

MINUTES
Commission on Environmental Quality (CEQ)
March 26, 2014, 7:00 PM
Planning Conference Room, Jefferson Building, 105 W. Chesapeake, Towson, MD 21204

Attendance: Valerie Andoutsopoulos, Jim Burkman, Glenn Elseroad, Brian Fath, Mary Gruver-Byers, Eric Hadaway, Lois Jacobs, Andy Miller, Steve Morsberger, Nell Strachan, Jeff Supik, Rex Wright
County Staff: Vince Gardina (EPS), Ayla Haig (EPS)
Visitors: John Alexander (retired BC Planning Office)
Absent: Bill Breakey (notified chair), Linda Davis (notified chair), Russell Donnelly (notified chair)

The CEQ welcomed new member Glenn Elseroad

I. Update from Vince Gardina, Department of Environmental Protection and Sustainability, Director /30 minutes

Vince thanked everyone for serving on the CEQ, whose goal is to bring awareness of environmental issues to elected officials and the public. He said the reports, appointments and direct dialogue of the CEQ are very helpful.

Due to the stormwater remediation fee, which resulted from a lawsuit by the Chesapeake Bay Foundation against EPA for violation of the Clean Water Act, Maryland has been very aggressive in taking measures to control consequences of urban runoff. The fee provides BC with a new \$24M/yr revenue source. It funds capital programs as well as staffing and equipment. The projects discussed tonight are only a small part of the agency's portfolio. BC does development review of most projects in Baltimore County for compliance with environmental regulations. One of our big concerns is the NPDES MS4 permit and that covers Baltimore County government and schools. Under the Clean Water Act it allows us to regulate stormwater discharge which was reclassified as a point source because it goes through the storm drain system and comes out at specific points. There have been other efforts to improve WWTP quality and N loading and that has been both costly and successful. P has been reduced as well but problems remain with agricultural nonpoint services. Urban runoff has been addressed in the past for quantity and only since around 2000 has been addressed for quality.

Baltimore County follows a strategy that MDE recommends and requires, which is to put together a watershed plan for 8-digit HUC watersheds. These are larger watersheds designated for planning and analysis; there are also 14 Small Watershed Action Plans for tributaries; many are urban, some are rural. The plans are done in-house or contracted out; problems are identified and once identified they drive our Watershed Implementation Plans identify what actions will be taken to reduce pollutant loading (e.g., total N, total P, sediment loading) into tributaries and on to Chesapeake Bay. BC expects a trash TMDL probably for Jones Falls and Patapsco watershed; also, a PCB and PAH TMDL and possibly methyl mercury (which is for fish tissue). Methyl mercury is from coal-fired power plants and other fossil fuels. BC has a variety of legacy toxic chemicals related to industrial wastes. There is a possibility of having to deal with VOCs as well. Sodium and chlorides may be an issue as well. The public is not aware that there will be more TMDLs coming in the future but these look likely at some point. Just dealing with the first three TMDLs for N, P and sediment is already a major undertaking.

Stormwater Publication put together for state and local legislators describes the measures BC is currently taking. The projects are about a 50/50 split between DEPS and DPW. This document outlines how revenue from the fee is being used to reduce pollution. Some projects are done with in-house design, others are contracted out. In addition to the \$24 million/year from the stormwater remediation fee there is about \$10 million from the Metropolitan district. Stream restoration projects can take between 8-9 months and several years and funds can be rolled over into multiple fiscal years. Easier projects are conversion of dry detention ponds into bioretention or infiltration facilities. There is a \$6 million project on White Marsh Run that will proceed this spring. There are also many storm drain outfalls that have to be dealt with as they often drain directly into a local stream or into a forest or meadow area and they can create serious erosion problems. The goal is to rebuild those and build water-quality features to slow down the water and treat it biologically before releasing it. Some of these outlets are 60-70 years old and the budget for repairing them was relatively small until recently. (At last month's CEQ meeting

there was a recommendation to put stenciling on these identifying them as draining to the Bay so that people won't dump materials into them. It is prohibited to put anything into those drains other than water) BC is also increasing street sweeping throughout the county on a regular basis in residential neighborhoods as well as business districts – the amount collected can be counted as pollution load reduction. In addition to repairing storm drain outlets there will also be repairs to highway yards – those will also need some kind of stormwater treatment. There are \$42 million in projects beginning in FY14 and going into FY15 and FY16. Baltimore County has made more progress than any other jurisdiction; the big task now is to get these projects built. Signage will be put up when construction is going on to let the public know that their stormwater fees are paying for these projects. The Metropolitan District funds are also being used for sanitary sewer armoring and repair – that is why the White Marsh Run project was put at high priority.

Brian: in your view, going forward what would be an important area for the Commission to emphasize? A: Council members should be kept informed about what is being done with the fee with the hope that it stays in place long enough that they can see how effective the projects are, which will take at least several years. Also make sure everyone understands that there will be other TMDLs coming soon. TMDLs must be met under law, (including addressing 20% of impervious surface within 5 years), which require the funds provided by the stormwater fee. The Metropolitan Fund also has substantial additional funds that will be used in part for construction of a new drinking-water reservoir at Fullerton.

Q: what section of White Marsh Run is slated for this new restoration project? A: the section from Belair Road to Perry Hall Boulevard. Priority was placed on this because it has an exposed sewer line that has been repeatedly damaged. When we look at one of these projects we also have to look upstream in the watershed to see if anything has to be done to curtail the flow.

Q: are there enough contractors to fulfill all of the projects? A: so far that has not been a problem. There are a lot of contractors but they need to be pre-approved because of special expertise and qualifications that are required e.g. for stream restoration or for Environmental Site Design stormwater retrofits.

Q: will there be a flyer in the tax bill that explains what is being done with the fee? A: at least a link that sends them to this report. Q: perhaps you can get DPW to participate in sending something out?

Brian expressed appreciation to Vince for providing the update and also mentioned the upcoming meeting with the Council on April 1, primarily to discuss the Tree Canopy plan. Community plans now require root barriers to be installed if trees are within the public right of way unless it is less than 8 feet wide. DPW is no longer automatically cutting down trees when there is a complaint about sidewalk heave. This was an arrangement made in consultation with Don Outen.

II. CEQ Administrative Business /15 minutes – Brian

a. Meeting protocol review

Steve volunteered to scan these. Electronic copies will be sent to everyone and discussed in April.

b. Review/Adopt minutes

Typo for January minutes; change “Agenda” to “Minutes” and change DEPS to EPS. Accepted unanimously with those changes. February minutes: Fix minor typos. Accepted unanimously.

c. Review/ Adopt 2013 Annual Report

Provide any written comments to Brian by April 9. This will be discussed at the April meeting.

III. Planning for April 1 work session with Council /30 minutes

a. Tree Canopy Cover Report highlights & final recommendations

We are on the lunch session before their work session, starting at 12:30. It will be in their meeting space on the second floor of the old Courthouse. All CEQ members present indicated they will be able to attend. Primary purpose is to discuss the Tree Canopy Cover Report, highlighting the recommendations. We can use this as entry to discuss the connectivity of environmental issues: Forest health is connected to deer population and

conservation landscaping, which is tied to water quality (stormwater fee, road salt, etc.). We will also solicit from Council their environmental priorities. Lois can discuss briefly the concept of District tours and the highlights of her recent tour with Vicki Almond.

Please send your Councilperson an email to prep them for the meeting.

IV. New Business /10 minutes

a. Legislative updates

Rex volunteered to at these to see if there is anything we should be tracking.

b. Deer update

Vince reported that we won't have a hunt this year because we got the approval too late but we did get \$250K approved for 5 years with USDA going forward. The last report from Don indicated that there were still 10x too many deer at Oregon Ridge

c. Council district tours

See above. Lois will report on her tour next month.

V. Adjourn

Adjourned at 8:31 p.m.

Next Meetings in 2014: 7pm, regular meetings

April 23

May 28

Sept 24

Oct 22

Nov 19

Dec 17