

- Draft -

**Anacostia Watershed Management Committee
Meeting Summary**

Thursday, March 5th, 2009

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

Board Room- Third Floor

	Name		Organization
Chair	Ken	Yetman	Maryland Dept. of Natural Resources
Dr.	Mow-Soung	Cheng	PG DER
Ms.	Sheila	Besse	DC DOE
Mr.	Curtis	Dalpra	ICPRB
Mr.	John	Galli	MWCOG
Ms.	Amy	Guise	USACE
Dr.	Ted	Graham	MWCOG
Mr.	Jim	George	MDE
Ms.	Catherine	King	US EPA
Mr.	Aubin	Maynard	MWCOG
Ms.	Carol	Hearle	UMD
Ms.	Dana	Minerva	Anacostia Restoration Partnership- Executive Director
Mr.	David	Prevar	USDA
Mr.	Andy	Roach	USACE
Mr.	Ed	Carpenetti	WSSC
Mr.	Owais	Faraqi	Black & Veatch Coop.
Mr.	Steven	Shofar	MCDEP
Ms.	Dottie	Yunger	Anacostia River Keeper
Mr.	Rob	Shreve	MSHA
Mr.	Phong	Trieu	MWCOG

I. Call to Order/Introductions

Chair Ken Yetman (MDNR) called the meeting to order at 10:00 am.

II. Approval of November 17, 2008 Meeting Minutes

The 11/17/08 meeting minutes were approved unanimously.

III. AWCAC Chair Report

In the absence of AWCAC Chair Mary Barber (DC), Mr. John Galli (COG) quickly reviewed recent AWCAC activities. He stated that the next half-day workshop, sponsored by the Summit Fund, will be held on Saturday, March 7th at the Greenbelt Community Center, located in Greenbelt, Maryland. The topic will be environmental advocacy. Workshop presenters will use

past experiences to explain how to approach a hypothetical situation with advocacy at the local, state, and federal levels.

In addition, AWCAC Vice-chair Mike Smith (Montgomery County) is spearheading an Anacostia-wide storm drain marking initiative. In response, COG coordinated a meeting between District of Columbia, Prince George's County, and Montgomery County representatives to discuss a common storm drain marking approach. Participants reached consensus on the use of markers, versus spray-painted stencils, and decided upon a common template previously used by DDOE. The employment of a combined, multi-jurisdictional marker ordering approach was proposed. COG will be coordinating a trial of this combined purchasing over the next year. This approach is expected to significantly reduce the cost of individual markers through volume discounted pricing. In addition to the markers, a companion system for including a door hanger with stormwater information and targeting specific neighborhoods was proposed.

IV. USACE Anacostia Watershed Restoration Plan Update

Ms. Amy Guise (USACE) began her report by noting that, as required by Congress, the Anacostia Restoration Plan Interim Report was released for public review and comment back in November 2008. The report focused on the restoration of the Sligo Creek subwatershed. The PDT is now filling in holes in the report and working through the other 13 major Anacostia subwatersheds. To date, the PDT has received approximately 20 comments on the Interim Report. Two major statements/ideas received were: 1) it is not clear to the public that the report is not a TMDL implementation plan and 2) the report should have expanded on potential programmatic approaches. Ms. Guise remarked that very favorable comments were received from the Friends of Sligo Creek (FOSC). She also noted that Ms. Dana Minerva (Executive Director, Anacostia Watershed Restoration Partnership) has advocated for a more robust programmatic approach, and that this subject was discussed at some length at the February 26, 2009 Steering Committee meeting.

Since the release of the Interim Report, the PDT has made progress with the other subwatersheds. The contractor hired by the Corps to work on the subwatersheds (i.e., Louis Berger and Associates) has recently released draft restoration project information for both Indian Creek and Upper Beaverdam Creek, with draft inventories expected by March 16th. By July, work on all 14 major subwatersheds and the tidal river will have been completed. By the end of August, the PDT will have examined the watershed as a whole. Not surprisingly, this may result in changes to subwatershed inventory-related priorities. A draft final report should be completed before the end of September, with the final Anacostia Watershed Restoration Plan being released to the public in November 2009.

Similar to the approach employed by the PDT for its Sligo Creek analysis, working meetings with representatives from all of the other subwatershed groups are planned. In addition, the PDT expects to hold four smaller public sessions (e.g., Northeast Branch, Northwest Branch, Lower Anacostia, and District of Columbia) tentatively planned for April- June, and are considering a final public meeting with the release of the report.

A lengthy discussion followed:

- Responding to questions, Ms. Guise indicated that there would not be a public review following the final document release nor additional revisions planned. She also said that the plan has a 10-year planning horizon with some consideration of longer term issues, but made clear that she would not want to mislead people that there will be a detailed plan beyond 10-years. Ms. Guise then reminded the group that the Plan was never meant to be “Comprehensive Plan”, but rather a significant component of the Comprehensive Plan.

Ms. Guise said that at the last Steering Committee meeting there was a good discussion of programmatic initiatives and they wanted the PDT to add those and try to do some quantitative and qualitative analyses. However, if quantitative analysis is wanted the MC should contact the jurisdictional partners to see if the PMP needs to be changed.

- Ms. Minerva stated that the short paper she wrote listed policies and programs that should be covered in the plan (e.g., bottle bills, plastic bag fees, R-LID, SEA streets, etc) and that the effects of some could be easily estimated.
- Ms. Guise responded that the Corps does plan to do exactly that, but as a federal agency they cannot push for fees/local taxes. Therefore, a generalized low/medium/high effectiveness approach might be the way to proceed. She reiterated that additional quantitative analysis first needs to be discussed with the jurisdictional members.
- Chair Yetman inquired why everything must be completed by November 2009. Ms. Guise responded that this schedule is included as part of the scope of work and that the Corps told Congress last fall that the Plan would be completed in one year.
- Dr. Cheng (PG-DER) indicated that he had no problem adding the additional work if it did not affect the project’s overall schedule and budget. He noted that the project’s scope of work (i.e., the PMP) was approved by the Prince George’s County in mid-2007. Therefore, if the scope of work and budget were to appreciably change, the County would then have to review it all over again. Especially, the additional funding needs to be reviewed and approved by the County Council. This could take months. In addition, Dr. Cheng felt that it was inappropriate for the Corps to suggest local legal changes. He went on to say that the retrofitting of streets/roads changing the County’s Road Ordinances and/or road standards fall under DPW&T’s jurisdiction, and DPW&T would need to review the final report if such projects and/or changes are included in the Plan.
- Ms. Carol Hearle (U of M) suggested that researchers at the University of Maryland could possibly assist with some of the anticipated additional modeling work, and might even pull in some grant funding to help pay for it.
- Ms. Minerva reiterated that the inclusion of planning/zoning, retrofitting of streets, and review of obstacles in ordinances to LID would all add an important element to the Plan. She offered to write the section of the report, but would need assistance with the modeling and contacting partners in a timely manner. She then requested that people comment on her short paper.

- Chair Yetman asked if there was enough time to get everything done, and requested a written schedule, including deadlines, and current funding status. Such a schedule would then be discussed in detail at the March 16th PDT meeting.

***Action/Outcome: The PDT will take up the discussion of quantifying programmatic approaches, as well as examine the need for possible changes to the PMP and related MOU agreements. In addition, the PDT will create a detailed schedule, including the identification of target deadlines and funding to make it clearer as to what is possible to include in the Plan. The PDT will report back to both the SC and MC at their next respective meetings.**

***Action/Outcome: MC members will provide comments on the programmatic approach short paper to Ms. Minerva before the April 23rd SC meeting.**

V. Anacostia Watershed Toxics Alliance Report

Ms. Catherine King (USEPA) began her report by noting that EPA has finished compiling comments received on the White Paper (and that each had been addressed), and the paper is now being finalized. The White Paper sets the stage for possible future toxics remediation work in the river. She then added that a feasibility study will need to be done next if riverbed capping options are pursued. She then gave a brief overview of findings. Specifically, she said that for a relatively small amount of money one could expect a large reduction in toxics exposure levels. The White Paper goes on to say that capping is only one piece, and that upstream sources must continue to be identified and associated contributions reduced. In addition, the White Paper is in its final form; therefore, no more funding exists for future work. EPA is now looking at various legal and funding options. NOAA will present details at the next AWTA meeting on April 13th. A brief discussion followed.

- Chair Yetman felt the price is low for reducing the risk so much, but the group needs to identify what it will take to push the project forward. He was also concerned that the liability was not taken away from those who polluted the river
- Ms. Minerva added that there has been public comment about some of the toxic sources in Lower Beaverdam Creek. In addition, identification of who is responsible for the management/restoration of the riverbed needs to be clarified before the project moves forward.
- Chair Yetman agreed that the PCB source in Lower Beaverdam Creek needs to be identified. He indicated that Dr. Harriette Phelps (UDC) has done a great job at narrowing the source of PCBs to a ¼ mile of stream, but MDE still hasn't examined the issue or released their own clam data.
- Mr. Jim George (MDE) noted that he has heard about the Lower Beaverdam Creek issue, but was unsure who is in the lead, MDE or EPA Region III. He indicated that he will enquire and make sure the Partnership is informed.

***Action/Outcome: Ms. King will report back to the MC regarding legal and financial options that EPA identifies for continuing the capping initiative.**

***Action/Outcome: Mr. George will identify who the MC should be working with to facilitate the investigation of the high PCBs in Lower Beaverdam Creek.**

VI. 2008 Paint Branch Brown Trout Report.

Mr. Charlie Gougeon (MDDNR) related the latest information on the trout population in the upper Paint Branch. He said the good news is that there is still a small population present; however, he felt that with the construction of the ICC this population will most likely be lost. Long-term monitoring has shown that, since 1999, the number of individuals captured at the Good Hope tributary sampling sites has markedly dropped. He noted that changes in substrate composition have resulted in a major overall decline in recruitment success. Additional changes to the hydrograph (i.e., greater and more frequent stormwater runoff levels) are also changing bank habitat and stability. While officially there will be no additional runoff from the ICC to the Good Hope tributary (a noble effort requiring tremendous efforts), the increase in the effects from adding an additional 15 acres of impervious surfaces in the Good Hope alone, is expected to eliminate the population.

- Mr. Stewart Freudberg (COG) asked why the population dropped off in 2000. Mr. Gougeon replied that it was likely a tipping point in imperviousness levels in the watershed. Some research shows that trout are impacted by imperviousness levels as low as 2-5 percent, but it is commonly accepted that levels greater than 10 percent has major and negative consequences. The Good Hope tributary subwatershed is currently approximately 11 percent impervious.

VII. Lower Paint Branch Subwatershed Restoration Study Update

In Ms. Laura Connelly's absence, Mr. Galli reported that M-NCPPC's consultant (URS) is in the process of analyzing all available data on roads, drainage, level of stormwater control and land use, and are about 37 percent finished compiling GIS data. They have also begun their field investigation work for the stream restoration component located downstream of US Route 1. Restoration plan completion is expected sometime around November 2009. A brief discussion followed:

- Ms. Minerva asked if stormwater flows are not controlled, what the value of stream restoration is if the flows from upstream will only destroy the stream again.
- Mr. Galli responded that the idea is to restore the stream to a form that can handle the expected additional flows, stabilize the banks, pass bedload sediments and improve aquatic habitat for both resident and migratory fish species.
- Chair Yetman added that current stream morphology theory states that once a stream starts to erode in response to stormwater, even if that water is then controlled, the stream will continue to change to reach a stable state (which could take decades).

VIII. USACE Lower Paint Branch Stream Restoration Project Design Update

Mr. Andy Roach (Corps) said that the Corps in partnership with Prince George's County has begun a restoration project between US Route 1 and University Blvd. He described huge stream bank erosion problems, and said the project's goals are to eliminate a fish passage blockage, improve habitat, reduce channel erosion and downstream sediment loading, and establish long-term channel stability. Construction should start in fall 2009 with completion one year later.

Project priorities include, but are not limited to:

1. Establishing the bankfull stage at the historic floodplain elevation.
 2. Create a new floodplain and stream meander pattern with the streambed remaining at its present elevation.
 3. Widen the floodplain at the existing bankfull elevation.
- Chair Yetman asked if the exposed sewer line upstream of US Route 1 is included in the project. Mr. Roach responded that it is.
 - Mr. Ed Carpenetti (WSSC) added that WSSC will be doing a dye test on that pipe.
 - Ms. Minerva inquired about the high cost of the project (\$3.4 million), and wondered whether the project was worth it if flows were not controlled.
 - Dr. Cheng responded that both flow and bank stabilization problems need to be addressed, especially since the Anacostia TMDL suggests that 70 percent of the sediment load comes from stream banks.
 - Chair Yetman added that once the change starts, the stream would need years to restabilize.

IX. SHA ICC Report

Mr. Rob Shreve (SHA) gave a PowerPoint summary of recent ICC activities: Contract A is 38 percent complete, contract B received notice to proceed in January, contract C is 25 percent complete, contract E will be advertised in late April, and contract D is postponed indefinitely. He went on to describe various ES/CM projects and the implementation schedule (see presentation). Mr. Shreve described in detail their work in discharge verification and sediment monitoring study within the Northwest Branch. Results from extensive Anacostia stream-specific monitoring and modeling are having strong influence on ICC restoration stream design.

A brief discussion followed:

- Mr. George inquired if the report/modeling work had been peer reviewed.
- Mr. Shreve responded that it had and several studies will be published using the data gathered on wood debris/design.

- Mr. Carpenetti asked what was being done with exposed pipes in the studied streams. Mr. Shreve responded that they are in contact with WSSC, and always make sure to coordinate with utilities.
- Ms. Minerva asked whether or not the ICC was in compliance, as she heard that both Montgomery County and M-NCCPC sent SHA a letter that identified areas not in compliance.
- Mr. Shreve said that as far as he knew all designs were sent to and approved by all agencies including M-NCCPC. Upper Rock Creek was the area identified in that specific letter. M-NCCPC requested nine items that SHA must do. The letter related to those.
- Mr. Steve Shofar (MC DEP) said that DPS had some issue with the design and was trying to make sure that MDE considers those issues.
- Mr. Shreve responded that DPS does not have authority on SHA, but it will sit down and meet with them and MDE.
- Ms. Minerva said that SHA had agreed to meet MC standards through the 10 goals in the special protection area. She then suggested that Chair Yetman request that SHA return to talk about compliance specifically and not just give an update.

X. Draft Anacostia Watershed Monitoring Strategy

Mr. Galli gave an overview of the draft monitoring strategy. The strategy was requested by the SC to cover a five-year period and also identify funding needs. Six monitoring objectives were identified:

1. Assessing the biological condition and health status of Anacostia aquatic and terrestrial communities in both the tributary system and tidal river;
2. Determining water quality conditions, trends and contaminant loadings;
3. Identifying sources of pollution and implementing control/remediation measures;
4. Measuring the effectiveness of restoration efforts and overall progress towards goal attainment;
5. Performance monitoring of select restoration projects and initiatives; and
6. Protection of public health and the environment, and reduction of human risk/exposure through the consumption of contaminated fish tissue.

Any strategy must assess the entire watershed, including the tributaries.

Mr. Galli went on to explain the strategy was broken out into two timeframes: FY09-10 and FY11-14 (see page 18 of the strategy). A few of the recommendations include:

FY10-11

- a) Water Quality Monitoring @ NEB and NWB USGS Gauging Stations
- b) Installation of Tidal River Automated Multi- Probe at the New York Avenue Bridge
- c) Monitor for Tidal River Chlorophyll 'a'
- d) Tributary System Biological Community
- e) Monitor for Fish and Macroinvertebrate IBI (minimum one station/ subwatershed/jurisdiction/year).
- f) Continue the Annual Spring River Herring 'Strength of Run' Monitoring

- g) Annual Amphibian Monitoring (two permanent stations/jurisdiction)
- h) Annual Bacterial Monitoring (minimum one station/subwatershed/jurisdiction)
- i) Monitor for Toxics in the Tributary System Via Corbicula Clam Bioassays

FY11-14

- a) FY11: Review and adjust (as necessary) Monitoring Strategy
- b) FY11-14: Continue Core-related Monitoring (see above)
- c) FY11-14: Implement 'performance-based' NPDES and MS4-related monitoring
- d) FY11-14 Review and coordinate both MS4 & TMDL monitoring requirements and implementation
- e) FY11 Develop and implement volunteer-based initiative
- f) FY12: Implement Goose Management Plan-related monitoring
- g) FY13-14: Tidal River fish tissue monitoring and fish consumption survey

Mr. Galli concluded by suggesting that once the strategy is finalized it should be included in the Anacostia funding strategy.

- Ms Minerva said that she appreciated the hard work put into assembling the strategy, and it would be helpful to identify anticipated jurisdictional monitoring-related funding. This would make it easier to request money for specific projects.

***Action/Outcome: All comments related to the monitoring strategy should be sent to John Galli by March 26th.**

XI. District of Columbia Anacostia Trash Monitoring Update

Mr. Jim Collier (AWS) presented, via a PowerPoint presentation, the findings of the District of Columbia Anacostia Trash Monitoring and Trash Reduction Plan funded by DDOE and AWS. Mr. Collier briefly reviewed the location and protocols of the study, specifically the quarterly monitoring of the SSO around the Anacostia River and its tributaries. He then reviewed data regarding the most common types of trash found in the river (plastic bags, food wrapping, and bottles and cans). He also compared trash levels found in the tributaries to those in the river, and over the four seasons.

Trying to condense the many recommendations for a trash TMDL, Mr. Collier listed several steps for an implementation strategy:

- Legislative packages recommended such as plastic bag bill.
- Fourteen individual tributary and MS4 basin trash reduction strategies.
- Cheapest and most efficient concept was screening the inlets and weekly street sweeping using high efficiency street sweepers.
- Most environmentally friendly was water quality wetland creation for trash and TMDL pollutant removal.
- Final recommendation was a mixture, which included wetlands at four locations.
- For the DCWASA Fresh Creek Floating Trash Net System located at CSO pipe outfall #17/18, an outer boom should be installed and trash removed after every rain event.

Total capital costs including construction of wetlands and maintenance would be over 13 million dollars, but would address other pollutants required by the TMDL. He ended by saying that a study of storm drain outfalls is now underway. A brief discussion followed.

- Dr. Cheng said that he was concerned with the operating and maintenance (O&M) costs of using trash structural BMPs, as costs seem like they could skyrocket.

XII Maryland Anacostia Trash TMDL Monitoring Update

Mr. Phong Trieu (MWCOC) gave a brief update on the Prince George's County and Montgomery County TMDL related baseline conditions monitoring. He described how the subcontractor ICPRB has completed Spring-Winter stream surveys. Mr. Trieu went on to describe COGs activities monitoring storm drain outfalls. Data has been collected for the October 2008 through February 2009 period for both the storm drain outfalls and roads, and all associated data has been forwarded to the counties and MDE. He also noted the Fresh Creek Trash Netting system nets should be reinstalled by the end of March/early April and that additional monitoring would commence shortly thereafter.

XIII. Chesapeake Bay 2010 Trust Fund Report

Chair Yetman reported that funding was available to only the top seven proposals, and that unfortunately, the Anacostia proposal was the 10th ranked project. A short discussion followed:

- Mr. Galli asked if the Partnership could get a copy of the Anacostia's point scoring, as well as review comments. He opined that this would help the Partnership put together a better application in the future. He also felt that unless the Anacostia River watershed is made a high priority watershed it is unlikely that it will receive future Trust Fund grants. Chair Yetman said he would look into getting the comments.
- Mr. Trieu asked when the priority watersheds will be reassessed, and whether or not the Anacostia's priority category could be reconsidered. Chair Yetman responded that he was unsure if Maryland watershed priority categories would be re-evaluated any time soon.

***Action/Outcome: Chair Yetman will determine if the Partnership can view the scores and comments related to their proposal submitted to the 2010 Trust Fund before the next MC meeting.**

XIV MDE Stormwater Regulations, Manual, TMDL and MS4 Updates

Mr. Jim George (MDE) indicated AELR has been reviewing MD stormwater regulations, so it is still in limbo. He said the Montgomery County permit was also in limbo over legal challenges.

Ms. Minerva added that AELR has held-up the regulation because the Chesapeake Bay Foundation is fighting the weak 1-inch requirement for new development. She also said that the Montgomery County MS4 permit is in its 30-day window period to allow people to contest. She recommended

that the TMDL not be challenged because it likely to be as good as can be gotten now, and if challenged the old TMDL would remain in place until legal challenges are concluded, which could be years.