



PATUXENT RIVER COMMISSION

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Larry Hogan, Governor
Councilman Michael Leszcz, Chairman
Councilwoman Mary Kay Sigaty Vice Chairman

We, the Patuxent River Commission, envision a Patuxent River ecosystem as vital and productive in 2050 as it was in the 1950s. We therefore commit to be stewards and advocates for the Patuxent River and to lead and inspire actions to protect, enhance, and restore living resources and the natural, cultural, economic, and recreational values of the Patuxent River and its watershed.

MEETING SUMMARY

November 9, 2016

Maryland Department of Agriculture

Annapolis, MD

4:00 p.m. - 6:00 p.m.

Members: Councilman Michael Leszcz (Chair), David Brownlee, Steve Darcey, Jason Dubow, Paul Emmart (for Jim George), Erica Hahn, Sandy Hertz, Scott Knoche (for Kelton Clark), John McCoy, Erik Michelsen, Katina Shoulars, Barbara Sollner-Webb, Mark Symborski, Al Tucker, Fred Tutman.

MDP Staff: Jason Dubow, La Verne Gray, and Daniel Rosen

Approval of Minutes

The September 2016 minutes were approved unanimously.

Appointments

Mike Leszcz noted that Katina Shoulars was participating on behalf of M-NCPPC-Prince George's (not officially appointed yet) and he announced the reappointments of James Hubbard and Erica Hahn. He added that the terms of several other Commissioners will expire in September 2017. After the legislative session he asked Commissioners to indicate their interest in reappointment, with Planning vetting the applications before sharing them with the Governor's Appointments Office.

Data from Pollution Hot Spots in Western Howard County

Fred Tutman described the research that citizen volunteers had conducted, in cooperation with the University of Maryland, in the Patuxent River in western Howard County and the data they collected about pollution there. High levels of nitrogen and nitrates were found in the river in the vicinity of livestock operations. These were standard operations, not CAFOs. Verification that the nitrogen is coming from livestock operations could be accomplished by Howard County authorities, who could then take action to solve the problem. Fred Tutman said that Howard County Soil Conservation District staff, however, are preoccupied with other matters. Erik Michelsen said that Soil Conservation was working to install Best Management Practices (BPMs) on large dairy farms.

Fred Tutman distributed maps that displayed dots for the locations from which the water samples were taken. The dots were colored according to the levels of nitrogen found. Jason Dubow asked if the law and regulations are not being followed. Fred Tutman replied that the landowners may not be

disobeying the law so much as they are part of an ineffective process. Al Tucker said that the farms should have BMPs and management plans in place. Fred Tutman added that he would be happy to provide the data to someone who will do something with it. He assured landowners that improvement efforts would be cooperative, not punitive.

Paul Emmart suggested that the data be shared with MDE and the Patuxent Reservoirs Watershed Protection Group's Technical Advisory Committee, and recommended another attempt at assistance from the Howard County Soil Conservation District. Steve Darcey said that the District will help install BMPs to help meet the goals of the WIP.

Jason Dubow asked how the raw data could best be turned into information. John McCoy said that the data are already ready to use. Similar sampling has been used before, so the current data do not need to be collected again through a more rigorous process. Not many livestock operations are left in Howard County, so it should be possible to find out where the nitrogen comes from and then fix the problem. If the operation is small, cost-sharing for BMPs might not work.

David Brownlee said that Calvert County conducts quarterly sampling and volunteers complete monitoring of tidal and non-tidal areas of the Patuxent River. Phosphorus levels are subject to seasonal change, but nitrogen is not.

Steve Darcey suggested that someone from the U.S. Geological Service speak to the Commission about "legacy" nitrogen: nitrogen deposited long ago is still entering the water today. He said he would look for a speaker. Mike Leszcz pointed out that the fine particles generated by a sand and gravel operation decades ago are still adding fine particles into local waters near Laurel.

Mike Leszcz said that the matter of how to handle Fred Tutman's data and similar efforts should be taken up at a future meeting.

October 13th Boat Trip

Commissioner Hewitt was not present, but participants in the Patuxent boat trip he hosted on October 13, 2016 said that they learned a lot about erosion on steep cliffs along the Patuxent and the drawbacks to mitigation through living shorelines. The participants noted the example of Commissioner Hewitt's own house: purchased from the astronaut Alan Shepard, the house was moved back 60 feet from the cliff and built on a new foundation that kept the original footprint. The Hewitts planted the cliff with bamboo and ivy, but the root structure may not be extensive and strong enough to retain soil. Mike Leszcz expressed the Commission's appreciation to Commissioner Hewitt for hosting the boat trip. He will ask Commissioner Hewitt what the Commission can do to help St. Mary's County.

Regulatory Changes for Best Available Technology (BAT) for Septic Systems

Paul Emmart, representing Jim George and MDE, said that details about the changes to BAT regulations are posted on the web:

<http://www.mde.state.md.us/programs/Marylander/Pages/BATsepticsreform.aspx>

The regulations were published in the Maryland Register at the end of September. The comment period was 30 days. Fifteen days after that, Secretary Grumbles can submit the final regulations.

The Joint Committee on Administrative, Executive and Legislative Review reviews them and can hold a hearing if someone requests one. Adoption of the regulations was expected no later than the end of December. In response to a question from Erik Michelsen, Paul Emmart noted that the change in the regulations would add 50,000 pounds of nitrogen loading annually over a ten-year period (2015-2025). Erik Michelsen asked what the cost is to remove 50,000 pound of nitrogen per year. Paul Emmart said a future aligning for growth policy could help to deal with the new loads.

Jason Dubow noted that the counties in the Patuxent River watershed have not yet indicated whether they would pursue local regulations to require BAT systems outside of the Critical Area.

The Commission discussed other issues related to septic systems, such as connection to central sewer systems (and state agency assistance for this), the operation and maintenance costs for BAT systems, MDE's decision to limit Calvert County's use of BAT systems from a particular contractor, and the pending Anne Arundel Septics Task Force.

Rural Legacy Awards in the Patuxent Watershed

Daniel Rosen presented a table that showed which Rural Legacy areas are in the watershed and which are not, and which Rural Legacy Areas received grants for FY 2017:

Rural Legacy Areas in the Patuxent River Watershed		
		Rural Legacy Grants FY 2017
Howard County	Upper Patuxent Watershed	
Montgomery County	Upper Patuxent River Reservoir Watershed	
Anne Arundel County	Anne Arundel South	
Prince George's County	Patuxent River	
St. Mary's County	Huntersville	
St. Mary's County	Mattapany	\$1,130,367
Calvert County	Calvert Creeks	
Calvert County	North Calvert	\$1,135,239
	TOTAL RL Grants in Patuxent Watershed	\$2,265,606
Grants to Other Rural Legacy Areas		
Agricultural Security Corridor Rural Legacy Area (Caroline, Cecil, Dorchester, Kent, and Talbot Counties)		\$1,125,543
Garrett	Bear Creek	\$941,760
Worcester	Coastal Bays	\$1,104,326
Harford	Deer Creek	\$1,444,915
Queen Anne's	Foreman Branch	\$1,450,956
Carroll	Little Pipe Creek and Upper Patapsco	\$1,192,878
Baltimore & Harford	Manor	\$1,424,674
Frederick	Mid-MD Frederick and Carrollton Manor	\$1,258,950
Washington	Mid-MD Washington	\$946,610
Allegany	Mountain Ridge	\$862,167
Baltimore	Piney Ridge	\$1,160,000
Wicomico	Quantico Creek	\$1,300,000
Charles	Zekiah	\$1,185,000
	TOTAL Grants outside Patuxent Watershed	\$15,397,779

He pointed out that Rural Legacy does not provide enough funds to meet demand. Mike Leszcz said that Program Open Space (POS) lacks funding as well; Laurel had to float bonds to help pay for parks and recreation. John McCoy indicated that the Columbia Association receives funds from the Hughes Corporation to help pay for park and recreation land. Fred Tutman, who had served on the Rural Legacy Advisory Board, recommended that Rural Legacy Area sponsors become more assertive. Applicants in the Patuxent watershed could make a presentation to the Commission and receive support for their applications.

Workgroup Updates

La Verne Gray reported to the Commission that the Tourism Workgroup met with tourism officials of the Patuxent Counties to present the workgroup's action plan and receive feedback. La Verne asked local officials to bring the materials they use to appeal to kayakers and other "paddle people." A passionate discussion ensued. The participants proposed making use of Patuxent River Day, with sponsors. The participants agreed to work together regularly as group to plan events for 2017. They agreed to do a major project.

Fred Tutman appreciated the low impact that kayakers and other paddlers have on the river. On the other hand, a potential cruise ship center in Solomons could offer trips up the Patuxent that are not low-impact. The Patuxent River Commission is the owner of the River Trail, technically, and should prohibit inconsistent uses. Paddlers will bolt if they think they are being used to draw high-impact enterprises. In addition, even though a signage scheme exists for the trail already exists, DNR appears to be proposing another one without collaborating with the Commission and other stakeholders. Mike Leszcz said that these are matters about which the Commission will send a letter to DNR.

Barbara Sollner-Webb said that the Sewage Overflow Work Group created a summary of Patuxent county procedures for notifying residents about sewage overflows and posting signs along the river. The workgroup will meet soon to analyze the summary for insights into amending state requirements, and then develop recommendations for the Commission.

With regard to the Preservation & Restoration Workgroup's local TMDL obstacles analysis, Sandy Hertz suggested contacting State Highways' Office of Environmental Design to find out about their implementation of TMDLs.

Biennial Update on the Policy Plan

Mike Leszcz said that a draft of the report will be sent out to the Commissioners for discussion at the January 11 meeting. He added that 2017 legislation will soon appear and the Commission will be kept informed on bills it may wish to support.

Barbara Sollner-Webb observed that the Commission's actions consisted largely of sending letters and asked if they had an effect. Mike Leszcz assured her that they did.

Open Floor

Fred Tutman said that a lawsuit by a polluter alleging defamation by the Patuxent River Keeper was dismissed by a Calvert County Court. The ruling said that the River Keeper had a right to comment on pollution in the river. Fred Tutman added that aerial photos have been taken of the Patuxent

River and its watershed over the years; they may be useful in describing what has happened to the river. The Chair said this should be presented to the Commission at a future meeting.

The next meeting of the Patuxent River Commission will take place on January 11, 2017, from 4:00-6:00 at the MDA.