

## Anacostia Watershed Management Committee

**-DRAFT-**

*Thursday, September 15<sup>th</sup>, 2011*

*10:00 a.m. - 1:30 p.m.*

*Training Center- First Floor*

### **Meeting Attendance:**

	<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
Mr.	Ray	Bahr	MDE
Ms.	Debra	Cappuccitti	MDE
Dr.	Mow-Soung	Cheng	PGDER
Mr.	Cary	Coppock	AWCAC
Mr.	Curtis	Dalpra	ICPRB
Mr.	John	Galli	COG
Mr.	Pete	Hill	DDOE
Mr.	Dana	Jackson	USDA
Ms.	Lori	Lilly	CWP
Ms.	Catherine	King	US EPA
Mr.	Aubin	Maynard	MWCOG
Ms.	Dana	Minerva	AWRP
Chair	Sam	Moki	PG DER
Mr.	David	Prevar	USDA
Mr.	Dave	Robbins	USACE
Mr.	Rob	Shreeve	SHA
Mr.	Phong	Trieu	COG
Ms.	Hye	Yeong	CWP
Mr.	Ken	Yetman	MDNR

### **I. Call to Order/Introductions**

Chair Sam Moki (Prince George's County DER) called the meeting to order at 10:18 a.m. and requested that everyone present introduce themselves.

### **II. Approval of the May 12<sup>th</sup>, 2011 Meeting Summary**

***ACTION/OUTCOME: The 5/12/11 meeting summary was approved unanimously.***

### **III. AWCAC Chair Report**

Mr. Aubin Maynard (COG) introduced Mr. Cary Coppock, the newly elected AWCAC Chair, to the MC. Mr. Coppock then provided a brief update on AWCAC's activities. AWCAC members have been considering how to increase membership and setting 2012 goals. Poor attendance at the September meeting delayed progress, though attendees agreed to support AWSC Sub-Committee objectives. Members were supportive of Friends of Lower

Beaverdam Creek's efforts to rename an unnamed tributary as an outreach effort, as well as providing assistance to a possible new "Friends of Brier Ditch" group from New Carrollton. AWCAC Vice-Chair Michael Smith has been successful at working with SHA and other agencies, including DNR and NPS, to have signage placed at River and open stream crossings, however AWCAC members feel signs should still be placed along piped streams. Finally, AWCAC members have agreed to support a reusable bag distribution program in November to counter concerns by the chemical industry and grocery distributor associations that a five cent bag charge in Maryland would be onerous on the economically disadvantaged. Chair Moki added that Prince George's County will again try to get an authorization bill passed (this bill would authorize the County to pass a bag fee, it would not actually set a fee).

#### **IV. Sligo Creek Storm Drain Outfall Monitoring Report**

Ms. Hye Yeong (CWP) provided background information on the Center for Watershed Protection and the study of illicit discharges in the Montgomery County portion of Sligo Creek. Funding for the study was provided through a NFWF grant. Ms. Yeong described the techniques CWP uses to detect illicit discharges. For the Sligo Creek study they examined dry weather flows, using visual cues, smells, then water quality tests for ammonia, fluoride, detergents, potassium, bacteria and others parameters. The ammonia test, while not required by the state, is a simple test to detect sewage (MDE is considering adding this test requirement). Statewide results indicated that illicit discharges makeup a much larger portion of water quality problems than previously thought, are not addressed in outdated regulations, but have a high cost for identifying and fixing.

Ms. Lori Lilly (CWP) next presented a detailed PowerPoint describing the Sligo Creek study results. Thirty-six illicit discharges were identified via ammonia, Fluoride, high E. Coli and/or high total coliform test results. By including the ammonia test, 20 percent more illicit discharges were identified. Ms. Lilly then described two efforts by the Montgomery County Department of Environmental Protection (MCDEP) to identify two large discharges. The large cost and staff time required to fix illicit discharges was highlighted by these examples. While MCDEP has already gone to great lengths to locate the source(s), they continue to elude identification. Finally, Ms. Lilly explained how CWP estimates up to 17percent of the nitrogen TMDL load reduction goal could be met by simply addressing illicit discharges and 22 percent for the Bacteria TMDL. A short discussion followed.

- Ms. Dana Minerva (AWRP) strongly voiced her concern that simply advocating for the elimination of illicit discharges (to help locals meet their TMDL goals) fails to address the need to reduce stormwater runoff volumes (i.e., the number one problem facing urban streams), and further undermines the need for and discredits the ancillary benefits of using ESD/LID.
- Mr. Coppock explained that it is likely much of the baseflow of Sligo Creeks comes from pipes, and questioned the effects of reducing all flow from stormsewers. Mr. John Galli (COG) noted that approximately 80 percent of the feeder streams in Sligo Creek have been piped.

- Mr. Steve Shofar (Montgomery County DEP) emphasized the huge financial and staff time costs required for identifying illicit discharges, but additional study is needed because there may be huge benefits to addressing these discharges.

## **V. Maryland Fertilizer Use Act of 2011**

Ms. Judy McGowan (MDA) provided a PowerPoint summary of Maryland's new Fertilizer Use Act of 2011. Urban fertilizer use was first regulated in Maryland through the 1998 Urban Nutrient Management laws, but with no nutrient management plan, training, or certification requirements. Due to new 2010 EPA regulations, Maryland developed nutrient targets, including increased acreage under urban nutrient management. It is estimated that half of Maryland's land area is turf and that 59percent of it is under lawn care.

The Fertilizer Use Act of 2011 has two parts; rules for manufacturers and retailers, and those for applicators (both professional and homeowners). Manufacturers must: 1) restrict the phosphorus amount used, 2) reduce the total amount of nitrogen used, 3) stop labeling fertilizer as a de-icer, and meet additional labeling requirements. The law further requires annual reporting of fertilizer sales by retailers. Professional applicators must follow a number of new application and training requirements. There will be bans on application to impervious surfaces, application setbacks from streams and other waterbodies, weather restrictions, no P allowed unless need indicated through actual soil testing, and restrictions on total and soluble N allowed for homeowners. Several members provided comments and questions on the new requirements.

- Mr. Ken Yetman (MDNR) inquired if the sale of starter fertilizers would still be allowed. Ms. McGowan explained that yes, these would still be permissible as an exception to the law, but that they would have to be specially labeled.
- Dr. Mow-Soung Cheng (Prince George's County DER) questioned the enforceability of the new law to landowners, to which Ms. McGowan indicated all enforcement would have to be by local governments.
- Mr. John Galli inquired where homeowners can go to get their soil tested. Ms. McGowan directed the committee to review the list of private labs on the MDA website.

## **VI. MS4-Related Pollutant Load Accounting**

Mr. Ray Bahr (MDE) explained MDE's new MS4 guidance document, which highlights stormwater control approaches and related load reduction efficiencies for entities required to file MS4s. Mr. Bahr began his PowerPoint presentation by reviewing the MS4 history and state requirements, and explained that the guidance document is intended to provide

an equal, yet flexible “measuring stick” across both multiple jurisdictions and comprehensive methods/requirements, as well as a systematic method of accounting for alternative BMPs (e.g. street sweeping). Additionally, the document lays out methods for calculating impervious acre credits and retrofits to structural BMPs. Ms. Minerva repeatedly questioned and criticized MDE’s credit-based approach, particularly for traditional BMP’s which do not provide volume reduction benefits. Mr. Bahr agreed to disagree and continued with his presentation. A lengthy discussion followed.

- Dr. Cheng inquired if the WIPs include the previous 10 percent impervious area controlled requirements in the WIPs 30percent requirement, and if street sweeping frequency affected the credit. Mr. Bahr explained the impervious area controlled is cumulative, and that the document explains how to calculate credits for additional street sweeping.
- Mr. Shofar explained that the guidance document is helpful, but calculating credits has been a ‘bean counting nightmare.’ Mr. Bahr explained jurisdictions are being given maximum flexibility.
- Mr. Galli inquired about the intended schedule for revising the document. Mr. Bahr indicated that it is a ‘living document’, and will be updated as needed (possibly every year or other year).

## **VII. USACE CAP 206 Stream Restoration, 510 Programs and Sligo Creek EA Report**

Mr. Dave Robbins (USACE) provided a brief PowerPoint presentation on various restoration projects in the Anacostia Watershed. Four Restoration projects in Northwest Branch are underway, under the USACE CAP 206 Ecosystem Restoration authority, including projects in Upper Northwest Branch, Bryants Nursery Run, and Batchellors Run. A second CAP 206 project in Lower Paint Branch is expected to be completed by summer 2012. The USACE will also be assisting WSSC with Consent Decree implementation for sites in Sligo Creek through their CAP 14 authority. Additional Section 510 projects have been identified in both the Montgomery County (3 projects) and Prince George’s County (3 projects) portions of Sligo Creek. Mr. Robbins added that funding for 2012 looks bleak and many projects in the Anacostia Watershed have low priority. Mr. Galli suggested that a ribbon cutting event should be held for the groundbreaking of the Lower Paint Branch project, as this could be a positive media outreach event for the Partnership. Mr. Robbins agreed the project might call for such an event.

## **VIII. Hickey Run Oil/Trash Separator and BARC Update**

Mr. Dave Prevar gave a PowerPoint update on the National Arboretum force main and Springhouse Run Restoration work. Mr. Prevar described the need for restoration of a 54” force sewer main in the National Arboretum. The line has seen many breaks over the past few years and is in dire need of repair. Various options, from simply repairing the current

section to rerouting line have been proposed, but there is heated debate on the various options due to cost (ranging from 2.5 million up).

Springhouse Run is set to receive a major restoration along with the instillation of a new interpretive trail. The Arboretum is will provide some funding, plantings, and the Friends of the Arboretum will provide volunteer hours for planting and upkeep. Construction is being funded by DDOE.

Mr. Dana Jackson (USDA) updated the group on status of the oil/trash separator system. After providing project history, Mr. Jackson shared extensive photographic documentation of the installation process. While not yet fully functional, the device has already begun to settle out sediment.

Mr. Phong Trieu (COG) inquired as to how often trash would have to be removed from the separator. Mr. Jackson explained that it could be after ever major rain event and that it will be frequently monitoring during the first six months (i.e., until a monitoring schedule can be determined). DDOE also expects additional fall cleaning due to leaf/organic debris build up.

Ms. Minerva inquired if there would be additional efforts to reduce or control new oil buildup. Mr. Jackson suggested it would be difficult to decide before normal buildup and flows were seen through the device.

## **IX. ICC Report**

Mr. Rob Shreeve (SHA) provided a short update on ICC construction. Overall contract 'A' is 98 percent complete, 'B' is 93percent Complete and 'C' is 91percent complete. Mr. Shreeve then highlighted various stewardship and restoration projects. He next provided a summary of several planned projects located on BARC property, including PB-85 (a twin-cell off-line wetland located along the Lower Paint Branch). Of particular interest to the group were the NW-160 streambed stability structures and vegetative plantings done under the larger bridges.

## **X. ARP Web Page and Tracking**

Mr. Galli provided a detailed summary of COG's efforts at ARP database/project tracking. Per inter-agency discussions, COG staff designed an online map and tracking system based on Google Fusion. Mr. Maynard next demonstrated this user-friendly tool, which allows users to sort and view the status of ARP projects. Recommended next steps include: 1) an ARP workgroup meeting to coordinate data exchange and reporting (probably October-November 2011 timeframe), 2) addition of non-core Partnership agency ARP project data (e.g., WSSC, PGDPW&T, etc, hopefully incorporated by the end of calendar year 2011), 3) addition of private developer ARP project data (by early 2012) and 4) starting in 2012, update the ARP project database on a bi-annual reporting cycle (i.e., February and July of each year).