

STATE WATER QUALITY ADVISORY COMMITTEE

April 3, 2009

MINUTES

ATTENDEES:

Members/Alternates: Dave Bolton, Michael Clar, Emery Cleaves, Allison Dungan, Dave Duree, Jan Graham, Fred Jacobs, Neil Jacobs, Shannon Lucas, Terry Matthews, Norm Meadow, Ed Merrifield, Deverior Nolan, Nancy Pentz, Sarah Taylor Rogers, Ed Singer, Burt Sklar, Mark Symborski, Karen Wiggen, Steve Witt, Victoria Woodward

Excused Absences: Thaddeus Graczyk, Louise Lawrence, Mat Pajerowski, Bill Stack

Others: Virginia Kearney (MDE), Herb Sachs (MDE), Bruce Michael (DNR), Sherm Garrison (DNR), Gene Piotrowski (DNR), Tony Allred (DNR), John Backus (MDE/SSA), John Boris (MDE), Chris Thomas (MDE), Daniel Wilson (Imbrium Systems Corp.), Don Statter, Sandi Sullivan, Brian Sullivan (Lake Lariat Clam Project)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motion** to approve February 6, 2009 meeting minutes by Mike Clar, and seconded by Sarah Taylor Rogers. Minutes **approved**.

News from DNR – Sherm Garrison (*attachment*)

- **2008 Bay Barometer Report**
 - Some SWQAC members reviewed and provided comments
 - Substantial changes were made to document
 - Available on line at http://www.chesapeakebay.net/news_baybarometer08.aspx?menuitem=34917
 - Will forward hard copies when they come from printer
- **Chesapeake Bay Report Card**
 - Report card came out yesterday – April 2, 2009
 - They were given a grade of C-.
- **Shallow Water Monitoring Program**
 - Try to keep river monitoring in one river system for 3 years
 - Finishing up monitoring efforts in Potomac
 - Moved devices to middle part of Chesapeake Bay
 - Will be looking at Patapsco River as well
- **2010 Trust Fund**
 - Governor came out with list of proposals that were accepted for grants
 - Focusing financial resources of the most effective nonpoint source pollution control projects
 - Proposals were evaluated based on best available scientific information regarding water quality conditions and cost-effectiveness of nutrient and sediment control measures.
- **Watershed Assistance Collaborative**
 - Established to provide programs and services that connect communities interested in undertaking comprehensive watershed restoration projects.

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- **Maryland Geological Survey**
 - A lot of activity with BRAC in Ft. Meade area
 - Wells are being constructed primarily for long-term water-level monitoring
 - High levels of arsenic found in groundwater in Anne Arundel County
 - Investigating to determine the forms and causes of the arsenic

- **Chesapeake Bay Reorganization**
 - Change in how they operate
 - Management board was newly formed and met for first time on March 13th
 - Looking at an entire realignment
 - Come up with a rigorously based monitoring program
 - Will distribute information to SWQAC

- **Corsica River Report**
 - Progress made on various initiatives

- **Regulation Changes**
 - Lots of changes
 - Most significant - Recreational crabbing licenses are off the table

News from MDE – Ginny Kearney (*attachment*)

- **Federal FY 09**
 - Regular solicitation program every December/January
 - Capital Projects are funding for water, wastewater and nonpoint source
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- **Stimulus Package**
 - State was given about \$119 million in stimulus money
 - Solicitation requests were for \$3.7 billion
 - On website are the 95 or so projects selected
 - If projects are not already under construction or ready to go to construction by February 17, 2010, the money goes back to a national pot
 - Out of \$119 million – 92.8 % were for wastewater and water quality projects. With 25% having to go to green projects.
 - Mix of projects, green projects, failing infrastructure, etc. All must be shovel ready.

- **2010 Trust Fund**
 - Number of nonpoint source projects
 - Recipients of the funding through MDE have been notified by phone.

- **Acid Mine Drainage (AMD) Conference**
 - Neil Jacobs is working on that – update under Subcommittee reports.

- **Crellin Borehole Project**
 - Major source of AMD into Potomac watershed
 - Looking at it for a long time
 - Cooperative effort between MD and VA to put in lime doser
 - One of the largest sources of AMD in Garrett County area and goes into Pittsburgh watershed

- **Senate Bill 674**
 - Passed last year

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- Attempted to provide guidelines to give more weight to Smart Growth areas when doing water appropriation evaluations.
- Affects 3 western Maryland counties where it is hard to find groundwater.
- Met one time in February and will meet again for several months

- **Maryland Water Monitoring Council**
 - Holding one-day workshop April 30, 2009
 - To talk about Fractured Rock aquifer geology and issue affecting the management of resources.

- **Joint Clean Water Seminar**
 - Joint seminar presented on May 14th at Maritime Institute
 - Looking at water reuse
 - Going to next phase of reuse efforts – purple pipe technology

- **Bay Restoration Fund Update** – John Boris
 - Ongoing every month around 15th
 - Applications - huge increase from January to February
 - In February, 328 applications were processed by one person
 - Tracking # of calls and where people are getting their information from
 - New letter to applicants
 - Applicant selects from 3 approved vendors
 - Has to pick one of 3 pre-approved technologies

- **Stormwater Regulations**
 - Regulations were sent to AELR Committee
 - Next thing is to get some signatures and move it to Maryland Register
 - Hoping it will make it into mid-April Register
 - If that happens, they will be effective in May

- **Legislative Update**
 - Will provide at the June meeting.

News from SSA - John Backus

- **Water Quality Assessment**
 - Ming Jeng appointed Acting Program Manager – was formerly George Harmon
 - Water quality standards Triennial Review proposed amendments with AELR Committee
 - April 24th for formal proposal

- **Data Solicitation 303d**
 - Open until end of April
 - Contact Matt Rowe or Matt Stover with questions or comments.

- **Use Attainability Analysis Workgroup**
 - SSA staff drafted outline or workplan
 - Lays out scope of issues
 - Given okay to contact stakeholders to serve on group

- **Clean Water Act 319 Grant Program**
 - Will issue a request for proposals later this Spring
 - Attempting to solicit local governments

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- Jim George is contact person

- **Antidegradation**

- Regulations changes being considered
- Tier II Task Force
- Any regulatory changes will not be a part of this Triennial Review.

Presentations

State-Owned Land – Gene Piotrowski

- First meeting with SWQAC was June 2, 2006
- DNR went out proactively to advisory groups throughout the State
- Comments were requested on draft policy
- Comments stated policy was too lax and flexible
- Policy was tightened up in response to comments
- DNR received 6 page letter with 3 pages questions from SWQAC – not considered “advice”
- Suggests having the group who came up questions meet with DNR
- DNR states policy is only for disastrous or severe situations otherwise applicants would not be considered.
- A lot of questions deal with developers’ requests (such as Boonsboro) – that would be “no.”
- Policy refers to established communities
- DNR and SWQAC will meet to develop a guidance document to help interpret the policy
- DNR explained that there is a process in place that requires public participation and review to make sure that the request for water withdraw is reasonable.

Victoria – group was under the impression that a version prior to this was the one to be considered that is why the letter contained so many questions.

DNR acknowledged there could some changes that could make it better.

Herb Sachs (MDE):

- Wolman committee was asked to look at “draft” policy”
- Pushed for very stringent policy for “emergency” situations
- When the policy was redrafted to current version, it did not use the word “emergency,” but it did put together strict guidelines to follow.
- MDE emphasized two separate procedures must occur:
 - DNR as property owner – determines no damage to resource
 - MDE does complete analysis of impact hydrologically, as well as other resources affected by any taking of water.
 - Governed by law and regulation, public hearing and opportunity for public comment
- Policy is very restricted, can only be used for “documented remediation for severe human health or safety needs”. MDE interprets this as only addressing existing need and use must be for a public need. New construction would be a “no.”

Bruce Michael – DNR policy does not supersede any MDE or DNR policies or processes already in place. DNR is open to meeting with the SWQAC ad hoc group.

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Motion for this ad hoc group (Victoria Woodward, Emery Cleaves, Dave Duree, Terry Matthews, Sarah Taylor Rogers) to meet with DNR and MDE – **approved**.

Lake Lariat Clam Project – Don Statter

- Issue - algal blooms
- Clam growth
- Project with Morgan State for water quality testing

Subcommittee Reports

Watershed Subcommittee – Mike Clar

- On hold since comments were submitted to MDE
- Lunch meeting immediately following this meeting

Water Resources – Terry Matthews

- Worked on letter regarding water leasing
- Attended briefing on water quality of private wells on Capital Hill
- USGS has done some data monitoring
- USGS Press Release - \$43 million – 15 % of nation’s drinking water is private wells.
- NIH concerned with bladder cancer
- Remove Wolman Report

Wastewater – Dave Duree

- No report – group restructuring
- Looking at reuse, Bay Restoration Fund

Acid Mine Drainage – Neil Jacobs

- Crisis in funding
- Raising public awareness – need to establish approach for remediation of AMD
- PA & WV – scope is much larger than Maryland
- Want to be able to give Departments a good sense of what is going on
- AMD Workshop:
 - Upbeat and present success stories in remediation
 - Focus on any new approaches
 - Need to get the right audience
 - Need to get corporate buy-in

Miscellaneous

Retreat

- Location is Patuxent Wildlife Center and directions on the website
- Meeting will be general discussion on any need for reorganization
- No regular business will be discussed at this meeting
- DNR furnishing meeting location and lunch (A big thanks!)

Meeting Adjourned 12:50 p.m.