

**STATE WATER QUALITY ADVISORY COMMITTEE**  
**February 6, 2009**  
**MINUTES**

**ATTENDEES:**

**Members/Alternates:** Michael Clar, Emery Cleaves, Dave Duree, Jan Graham, Fred Jacobs, Shannon Lucas, Terry Matthews, Deverior Nolan, Matthew Pajerowski, Nancy Pentz, Sarah Taylor Rogers, Deverior Nolan Fred Samandani, John Scarborough, Burt Sklar, Karen Wigger, Steve Witt, Victoria Woodward

**Others:** Jay Sakai (MDE), Sherm Garrison (DNR), Bruce Michael (DNR), P. Petzrick (DNR), John Backus (MDE/SSA), Adam Rettig (MDE), Matthew Stover (MDE), Matt Rowe (MDE), Janice Outen (MDE), Angela Valdez (MDE)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. Minutes were “read.” Corrections requested by Sarah Taylor Rogers and Janice Graham. **Motion** to approve December 5, 2008 meeting minutes by Dave Duree, and seconded by Nancy Pentz. Minutes approved by vote. Chris Thomas was absent from this meeting and Vice Chair took notes.

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

- **New regulation changes of particular interest:**
  - Blue Crab restrictions – trying to maintain population level, restricting commercial crabbing and registering recreational with free license.
  - Yellow perch – banning recreational catch
  - Two public hearings on regulations – one held February 4 & another February 10<sup>th</sup>.

Question raised – Free recreational crabbers licenses-how administered and notified?

- **Zebra Mussel**
  - Update on suspected zebra mussel was confirmed to be zebra mussel.
  - DNR also surveying Deep Creek Lake as area of concern.
- **Chesapeake Bay Program** – Bay Health draft report
  - Putting out Bay Restoration Assessment Report
  - Final report completed by May

Comments from SWQAC? One week to submit comments.

**Motion:** Working group to review and present comments; give Executive Committee permission to approve SWQAC correspondence. 1st Nancy Pentz and 2<sup>nd</sup> Shannon Lucas.

Bay Health & Restoration Workgroup: Fred Samandani, Fred Jacobs, Sarah Taylor Rogers, Dave Duree, Emory Cleaves, Victoria Woodward.

- Tributary Team Meeting announcement
  - 12<sup>th</sup> annual meeting on Saturday, February 9, 2008 from 9 a.m. to 3 p.m. at the Maryland Department of the Environment office in Montgomery Park. The event is open to the public and free of charge.

## State Water Quality Advisory Committee

### Minutes

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#### News from SSA - John Backus

- Jim George working on State monitoring strategy
- Next round 319 grant money will be coming this spring - \$1 Million available; RFPs this spring
- Restoration of bio-integrity of non-tidal impaired streams, rapid restoration (Jim George).
- Proposals for impaired stream projects (319 funding); State/local partnering (Jim George)
- Identifying impaired streams (bacteriological); human health risks; pairing resources easily regulated-targeting candidates for 319 grants (Jim George or Ken Shanks)
- Grant proposals need approved watershed plan
- Water Quality & Assessments Program:
  - Still on schedule for March 27 Maryland Register
  - Work group invitation to SWQAC;
  - MD COMAR 26.08.02.04 Tier II anti-degradation policy; Tier II task force; will send copy of powerpoint presentation to Victoria Woodward incl:
    - CWA authority
    - Designated uses
    - Criteria to support designated uses
    - Anti-degradation Policy
    - Anti-degradation review process and criteria
- SWQAC questions:
  - Water appropriations review process issues re: MDE/DNR
  - MDE guidance during planning process
  - Developing Tier II evaluation review criteria
  - Implementation of regulations began 2004
  - Water Resources Element (WRE) review process
  - Social Economic Justification (SEJ)
  - Tier III
  - Any improved processes, technologies, innovative solutions?
  - Negative effects of large withdrawals-include science data into permit-analytical process and screening is key
  - Permit applications for water discharge

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

- **Shale drilling**
  - Met with 3 major companies to advise them of State concerns; conditions are different.
  - MDE getting ahead of the process
  - 12-18 months for withdrawal approval
  - Aware Tier II must be addressed
- **2010 Trust Fund**
  - Announcement in 2 Weeks
  - Some projects funded in 2009 and some in 2010
  - To address non-point source issues
- **Federal Fiscal Stimulus**
  - Expect to receive funds for water & sewer infrastructure, green projects, non-point source
  - \$100 million expected, enough to make a difference
  - Money will be funded thru SRF program
  - Allow 50% to be awarded as grant rather than loan
  - Starting point is for existing & shovel ready projects

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- Applications by end of February - 180 days to break ground
- Employment driver and results in job creation
- **Legislation**
  - Small departmental package
  - Few new fees proposed
  - Septic legislation - HB 176 MDE support-best available technology for nutrient removal for all new & replacement septic systems
- **Budget**
  - Personnel impacts
  - Targeting vacant positions – avoiding employee layoffs
  - Discretionary spending money will be limited

## *Presentations*

### **Marcellus Shale** - Jay Sakai

- Marcellus shale powerpoint:
  - Natural gas deposits
  - New technologies for gas extraction
  - Lower cost
  - State regulations in development
    - Wastewater storage ponds/lagoons – no leaching;
    - Technological regulation working with Waste Management Administration
    - No toxic water discharge
    - On-site treatment & export to WWTP
- SWQAC questions:
  - Public hearings for appropriations permits?
  - Discharge permit better than appropriation permit to control pollution effects?
  - Consider New York State experience/process
  - Risks to treatment processes at WWTP?
  - Agricultural land application; pending legislation?
  - Air impacts? Can be significant.
  - Jay Sakai comments:
    - USGS and X contamination of aquifers – local, county & State coordination of issues to be addressed
    - Large amount of money involved & often welcome by rural communities
    - Water source is big concern
    - Water reuse option – brine process contamination requires treatment

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

### **Tier II** – Matt Rowe (powerpoint)

### **Other Business**

- Water rights policy on DNR lands
  - Bruce Michaels (DNR) will address SWQAC comments/concerns & interagency cooperation
  - Lands held in trust: concern for removal of prior policy that these go to Board of Public Works

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- Will DNR share SWQAC letter with Governor O'Malley?

- Gene Piotrowski (DNR) scheduled for April meeting
- Any requests for review since policy approved? (Dave Duree)
- Status of Wild & Scenic River Program? (Victoria)
  - Sherm Garrison – ongoing program; review committee meetings suspended pending receipt of application

## *Subcommittee Reports*

### **Watershed Subcommittee** – Shannon Lucas

- ESD regulations review: AELR legislative subcommittee holding implementing ESD regulations pending review of comments received.

### **Water Resources** – Terry Matthews

- Letter to Sec Griffin worked on – little else done
- Will restart agenda soon

### **Wastewater**

- Working with Terry Matthews
- Monitoring MD On-site Wastewater Professionals Assoc. (MOWPA)
- Enact certification program for practitioners in onsite wastewater field
- Expanding wastewater & water treatment operators to cover on-site systems
- New legislation for best available technology for on-site systems

Comment: Best available technology has many issues that need to be addressed; who will monitor systems?

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

- Nothing new to report

### **Acid Mine Drainage** – Victoria Woodward for Neil Jacobs

- MDE news summarizes information
- Plans moving forward for an AMD workshop

### **Ad hoc on State-owned Land Water Use**

- Gene/Bruce (DNR) to continue effort to work on State-owned land use policy
- Gene will attend next meeting to address issues

## *Miscellaneous*

### **Next Agenda**

- Don Statter – water quality and clams; Lake Lariat; Chesapeake Ranch Estates
- Summarization of legislative session
- Gene Piotrowski to discuss CDR State-owned Land Water Use

### **Retreat**

- Planning to do it in May first Friday
- DNR to find location – suggested Patuxent Wildlife Center

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*Meeting Adjourned 12:30 p.m.*