EPA grant issued
  - Jim George head of project:
    - Funding for one full-time person to look at source water protection and anti-degradation – water element review
    - Looking at drinking water reservoir protection
    - Considering looking at quantifying impacts on Tier II waters

### **DNR Water Policy & Letter from Secretary Griffin**

- Policy is now in effect and SWQAC has concerns
- COMAR definition for emergency opted out; policy is vague, etc.
- SWQAC is putting together ad hoc committee to review Policy:
  - Neil Jacobs
  - Sarah Taylor Rogers
  - Victoria Woodward
  - Mat Pajerowski
  - Jim Gracie

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- Dave Duree
- Comments in 2 weeks
- **Motion** for Executive Subcommittee to be authorized to respond to issues based on recommendation of ad hoc group – **approved** unanimously.

#### CWRAC – Kathleen Freeman, Chair, and Director of Planning, Caroline County

- Requested to make presentation to Bay Cabinet
- Interest in global climate change
- CWRAC will be endorsing project
- Areas in common with SWQAC and CWRAC is water quality
  - SWQAC is statewide
  - CWRAC is coastal issues in general, not just water quality

#### Data Management

- Discussion on data management
- **Motion** to go to Bay Cabinet to speak on data management – **approved**.

#### *Subcommittee Reports*

##### Watershed Subcommittee – Shannon Lucas

- Still focusing on reviewing implementation of the 2007 SWM Act
- Focusing on making recommendations on redevelopment policy
- Letter sent to Ken Pensyl with recommendations
- Mike put together a white paper on MDE's policy
- It's cost effective to do environmental site design
- Sustainable Sites Initiatives was forwarded to members – will resend
- Brief meeting following today's meeting

##### Water Resources – Terry Matthews

- Met after the last meeting with Herb Sachs
- Drafted a letter the Secretary regarding the report
- Issue on were was funding coming from to implement recommendations from Subcommittee
- Need to lock down what is the available water supply in Maryland
- 2 studies need to be done
- **Motion** to approve letter – **approved**

##### Nominations for Membership – Dave Duree

- Renominations:
  - Louise Lawrence and alternate Fred Samandani
  - Burt Sklar changing to Private citizen
- New Members:
  - Allison Dungan – Public Official
  - Sarah Taylor-Rogers – Private citizen
  - Dee Nolan – alternate for Terry Matthews
  - David Bolton – alternate for Emery Cleaves
  - Jim Gracie – alternate for Shannon Lucas
- **Motion** to approve nominees – seconded – **approved**
- Nominees names will be forwarded to Secretaries'

##### Water Quality Exchange Data – Steve Witt

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- Presentation by SSA
- Storet – EPA software used
- Effort to integrate MDE/DNR information
- Effort to retrieve data from all counties
- 3 additional positions are on hold

**Acid Mine Drainage** – Neil Jacobs

- Proposing effort to compliment Bureau of Mines activity
- Public education & awareness - would like to develop regional workshop

***Miscellaneous***

**Task For on Future Growth & Development** – Victoria Woodward

- Victoria attended meeting
- Most diverse in terms of interests
- Draft report – water not discussed, in particular Wolman report
- Attended 2<sup>nd</sup> meeting – made request to make a statement
- Memo on SWQAC letterhead with issues from Wolman report
- They are developing statewide development plan
- Meetings are on Dept. of Planning's website
- On Planning's front page is survey – no mention of water

**Open Meetings Suit**

- Won the last two suits
- Follow up complaint was received after decision

**Next Agenda**

- Matt Rowe – Tier II update
- Water & Sewerage planning?
- Mining issue – Ed Larrimore

**Retreat** – looking for suggestions

**Inclement Weather** – **Motion** to move meeting up a week if meeting is cancelled due to weather. Policy is that if Baltimore City schools are closed due to weather – SWQAC meeting is cancelled – **approved**.

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