

## Anacostia Watershed Management Committee

**-DRAFT-**

**Thursday, May 19th, 2010  
10:00 a.m. - 1:30 p.m.  
Training Center- First Floor**

### Meeting Attendance:

Name			Organization
Dr.	Mary	Barber	AWCAC
Mr.	Dan	Bierly	US Army Corps of Engineers
Mr.	Jerry	Maldonado	Prince Georges County Dept. of Environmental Resources
Mr.	Curtis	Dalpra	ICPRB
Mr.	John	Galli	MWCOG
Mr.	Pete	Hill	DC Dept. of the Environment
Ms.	Catherine	King	EPA
Mr.	Aubin	Maynard	MWCOG
Ms.	Dana	Minerva	Anacostia Restoration Partnership- Executive Director
Mr.	David	Prevar	USDA
Mr.	Jeffrey	Seltzer	DDOE
Mr.	Steve	Shofar	Montgomery County Dept. of the Environment
Mr.	Rob	Shreeve	Maryland State Highway Administration
Mr.	Phong	Trieu	MWCOG
Mr.	Greg	Voight	EPA (by Phone)
Chair	Ken	Yetman	Maryland Dept. of Natural Resources

### I. Call to Order/Introductions

Chair Ken Yetman (MDNR) called the meeting to order at 10:12 am and requested that everyone present introduce themselves.

### II. Approval of the February 18, 2010 Meeting Minutes

The 2/18/10 meeting summary was approved unanimously.

Chair Yetman briefly summarized the previous day's Anacostia River Business Summit held at Nationals Park in Washington, DC. Over 200 people from many sectors came to the summit, beginning a dialog between people who do not usually talk (i.e. businesspersons and environmentalists). Chair Yetman indicated that the most productive element coming out of the workshop was identification of what hinders the development community from implementing green technologies (e.g., it takes an extra year to receive a permit for a 'green' parking lot, so conventional lots are employed instead).

**ACTION/OUTCOME: The 2/18/10 meeting summary was approved unanimously.**

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

Ms. Mary Barber (AWCAC, Vice-Chair) updated the committee on AWCAC's activities. Dr. Harriette Phelps (Prince George's County) gave a presentation on her most recent chlordane study. She indicated levels exceeding acceptable standards in Lower Beaverdam Creek and Sligo Creek. In addition, AWCAC sent a letter requesting that the ICC-related tree deficiency in the Anacostia Watershed be addressed, and drafted a second letter supporting the Trash TMDL and requesting MS4 permits be opened and the Trash TMDL added. A short discussion followed.

- Chair Yetman indicated he had set up a meeting between Charlie Poukish (MDE) and Dr. Phelps to coordinate efforts and compare results. At the Sligo Creek location, there were major discrepancies between MDE and Dr. Phelps' results. As a result, the two labs used to analyze the clams are talking to each other and may conduct side-by-side tests to verify their sampling methods. DNR staff will also help organize Dr. Phelps' data.
- Ms. Dana Minerva (AWRP, Executive Director) indicated that the request to open MS4 permits targets entities other than counties, such as SHA and the University of Maryland.
- Chair Yetman indicated he was coordinating efforts at DNR to address the forest-cover deficiency issue; however, it has been very difficult to identify reforestation planting sites in Montgomery County.
- Mr. David Prevar explained he was working with representatives from Coastal Resources (ICC consultants) to locate planting locations at BARC.

### **IV. Discussion: ARP Implementation**

Chair Yetman led a lively discussion on envisioned next steps for ARP project-related implementation and funding. A summary of the discussion follows:

- Mr. Dan Bierly (USACE) indicated the USACE might be funding a green streets project in Prince George's County through their 2010 budget. The project was identified in the ARP (and had associated plans), so when unallocated 510 funding was identified, Mr. Bierly moved quickly to position the project to receive this money. The project should be in good shape to receive funds as long as a Project Partnership Agreement is quickly executed. The FY10 funds will carry over to FY 11 if necessary.

Mr. Bierly explained that overall there is a strong interest in funding Anacostia-related restoration by Congress creating a new authority for the USACE. Such a program should be coordinated to be most effective, rather than simply a line of individual programs/projects.

- Ms. Minerva commended Mr. Bierly on his approach for locating project funding, but indicated in the future, the project selections process should be more

interactive/coordinated within the Partnership. Ms. Minerva also requested a list of the projects sorted by ownership/jurisdiction, so she can more effectively lobby for funding. She envisions Congress allocating money to respective federal institutions to fund projects.

- Mr. John Galli (COG) pointed out that virtually all of the projects in the ARP need further evaluation for viability and priority. The projects identified in the ARP represent a ‘first step.’ Mr. Galli also suggested that the project list be refined to pull out the priority projects and to see which projects fall under the MS4s.
- Mr. Jerry Maldonado (Prince George’s County) indicated that all projects under MS4 are tracked by the state of Maryland and pointed out that most projects still needed to be pre-engineered. Currently the DER engineering staff is saturated with work and limited in number, so that even if additional money was available, DER may not be able to take advantage of it.
- Mr. Steve Shofar (Montgomery County) expressed several concerns with funding venues. Mr. Shofar indicated Montgomery County might also not have the necessary staff to do or even over-see large numbers of projects, although they might be able to handle more projects if they are design/build. The biggest concern is that Corps projects take a long time to complete, which is impractical for Montgomery County since projects need to be completed in a shorter timeframe to meet MS4 requirements.
- Ted Graham (COG) suggested that the question of the funding process be presented to the SC. On the topic of project tracking, he emphasized the need for coordination to avoid ‘double entry.’
- Curtis Dalpra (ICPRB) suggested that the MC members have the combined experience to effectively recommend where money goes when it becomes available.

**ACTION/OUTCOME: COG staff agreed to assume the lead role for the ‘tracking’ of ARP-related projects (see FY11 discussion for more details).**

## **V. District of Columbia MS4 Permit Update**

Mr. Jeffrey Seltzer (DDOE) provided a PowerPoint presentation detailing the status of DC’s MS4 permit. The permit, open for comment until June 4, is being touted by the EPA as a model for the region and requires the use of LID and has strong retrofit, development and stormwater retention standards.

- Mr. Galli inquired about the cost of MS4 implementation over the next 5 years. Mr. Seltzer did not have any cost estimates available.
- Responding to questions, Mr. Seltzer explained that residents are required to pay both a long-term control plan fee and an impervious fee. If federal institutions refuse to pay the impervious fee, they may alternatively be required to pay a sewer fee.

- Ms. Minerva inquired whether both quality and quantity are the focus of Montgomery County’s stormwater control efforts. Mr. Shofar responded that MC DEP is not required to control both quality and quantity, but efforts focus on controlling both whenever possible.

**VI. Anacostia Trash TMDL Report**

Mr. Greg Voight (EPA) quickly reviewed the methods and sampling regime for the trash TMDL. Allocations for each jurisdiction were reviewed (table 1), as well as assurances of implementation. Examples of assurances include: 1) DC MS4 permit requires submission of a TMDL implementation plan with an established performance based benchmark; 2) Montgomery County MS4 permit renewed in February 2010, requires TMDL implementation plans and specifically addresses trash; 3) The Prince George’s County MS4 permit, which is expected to be renewed in the next year, most likely have the same requirements as Montgomery County’s.; 4) DC CSS permit addresses trash-removal in the Nine Minimum Controls and the Long Term Control Plan; 5) Various existing trash reduction initiatives (e.g. Anacostia Watershed Trash Reduction Strategy (MWCOCG 2007) and the Anacostia River Clean-Up and Protection Act (DC 2009) – “Bag Ban”).

Montgomery County	Waste Load Allocation	243,253 lb/yr removed
	Load Allocation	65,945 lb/yr removed
Prince Georges County	Waste Load Allocation	314,052 lb/yr removed
	Load Allocation	347,958 lb/yr removed
District of Columbia Upper	Waste Load Allocation	150,154 lb/yr removed
	Load Allocation	18,343 lb/yr removed
District of Columbia Lower	Waste Load Allocation	60,956 lb/yr removed
	Load Allocation	1,705 lb/yr removed

**Table 1: TMDL Allocations by Jurisdiction**

A brief discussion followed the presentation.

- Mr. Pete Hill (DDOE) inquired if any ‘credits’ would be given for bag bills. Mr. Hill suggested it might assist Maryland passing similar bag fee legislation. Mr. Voight indicated such credits do not currently exist.
- Mr. Shofar reminded everyone that federal properties are exempt from the TMDL.

## **VII. Information Item- COG Recommended FY11 Anacostia Work Program and Budget (ARF)**

Dr. Graham reviewed the FY11 ARF Work Program and Budget, indicating member contributions are the same as FY2010. He explained that in FY12 additional funding for the executive director would have to be identified, as funding from the Summit Fund and other grants will be exhausted.

Mr. Galli added that the proposed FY11 work program and budget is virtually identical to the FY10 one. The one major proposed change involves shifting \$15,000 from the current “Environmental Conditions and Progress Reporting” program area to a new “Technical Support for USACE/Partnership Restoration Plan” one. This change will provide the funding needed to both perform ARP project implementation-related tracking and coordination/reporting with lead Partnership members. Mr. Galli also suggested that new members (e.g. WASA and WSSC) be asked to provide some funding to ARF.

- Dr. Barber agreed that new members should be asked to contribute. She also inquired as to whether or not the USACE could provide funding for the Executive Director, or if EPA might still fund the Executive Director.
- Mr. Bierly indicated that only three river basins in the US have received such funding (from the USACE), and Congress would have to pass a law giving authority to provide funding subject to annual appropriations. Ms. Catherine King (EPA) indicated discussions continued regarding the position shifting to EPA.
- Mr. Hill inquired if moving the Executive Director position to EPA would put any restraints on the position. Ms. Minerva replied that no restraints would likely be imposed.
- Chair Yetman commented that the AWRP was the only watershed-focused group in the state of Maryland really moving forward, and he feels it is due to the fact there is a paid executive director. He would like to see Ms. Minerva’s position continue.

## **VIII. Legislative Recap**

Ms. Minerva provided a brief legislative update on activities in Maryland.

- Representatives Al Carr and David Harrington introduced a plastic bag user fee bill, but it was not passed. Ms. Minerva expressed her disappointment that MDE initially opposed it, which she felt kept the bill from passing in the end (even though later MDE shifted their opinion to support it). A second bill authorizing counties to implement such fees might have a greater chance of being enacted.
- Ms. Minerva testified in favor of county stormwater utilities fees and the bill seemed to have almost passed, but in the end it did not have enough support.
- Bill 1125, backed by the Maryland building associations, contained language grandfathering many projects and pushing back the enactment date of the new stormwater

regulations to 2014. The Maryland legislature forced a “compromise deal” between the development community and environmentalists. This compromise polarized the environmental community, allowed existing pavement (e.g., roads) in new development projects to not be counted (i.e., severely lowering the impervious area related to new development) and grandfathered many additional projects. Officials cannot say how many development projects may be grandfathered.

#### **IV. 2010 Anacostia Monitoring Update**

Mr. John Galli (COG) updated the committee on monitoring efforts throughout the watershed. A summary handout highlighting ‘core’ monitoring indicated the following: 1) Northwest Branch USGS gauging station water quality monitoring efforts will cease in July 2010; 2) There will be major cutbacks to the number of fish/macrobenthic IBI monitoring stations outside the SPA in Montgomery County; 3) MDE Corbicula clam monitoring efforts remain on hold; and 4) Sligo Creek and Northeast Branch flow/water quality monitoring will continue. Mr. Galli also provided a second handout summarizing restoration goal/Key indicator progress through calendar year 2008.

- Chair Yetman inquired if the ratio of forests lost to gained is tracked. Mr. Galli indicated that per the 2001 agreement, only increases in riparian buffer length and acreage are tracked.

#### **X. SHA ICC Report**

Mr. Rob Shreeve gave a brief update on ICC-related activities. He indicated several new temporary bridges were constructed, including one over the Good Hope Tributary. New sediment control technology is being tested, and currently both power washers and automated wheel washers are used to keep more soil on site. A new interactive map on the ICC webpage (<http://www.iccproject.com/>) allows users to view detailed information on stewardship and mitigation projects. Finally, a 3.5-mile section of the Northwest Branch will be restored, including the use of some trees harvested along the contract B area.

Mr. Shofar indicated that MC DEP was now opposed to pumping stormwater from the Good Hope Maintenance Depot area into the Northwest Branch, as this technology has run into problems when used in other parts of the country. Mr. Shreeve explained Montgomery County DEP made this case to the USACE, but the USACE felt there was not sufficient evidence to warrant changing designs.