

STATE WATER QUALITY ADVISORY COMMITTEE
June 6, 2008
MINUTES

ATTENDEES:

Members/Alternates: Michael Clar, Emery Cleaves, Dave Duree, Senator Roy Dyson, Neil Jacobs, Shannon Lucas, Terry Matthews, Norm Meadow, Ed Merrifield, Matthew Pajeroski, Nancy Pentz, Fred Samadani, Bill Stack, Mark Symborski, Karen Wiggen, Steve Witt, Victoria Woodward

Excused Absences: Thaddeus Graczyk, Edwin Singer, Burt Sklar, Frank Wise

Others: Virginia Kearney (MDE), Sherm Garrison (DNR), Frank Dawson (DNR), Matthew Rowe (MDE), Jay Prager (MDE), George Harmon (MDE), Jim George (MDE), John Grace (MDE), Ed Dexter (MDE), Chris Thomas (MDE), Vince Berg (MPTT)

Victoria Woodward opened the meeting with introductions at 9:30 a.m. **Motions** to approve the February 1, 2008 and April 4, 2008 minutes - **approved**.

News from MDE – Ginny Kearney (*attachment*)

- **Wetlands & Waterways Bills**
 - House Bill 973 – Living Shoreline Protection Act – want to see more nonstructural shoreline treatment use to the extent possible. Requires the State to do some mapping and develop regulations.
 - House 1056 – Wetlands & Waterways Program Fees – beginning to work internally to set up procedure for receiving fees for wetland and waterway impact. Fees will go into quality of program in terms of staffing, customer service and technical evaluations.

- **Washington County Soil Conservation District (SCD)**
 - Efforts by the Department to shore up erosion and sediment control performance in the field.
 - Washington County SCD is conducting pre and post construction meetings with contractors to make sure they understand what the requirements are and to address any in the field changes or modifications
 - This is a pilot project of what we would like to see implemented around the State, but resources are limited.

- **Construction Site Dewatering Procedures**
 - Construction site needs to be put under separate permit – tell companies it's your responsibility to find a way to have no discoloration in the discharge.
 - If there is a problem need to find a way to address it.
 - Where there are continuing problems, Department will impose penalties.
 - Requiring construction companies to perform onsite
 - They need to be proactive
 - Has been in effect since last year
 - Herb Sachs is liaison with SCDs.
 - Local governments can charge fees – the State cannot

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- **Capital Program**
 - Soliciting projects from local governments
 - Nearing mid-point
 - Hearing is June 22, 2008 for loan portion of funding program
 - Money from EPA capitalization program
 - Rating and ranking projects for FY 2010

- **Nutrient Cap Trading Policy**
 - MDE has finalized Phase I of Nutrient Cap Management Trading Policy
 - Effective date of Policy is April 17, 2008
 - Final policy is on MDE's website.

- **Jonestown/Nelpine Heights**
 - Public health issue
 - This is a water system that was abandoned by owner many years ago
 - MDE has been trying to figure out how to serve these people with clean drinking water
 - Getting close to an agreement.

- **Mining Program**
 - Updates on McDonald Mine AMD Impacts
 - AMD Projects Recently Completed or Under Construction
 - Aarons Owens South
 - Crellin Bore Hole Remediation Project
 - Winebrenner Steel Slag Project
 - AMD Projects in Design Phase
 - Aaron Run Watershed 319 Project
 - Aarons Owens North
 - Aarons AMD Stream Restoration
 - Casselman Watershed 319 Project (Phase 1 & 2)
 - Chub Run Pyrolusite Bed

News from DNR – Sherm Garrison (*attachment*)

- **Chesapeake & Atlantic Coastal Bays Trust Fund**
 - A lot of time has been spent working on this request for proposal.
 - Grants will be awarded to local governments demonstrating ability to implement NPS pollution control projects.
 - Proposals are due by August 29th
 - Funding decisions will be made by the end of October.

- **Eyes on the Bay**
 - Website is being updated every week or so
 - New Algal Bloom page was developed

- **Maryland Biological Stream Survey (MBSS)**
 - Increasing potential exists for transferring non-native and invasive organisms from one water body to another during monitoring.
 - Since June 2007 MBSS field crews are required to disinfect all footwear and field equipment that come in contact with stream or wetland.
 - Several stations for waders have been setup to disinfect boots.

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- **Regulations**

- DNR proposes to amend COMAR to limit the harvest of female crabs in order to rebuild the crab population.
- Blue crabs have reached record low levels in the Chesapeake Bay.
- Department is also proposing modifying the target number of limited crab catcher license at the current number.

Sewage Sludge Regulations – Ed Dexter

- Currently working on revisions to the sewage sludge utilization regulations
- Regulations have not been overhauled since promulgated in 1986
- Incorporating changes in federal and state regulations
- There will not be a lot of technical changes
- Streamlining current regulations
- Sewage Sludge Task Force is working on it
- Next meeting is late August
- Still going over comments from January
- Another unofficial draft will be put out
- Looking at publishing them in the fall
- Fee structure has not been addressed
- Ed will come back with updates at the October 3rd SWQAC meeting

SSA Administration – John Backus

- **Use Attainability Analyses (UAA)**

- Public meeting for interested stakeholders was on March 19th
- Received comments from DNR and Carroll County
- A workgroup will be assembled to work on issues
- Task will be to discuss reasons for doing UAA and develop process for using UAA

- **Beach Program**

- Beach season began Memorial Day
- New website – www.marylandhealthybeaches.com
- Heather Moorehead is coordinator

- **TMDL Development Program**

- Since February 5th public comment periods
- 2 TMDL projects have been submitted to EPA for review
- 3 have been approved
- Anticipate in the next month 6 TMDL projects will be available for review.

Presentations

Tier II/Water Appropriation – John Grace

- Tier II - 220 new total
- Previously there were 83
- Tier II waters are high quality waters
- If there was new discharge into that water, a Tier II review would have to be done
- Clean Water Act requires Tier II designation
- Water appropriation is separate from the Clean Water Act

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- Need to develop method and data to better appropriate water in these watersheds
- How do we get data to better evaluate these waters
- Need onsite data to make decisions
- 700 to 1,000 water appropriation permit requests a year

Discussion on Tier II

- Send letter to Secretary that permit (Hoyes Run) should utilize best available data that would relate to degradation of stream. Issuing this permit would have statewide implications. **Motion** to send – motion approved.
- Second letter – encouragement of Fractured Rock Study to be incorporated into these kinds of permits and an active development of support personnel to finalize the necessary polices/regulations relative to the dewatering. **Motion** made – seconded.
- Letters to be written and sent by Executive Subcommittee within about 3 weeks.
- Get comments to Victoria as soon as possible.

Water Quality Data Management – George Harman (powerpoint attached)

Victoria requested Steve Witt to form ad hoc subcommittee to work with George on this issue.

Water Reuse – Jay Prager

- Most common form of reuse is with irrigation or land application
- Current requirements are very stringent
- Looking at level of treatment necessary
- Documents are being looked at internally
- Dr. Tien taking lead in developing these documents
- Hope to have something for public review this summer
- Department is not actively pursuing what is known as purple pipe system
- Immediate goal is Class III for land application

Subcommittee Reports

Watershed Subcommittee – Mike Clar

- Finalize comments on Stormwater Management Act
- Working on draft letter for SWQAC to submit
- Looked at Chapter 5 – Revision of Chapter 5 by September 30th.
- State formed Redevelopment Committee for stormwater management projects - ask MDE to include SWQAC – email Ginny Kearney with name she'll pass it along. Send copy to Victoria and Chris.

Water Resources – Mat Pajeroski

- Discuss draft letter on DNR leasing to waters associated with DNR-owned land
- Draft policy that had been reviewed by SWQAC and a letter sent expressing concern
- Policy was revised and SWQAC looked at it and came up with a draft letter to DNR
- Many of the concerns raised in 2006 letter still remain
- Is policy trying to promote or prohibit waters being used off DNR properties
- Not complete consensus on letter – agreed it could be used temporarily for emergency situations, but how to define emergency? And whether or not water could be used off track for purposes that are consistent with the DNR mission.
- **Motion** to send letter as amended by Dave Duree – seconded by Senator Dyson. Two no's from Steve Witt and Mat Pajeroski.

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Wastewater – Dave Duree

- No activity except monitoring
 - Ongoing process in establishing operation and maintenance structure for certified operators/maintainers
 - Mixing zone issue – new interest in Washington State at Puget Sound.
http://seattlepi.nwsources.com/local/365545_pugetsound03.html

AMD Subcommittee –

- Presentation by Mining
 - AMD from deep mines
 - Heard and saw certain remediation projects
 - For small amount of money you get immediate return – huge benefit
 - Draft letter to encourage Secretary to:
 - Can MDE makeup deficit over time?
 - Bureau of Mines be encouraged to find remediation
- Motion by Dave Duree to send letter – seconded by Mike Clar

Executive Subcommittee

- Meeting with Shari Wilson, Jay Sakai, Victoria Woodward, Mike Clar, Frank Wise and Eric Schwab to briefly acquaint with Committee.
 - Stressed knowledgeable person from Departments to attend meetings
 - Need additional support in Subcommittees
 - Jay Sakai acknowledged role and encouraged to attend meetings
 - Jay asked role in regards to legislation
 - Goal is to build relationship and have open door

Miscellaneous

- Officers Nominations – Dave Duree
Motion made to move slate of nominees forward to be voted on at next meeting:
Victoria Woodward – Chair
Frank Wise – 1st Vice Chair
Steve Witt – 2nd Vice Chair
Motion approved. Reminder that nominations can be made from the floor.
- Open Meeting suit – February meeting did not show up on MDE calendar.
- Use of internet for meeting notice
- Meetings relatively convenient
- Make retreat on different month than regularly scheduled meeting
- Attorney General sent response.

August Meeting

- DNR Secretary John Griffin to attend
- TMDLs – Jim George to come back

Meeting Adjourned 1:00 p.m.