

STATE WATER QUALITY ADVISORY COMMITTEE

July 8, 2011

MINUTES

ATTENDEES:

Members/Alternates: Sam Biondo, Michael Clar, Emery Cleaves, Dave Duree, Jan Graham, Delegate Marvin Holmes, Fred Jacobs, Shannon Lucas, Terry R. Matthews, Norm Meadow, Ed Merrifield, Dee Nolan, Matt Pajerowski, Michael Piper, Sarah Taylor Rogers, John Scarborough, Paul Scott, Mark Symborski, Steve Witt, Victoria Woodward

Excused Absences: Melissa Kenney, Nancy Pentz, Duncan Stuart

Others: Delegate Al Carr, Ginny Kearney (MDE), Sherm Garrison (DNR), Bruce Michael (DNR), Jim George (MDE/SSA), Paul Emmart (MDE/SSA), Joe Tassone (MDP), Joe Sutton (Washington County), Candace Donoho (MML), Fred Samandani, Les Knapp (MACo), Julie Pippel (WCDEM), Elaine Nolan (MDE), Chris Thomas (MDE)

Terry Matthews opened the meeting with introductions at 9:30 a.m. Add to Agenda membership business. **Motion** to approve Agenda and May 6, 2011 meeting minutes - **approved**.

Victoria Woodward announced she will be resigning from SWQAC due to personal reasons. Sarah Taylor Rogers made a **Motion** for the minutes to reflect the very exemplary service Victoria has provided to the Committee and how much we are in appreciative of that – **approved**. Dave Duree made a **Motion** to make Victoria an emeritus member – **approved**.

Membership – Dave Duree, Chair

- Victoria Woodward was 1st Vice Chair, so that will move Sarah Taylor Rogers to 1st Vice Chair
- To fill vacancy of 2nd Vice Chair, Dave made **motion** for Fred Jacobs to fill that position – **approved**.

News from MDE – Ginny Kearney

- **General Permit for Stormwater Associated with Construction Activity**
 - Our permit is in place
 - Some pending action at federal level, but no changes yet.
- **Groundwater Symposium**
 - Upcoming Groundwater Symposium on September 28, 2011
 - Bob Perciasepe of EPA to give key note address.
- **Workshop on Emergency Response**
 - Water Supply conducting emergency preparedness workshops for water sector
 - Six workshops completed and six more to be rescheduled for next year.
 - Workshops are funded by an EPA grant
- **Marcellus Shale**
 - Sent letter to wastewater treatment plants notifying them that if they plan to accept any wastewater associated with Marcellus Shale drilling they must notify MDE
 - Approval is required through a pretreatment permit or permit modification.

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- **Meeting EPA Region III**
 - Looking into nutrient trading and offset program
 - Fact finding meeting
 - Talked about legal authority in Maryland & requirements associated with nutrient trading
 - Next Wednesday July 13th – first Clean Water Innovation Trade Show at MDE
 - Full registration – event closed
 - Vendors to show wares primarily for stormwater and restoration – 300 signed up
 - Will report back on at the next meeting.

Item for future meetings – nutrient trading.

News from DNR – Sherm Garrison

- **Heavy Spring Rains**
 - Monitoring sites have shown record low salinities this spring
 - Due to high water volume discharged into the Bay from the Susquehanna River
 - Several riverkeepers/citizen monitors have noted these low salinity water.
 - Freshwater can affect distribution of some fish and reduce oyster spat.
 - For more information, see DNR's Eyes on the Bay site.
- **Bay Report 2010 Card**
 - Chesapeake Bay report card is available online
 - Coastal Bays is also online.
- **Maryland Stream Symposium**
 - August 10-13, 2011 at Carroll Community College
 - Registration form attached.
 - \$35 for 3-4 days of activity
- **Water Quality Monitoring**
 - Water quality conditions near shale drilling sites
 - Conductivity is a good surrogate water quality parameter for detecting discharges of salts and some chemicals into surface waters during gas well drilling activities, runoff or wastewater discharges.
 - This effort will define baseline conditions prior to any gas well drilling activity.
 - Continuous stream temperature monitoring
 - Recording temperature sensors at 24 long-term CORE stations
 - 2 at each site recording water and air temperatures
 - Map where the sites are specifically.

Terry requested an update from Bruce on DNR's Water Leasing Policy.

- **Water Leasing Policy** – Bruce Michael
 - DNR is comfortable with the way the policy is written.
 - It is not legal legislation, it is a policy.
 - Appreciate SWQAC's comments and input.
 - Will keep SWQAC apprised of any changes/issues related to policy.
 - Mineral rights will be dealt with on a case-by-case basis.

Motion made by Victoria Woodward that she draft a letter for Chair's signature that requests DNR to notify SWQAC when any applications are received, so SWQAC can have input – motion seconded. **Motion** made for Executive subcommittee to review and send letter – seconded.

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News from MDE/SSA – Jim George

- **Water Quality Standards**
 - Re: anti-degradation, Tier II – currently thru Department for review.

- **Phase II Watershed Implementation Plan**
 - Doing regular webinars – 2 in July
 - July 14th – Rural Jurisdiction Issues
 - July 19th – MAST (Md. Assessment Scenario Tool) Training
 - Webinars are recorded and put on MDE's website.
 - EPA has CAST, which is a mirror on what MD has developed.

- **New Model**
 - EPA has drafted allocations using the new Model
 - States have concerns they aren't transparent enough

- **New Study**
 - Study estimate of stormwater cost and revenue generation
 - Results will be out in September

Dave Duree gave brief update on a current Septic Bill that he has been following and will keep the Committee updated on it.

Presentations

- Plan Maryland**– Joe Tassone of the Md. Department of Planning – (powerpoint)
- This powerpoint presentation will be put SWQAC's website.

2012 Stormwater Legislation – Delegate Al Carr (Environmental Matter Committee)

- Deals with many issues related to water quality
- Working on 2012 Stormwater management legislation
- Stormwater management is major source of pollution in waterways
- Falls on local governments, who are treating stormwater like utilities
- Charge anyone with impervious area that is creating runoff
- State bill put in last year was HB 668/SB 522
 - Stormwater charges treated as fees
 - State agencies should pay like any other users
 - Hearing for the bill – lot of local support
 - Meeting with Governor and State agency heads
 - Governor supports concept of bill
 - Put in something so State agencies don't have to pay double.
 - Putting bill in again in 2012 session
 - Asking for input or support from SWQAC

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Subcommittee Reports

Water Resources – Dee Nolan

- Meet after this meeting

Watershed – Mike Clar

- Getting firm date for forum - after legislative session is over
- It will be mid-week over 2 days
- Want to get date to send invitations and put together agenda
- Discuss Guidance document at meeting today
- By September give update on legislation

Land Use & Growth Policy – Mark Symborski

- Focusing on Plan Maryland document
- Submitted comments to Chair and distributed to Committee
- **Motion** to move comments forward to MD Department of Planning with copies to MDE and DNR and MDA – approved.

Marcellus Shale – Fred Jacobs

- Put together a letter to Secretary of MDE/DNR requesting SWQAC representation on Task Force – have not received a response yet.
- Initial meeting economic, jobs, etc.
- Bruce Michael said he will work to get SWQAC involved
- Talked about what is going on in other states; i.e., Texas first to pass a law on disclosure, New Jersey has bill banning fracking.
- EPA is doing study on fracking – 7 locations doing in field testing at existing sites & sites permitted, but have not started.
- Delegate Holmes and Environmental Matters Committee going on field trip in August to look at sites and will report at next meeting.

New Business

Retreat – Sarah Taylor Rogers

- Thank everyone for responses to retreat
- It will be on Friday, October 7, 2011 at the Exploration Center
- Cannot get in until 10:00 a.m. and have to be out by 4:00 p.m.
- Lunch will be Pot Luck

Website Updates

- Comments made that updates need to be made to the website
- Terry said those will be discussed at the retreat

Adjourned 12:30 pm