

STATE WATER QUALITY ADVISORY COMMITTEE

April 2, 2010

MINUTES

ATTENDEES:

Members/Alternates: Michael Clar, Emery Cleaves, Dave Duree, Jim Gracie, Jan Graham Marcus Griswold, Louise Lawrence, Shannon Lucas, Terry Matthews, Norm Meadow, Ed Merrifield, Dee Nolan, Sarah Taylor Rogers, John Scarborough, Mark Symborski, Dan Wilson, Victoria Woodward

Excused Absences: Fred Jacobs, Mat Pajeroski, Nancy Pentz

Others: Ginny Kearney (MDE), Sherm Garrison (DNR), Adam Rettig (MDE/SSA), Shawn Kierman (MDP), Jay Prager (MDE), Melissa Kenney (JHU), Chris Thomas (MDE)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motion** to approve 2 agenda changes: Allow Emery Cleaves a few minutes on agenda and under New Business, talk about meetings on holiday weekends. December 4, 2009 meeting minutes - **approved**.

Reds Wolman – Emery asked for a moment of silence to honor Reds Wolman’s passing. Victoria and Ginny added some words on his valuable contribution to the Department.

News from MDE – Ginny Kearney (*attachment*)

- **Stormwater Regulations**
 - Law from 2007 was supposed to go into effect May 4th of this year
 - Early in legislative session, developers, local governments, and others became Concerned about the lack of grandfathering provisions in that law and concerns about the impact of redevelopment
 - Department reached an agreement to move forward with an emergency regulation
 - HB 1125 – approved by the House – institutes what is in the emergency regulation
- **Reissuance of Montgomery County Permit**
 - Permit was reissued on February 16, 2010
 - It was 4 separate stormwater permits
 - Department believes it is an aggressive permit
- **Water Reuse & Land Applications Guidelines**
 - Amendment of Land Treatment Guidelines to include reuse of Class III effluent published January 29, 2010 in Md. Register.
 - Looking into further aspects of water reuse – lot of interest from stakeholders
 - Looking at indoor plumbing
- **Bay Restoration Fund (BRF)**
 - BRF for septic system upgrades is coming through legislation without changes
 - Several changes implemented by policy:
 - Problem with property owner taking funding and not paying manufacturer
 - MDE will be paying the vendor directly
 - Revised sliding scale – not applying to failing systems in critical area
 - Not failing in critical area, subject to income requirement
 - Not failing in critical area and not primary owner 25% grant

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- Still have 5 counties administering the grant - Charles, Calvert, Cecil, Harford and Wicomico County
- RFP to all local jurisdictions – those not wanting to administer funds will have it done by a non-government entity.

- **TMDL**
 - Everything is being looked at including contributions from septic systems whether they are failing or not
 - Nitrogen sources looked at from wastewater treatment plants, farming, etc.
 - Pulling together data collection and progress tracking
 - Stakeholder participation in the near future
 - Watershed implementation process is actively underway

- **EPA Grants - Statewide**
 - Grants will be made available in response to President's Executive Order on Bay
 - Focus on enforcement, compliance and implementation of nutrient and sediment reduction goals.
 - Grant application process is currently underway in MDE

Joint presentation on Marcellus Shale – Ginny Kearney and Ed Larrimore.

News from DNR – Sherm Garrison (*attachment*)

- **Maryland Environmental Trust (MET)**
 - Properties will forever protect habitat, wetlands, forests
 - MET currently holds over 1,000 conservation easements accounting for 122,000 acres
 - Continuing progress for over 30 years

- **Bay Barometer**
 - Summarizes overall Bay conditions and status of restoration/protection actions
 - Report will be available on April 7th
 - Executive Summary to be presented this year– details will be put on website

- **University of MD Report Card**
 - Focuses on certain watersheds
 - Report Card should be released around Earth Day
 - Will provide hard copies

- **2010 Monitoring Schedule**
 - Continue to work on criteria assessment
 - 36 sites continuous monitoring in Honga River
 - Focus on each area about 3 years
 - Rotating resources around as funding is available
 - Had to reduce monitoring in many areas

- **Climate Change**
 - Good presentation on DNR's website
 - Presented late February to Board of Public Works

- **Wade-In Schedules**
 - Draft out shortly
 - Will get out schedule to SWQAC

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News from SSA – Adam Rettig

- **Triennial Review**
 - Submitted final package for Triennial Review

- **Intermittent Streams Regulations**
 - There was a slight change
 - Will send new version to SWQAC
 - Substantial changes had to be pulled
 - New language – April/May

- **Coastal Bay**
 - Having conversations with Virginia regarding Coastal Bay monitoring

- **Water Quality Assessment**
 - TMDL group has money to do water quality assessment analyses

Presentations

State Development Plan – Shawn Kiernan – Upper Eastern Shore Regional Planner for the Maryland Department of Planning (powerpoint)

Plan Maryland

- Is a statewide plan for smart sustainable growth
- It is a new direction for new developments
- Trying to get out to as many people as possible
- Considering a webinar
- Website: <http://plan.maryland.gov> – will have a lot of updates

Discussion and input from SWQAC:

- Included in stakeholder meetings
- Keep informed of progress
- See the Draft plan
- Internet survey – has nothing in it about water

Motion for official comment to MDP from SWQAC is for the State Development Plan to not just be a plan, but to have implementation behind it a strategy and schedule – passed.

Emery Cleaves to Chair a Subcommittee on Land Use, Zoning and Plan Maryland.
Subcommittee members: Dave Duree, Louise Lawrence, Norm Meadow, Jan Graham, Sarah Taylor Rogers, Mark Symborski, Victoria Woodward.

Motion made that water resources element be a priority in the development of Plan Maryland and address need to know the extent of water resources available at this time.
Send letter to Secretary Rich Hall copying MDE and DNR summarizing recommendation.
Mike Clar to prepare draft. – **motion** passed.

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Subcommittee Reports

Acid Mine Drainage – Dave Duree for Neil Jacobs

- Progress continues
- Looking at a draft of the benefits of AMD, remediation on the north branch of the Potomac River
- Identified what the economics of benefits on improving water quality relative to AMD and what the cost would be along with the cost of the program to do it.

Wastewater and Reuse – Dave Duree

- BRF program is still evolving
- No reduction in BRF funds for onsite systems

Water Resources – Terry Matthews

- This presentation was part of the subcommittee's effort – they were made aware of Plan Maryland and saw it had no water aspect in it
- Cardin Bill – SB 1816
 - Across the board opposition to this bill
 - Will send copy of bill to members – please look at & see if it is something SWQAC wants to endorse or not
 - Get some feedback from Committee
 - SWQAC can comment to Secretaries
 - Anyone who wants to comment as individuals (make no mention of SWQAC)
 - Put on June agenda

Watershed – Michael Clar

- Focusing on stormwater
- Push back from development industry and local counties on 2 issues on the Stormwater Management Act:
 - MDE had not provided for any grandfathering
 - Requirement for 50% compliance with environmental site design criteria for redevelopment projects
- Delegate Holmes bill amended – hearing on bill next week
- Moving to have statewide forum on stormwater management
- Pushing back to fall 2011
- Lunch meeting following this meeting

New Business

Meetings – Look at calendar for year for conflicts with holidays. **Motion** – review balance of 2010 and 2011 meetings & reschedule accordingly – motion seconded. Dave will look at calendar and discuss with Chris – approved.

Chair Resignation – Victoria is resigning as chair due to job constraints. Terry Matthews to take over as Chair. **Motion** to have Election in June to make: - motion approved

- Terry Matthews – Chair
- Victoria Woodward – 1st Vice Chair

Motion – for Committee to acknowledge the service of Victoria as Chair and to support Terry Matthews as interim Chair – approved.

Meeting Adjourned 12:25 pm