

Montgomery County Water Quality Advisory Group
Meeting Minutes for May 12, 2014

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Keith Brooks, public-at-large	X		Walter Wilson, OCA
Mary Campbell, public-at-large	X		Kathy Boucher, DEP
Dan Dozier, public-at-large	X		LJ Ingram, Chart, LLC
Nate Engle, academic/scientific	X		Kesha Forrest
Beth Forbes, co-chair, public-at-large	X		David Briglio, EA Engineering, Science & Technology
Philip Kibak, public-at-large		X	
Paul Hlavinka, public-at-large	X		
Frederick Kranz, business	X		
Christopher Meaney, academic/scientific		X	
Annette Rosenblum, academic/scientific	X		
Scott Roser, business		X	
Linda Silversmith, public-at-large	X		
Tanya Spano, co-chair, environmental	X		
Phil Wagner, business	X		
Patrick Walsh, environmental	X		
Paul Billingsley, WSSC	X		
Pam Parker, DEP	X		
Mark Symborski, MNCPPC	X		
Agenda Item	Major Points		
Meeting convened, 7:00 pm			
MS4 Permit Litigation, Walter Wilson, Montgomery County OCA	<p>Walter Wilson, Associate County Attorney with the Office of the County Attorney, presented an overview of the litigation about the county's MS4 permit. EarthJustice is representing 4 environmental groups and 2 individuals in a complaint against the Maryland Department of the Environment (MDE) claiming that Montgomery County's MS4 permit does not have quantifiable water quality goals.</p> <p>The suit was originally filed in 2009 and received a ruling in favor of the plaintiffs in December, 2013, from the Montgomery County Circuit Court. The case is currently at the Maryland Court of Special Appeals for the third time. Montgomery County has joined MDE as appellants and are challenging the decision on the basis of standing: the plaintiffs have not proved themselves to be aggrieved by MDE's permit. Oral arguments will likely be scheduled for December, 2014.</p> <p>Changes in laws have occurred as the suit has progressed. The court has agreed that changes to procedures (i.e., standing) can be applied retroactively. Hence, the case can be appealed on a procedural issue that did not exist earlier.</p> <p>The plaintiff argued that the county's permit wasn't sufficiently stringent:</p> <ol style="list-style-type: none"> 1) The permit fails to ensure compliance with the water quality standards of the Clean Water Act, 2) There are no enforceable standards for TMDLs, 3) The permit violates public participation procedures, 		

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	<p>4) The monitoring conditions are insufficient and</p> <p>5) There are no restrictions on discharges to surface waters.</p> <p>The responses to these arguments are:</p> <ol style="list-style-type: none"> 1) MS4 permits are not required to meet water quality standards, these permits use the “maximum extent practicable” standard that is intentionally different than industrial permits, 2) County will submit a TDML implementation plan with pollutant load reductions and benchmarks within a year, 3) Notices are required by the permit and public comments have been received, 4) Restrictions on discharges to surface waters is a wastewater issue, not a stormwater issue. <p>Dan asked why the county didn’t negotiate with the plaintiffs. Response: local environmental groups were consulted during permit negotiations. Also, more specific goals can lead to Citizen Enforcement Actions which can make it difficult to be flexible in updating methodologies as technology improves or better data is acquired.</p> <p>Dan commented that specific goals would give us data to ensure citizen funding was being spent efficiently. Technology improvements will make monitoring less costly. If BMPs don’t reduce pollutants as much as is commonly thought, then county may find itself behind in its goals. Monitoring will give information on which BMPs are worthwhile and which aren’t providing notable controls.</p> <p>Pam questioned why the EPA itself wasn’t sued since the MS4 permit meets the EPA’s requirements and the EPA has approved the permit.</p> <p>Nate questioned if the suit is upheld would it change the standard interpretation of the Clean Water Act.</p>
Administrative Items	<p>The April 2014 minutes were approved with 3 changes.</p> <p>Pam has requested updates to the WQAG website and will post the February and March minutes after she receives them from Nate and Paul H.</p> <p>Advertisement for candidates to the WQAG closes on May 16. If no new candidates, those from the last interview session may be nominated. Beth and Dan might want to interview new candidates to compare them to last session. Otherwise, Paul H. and Keith may form the interview panel. Pam will ask about procedures for ranking new candidates with those still eligible for nomination.</p> <p>Pam presented Tanya with a certificate acknowledging her service as a WQAG member.</p>
MDE Industrial Permits	<p>Paul H. presented information on 12-SW, MDE’s Stormwater General Permit for Industry. Montgomery County has about 1400 industrial permits. Although applications for permits have the same procedures, each industry has its own standards. Specific requirements can be added to permits if the industry is in a Tier II or impaired watershed. Not all industries are required to have permits. MDE’s inspectors in 3 regional offices use the EPA</p>

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	guidance sheets to standardize inspections. Challenges to the permit process have been received from environmental groups that would like to see numeric limits.
Sulfate and Chloride Impairments	Paul H. presented the information on impairments available on the MDE website. At this time, there is no TMDL for ions (i.e., sulfates and chlorides) in the County despite wide-spread impairments. MS4 permits only recognize pollutants that have an identified TMDL.
WSSC Potomac Water Treatment Plant Discharges	Paul B. presented a statement from the WSSC that the Potomac Plant is operating under its discharge permit. No further comment is available while litigation is underway
Items for Future Meetings	<i>June 9th Meeting</i> – Lake Needwood and Lake Frank microcystin blue-green algae issues; Pam to identify DEP speaker for an overview of the county’s water quality monitoring. Future meetings: WSSC’s consent decree projects to be under construction soon in Montgomery County (Paul B.); Report on the presentation to the Planning Board on Accounting for Growth. (Mark)
Meeting adjourned, 9:10 pm	

Action Items

- Pam will ask about procedures to rank new and previously interviewed candidates.
- Tanya will make a recommendation for Blue Plains Tour dates.
- Keith and Mark will arrange for speaker on microcystin for the June meeting.
- Pam will identify DEP staff member to present the county’s water quality monitoring program at the June 9 meeting.
- Beth will prepare draft minutes for the May meeting. Nate and Paul H. will send final minutes for the February and March meetings to Pam.

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Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Keith Brooks, public-at-large	X		Jai Cole, MNCPPC
Mary Campbell, public-at-large	X		
Dan Dozier, public-at-large	X		
Nate Engle, academic/scientific		X	
Beth Forbes, co-chair, public-at-large	X		
Philip Kibak, public-at-large	X		
Paul Hlavinka, public-at-large	X		
Christopher Meaney, academic/scientific	X		
Annette Rosenblum, academic/scientific		X	
Scott Roser, business	X		
Linda Silversmith, public-at-large		X	
Phil Wagner, business	X		
Patrick Walsh, environmental	X		
Paul Billingsley, WSSC		X	
Pam Parker, DEP	X		
Mark Symborski, MNCPPC	X		
Agenda Item	Major Points		
Meeting convened, 7:09 pm			
Welcome	<ul style="list-style-type: none"> • Welcome and introductions, agenda approved. • May meeting minutes approved with changes. 		
Lake Needwood - Microcystin <i>Jai Cole (MNCPPC)</i>	<ul style="list-style-type: none"> • The speaker provided the WQAG with a presentation on a toxin called microcystin found in cyanobacteria (often referred to as blue-green algae). The cyanobacteria are present in lakes and can lead the Montgomery County Department of Parks and the Maryland Department of the Environment to suggest people not drink the water, avoid swimming in it and to keep pets away. This strain of algae can damage the liver and cause gastrointestinal discomfort when ingested and be a minor skin irritant upon contact. • The algae that produces microcystin is influenced by lake seasonality, light, temperature, and nutrients. Microcystin blooms generally are associated with warm, fresh, nutrient-enriched water. Blooms generally occur in mid- to late summer and can continue into the fall. • Three general types of cyanobacteria account for the vast majority of blooms, Anabaena, aphanizomenon, and microcystis. Toxicity is hard to predict in part because a single species of algae can have toxic and 		

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	<p>non-toxic strains. Cyanobacteria can produce several toxins but two types of toxins are a concern: Microcystins and Anatoxin A.</p> <ul style="list-style-type: none"> • Toxin concentration is preferred when talking about levels of toxicity, and this is measured in parts per billion (ppb). The World Health Organization is the governing body on acceptable concentration of microcystins, and the threshold for contact (concentration) advisory 10ppb. • Lake Needwood is not the only lake in the county that has this toxin, it is well known because it is a larger lake and is within <i>MNCPPC</i> jurisdiction so it is tested. Lake Frank, Pine Lake, and Wheaton Regional Park are tested, and WSSC tests Seneca Lake. Any urban drainage deeper than three meters is likely to have cyanobacteria that produce this toxin.
<p>Water Quality Monitoring Program <i>(Pam Parker, DEP)</i></p>	<ul style="list-style-type: none"> • Ms. Parker provided information on DEP’s water quality monitoring and shared that DEP conducts various types of monitoring including: County-wide stream monitoring, special protection area monitoring, restoration project monitoring, MS4 permit required monitoring, and additional monitoring such as trash in the Anacostia. • Monitoring includes a diverse set of goals, and efforts are focused on assessing and comparing conditions during discrete points in time. Monitoring helps with watershed planning, pollutant identification, effectiveness of restoration, and track progress in reaching Montgomery County water quality goals. • The speaker indicated that restoration monitoring monitors restoration projects like storm pond retrofits and green street to see if project goals are met. In some instances DEP partners with Parks and Planning or and Univ. of MD to monitor in parks. Pam shared that almost every restoration project that is done has a monitoring plan, and noted that an area for improvement is meeting macroinvertebrate objectives. • Monitoring of Breewood creek was provided as an example. Discussion focused on nearby high school involvement and the parameters that are being monitored (baseflows, water chemistry, continuous flow, and new for 2014 is continuous dissolved oxygen, turbidity, and conductivity.) A suggestion was made to link air temperature to monitoring in order to provide a more robust understanding of what’s happening in the area. • Monitoring associated with MS4 is dictated by the permit. • Illicit Discharge Detection and Elimination was also covered, and it was noted that current storm drain mapping isn’t accurate which makes it difficult to find sources of illicit discharges. One source of pollutants in Silver Spring are the chemicals that are used in HVAC systems to prevent algae growth. • Presentation highlights also touched on water chemistry station cost

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	share with USGS, and that calendar year Special Protection Area monitoring results are generally reported the following calendar year.
Committee Business	<ul style="list-style-type: none"> • The WQAG has two vacancies. The preferred option is to fill them from the list of applicants obtained for filling the most recent vacancies and not re-advertise. Pam will follow up with Beth and Dan H. • Paul expressed interested in serving as co-chairing. Beth to continue until someone else is interested. A motion was made and approved. • The next meeting of the WQAG will be July 14th. • The group needs to revisit the dates of future meetings and the possibility of holding the October meeting the Tuesday of Columbus day.
Updates	<ul style="list-style-type: none"> • Prior to adjourning there was a brief discussion on Triclosan. It was indicated that the County does not use Triclosan, and the group briefly discussed revisiting the topic in the future and potentially writing a letter. No decision was made.
Items for Future Meetings	<ul style="list-style-type: none"> • Rainscapes overview • Triclosan (TBD)
Meeting adjourned 9:10 pm	

Action Items

- Pam to contact those who didn't finalize previous minutes.
- Pam to provide the group with a list of restoration projects, specifically the Little Falls project.
- Dan asks that Pam share FY14 monitoring summary with the group.
- Paul and Beth to serve as Co-Chairs
- Pam to work with Beth and Dan on filling remaining WQAG vacancies.

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Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Keith Brooks, public-at-large	X		Ann English, DEP
Mary Campbell, public-at-large		X	
Dan Dozier, public-at-large		X	
Nate Engle, academic/scientific	X		
Beth Forbes, co-chair, public-at-large	X		
Philip Kibak, public-at-large		X	
Paul Hlavinka, public-at-large	X		
Christopher Meaney, academic/scientific	X		
Annette Rosenblum, academic/scientific	X		
Scott Roser, business	X		
Linda Silversmith, public-at-large	X		
Phil Wagner, business	X		
Patrick Walsh, environmental		X	
Paul Billingsley, WSSC	X		
Pam Parker, DEP	X		
Mark Symborski, MNCPPC	X		
Agenda Item	Major Points		
Meeting convened, 7:05 pm	Welcome and introductions, agenda approved.		
RainScapes Programs <i>Ann English, DEP</i>	<p>Funded by the County's Water Quality Protection Charge, the RainScapes program was started in 2004. The original goal was to control the first 1 inch of runoff from 50 existing impervious acres by 2015. Today the program is at 41.7% of its goal using 40% of the funds. An annual operating budget of about \$385,000 funds about 800 projects. The staff has recently grown from 2.5 to more than 4.5 workyears.</p> <p>A number of initiatives make up the program. Basic information to the public is available. Instruction in design and maintenance for landscaping professionals is also a part of the program. There are rewards and rebates available to both residential and non-residential properties – expenditure of tax money on private property is unusual. The program provides technical assistance to MCPS. Finally, there is the original Neighborhood program encompassing about a dozen areas within the County.</p> <p>Rebates are available for conservation landscaping, tree canopy, permeable pavers and porous concrete and green roofs.</p> <p>Current issues:</p> <ul style="list-style-type: none"> • whether rebates are considered income by the IRS, • assignment of benefits to contractors instead of the property owners, • changing the tree modeling to the Bay Model and receiving credit retroactively, • publicizing the program to swimming pools and congregations, 		

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	<ul style="list-style-type: none"> • whether the Neighborhood program should be continued, • allowing property owners to cede their rebate allowance to nearby, downstream properties and • post-rebate inspections of rainbarrel installation show that many are not operational a few years later. <p>More information on the programs is available on DEP's website.</p>
<p>WSSC Consent Decree, Project Mitigation</p> <p><i>Paul Billingsly, WSSC</i></p>	<p>WSSC is in the process of rehabilitating, relaying and relining mains in stream valleys as part of its Sanitary Sewer Overflow Consent Decree with the EPA. Most of the work to date has been in Prince George's County. Work is starting in 5 Montgomery County basins soon. The locations of the work performed under this program, called SR3, will be available on the WSSC website in its In Your Neighborhood application.</p> <p>The work was originally scheduled to be completed in 2015. WSSC expects to request an extension. Additional exposed assets were discovered once work was begun. Assets near the Beltway seem to be especially prone to exposure given the runoff from the Beltway.</p> <p>Photos of exposed assets and the techniques used to mitigate the impact of projects underway on the environment accompanied the presentation.</p>
Committee Business	<ul style="list-style-type: none"> • The minutes for the June meeting were approved as edited. • The WQAG has two vacancies. The County Executive and the Council must approve the recommended candidates. The appointments will appear on the Council agenda. • The next meeting of the WQAG will be September 8. • The group needs to revisit the dates of future meetings and the possibility of holding the October meeting on the 14th instead of Columbus Day.
Updates	Short discussion on possible actions regarding microcystin.
Items for Future Meetings	<ul style="list-style-type: none"> • Triclosan (Sept) • Eco-District approach to the Bethesda Sector Plan (Sept) • WSSC and DEP Stormwater budgets (Oct)
Meeting adjourned 9:05 pm	

Action Items

- Keith to contact MNCPPC again to see if i) a County-wide microcystin group should be formed and ii) to research sign requirements for private lakes with microcystin issues.
- Mark to contact MNCPPC planners to see if someone can present regarding the eco-district approach to the Bethesda Sector Plan at the September meeting.
- Paul B. will contact WSSC Budget Group staff to see if a representative could present at the October meeting.
- Pam will contact Steve Shofar to see if he is available to present the DEP Stormwater budget at the October meeting.
- Pam to check the status of the Storm Drain Art program.
- Pam to check to see if the room is available on Tuesday, October 14, when the WSSC budget speaker might be available.

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Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Keith Brooks, public-at-large	X		Meo Curtis, DEP
Mary Campbell, public-at-large	X		
Dan Dozier, public-at-large	X		
Korkud Egrican, public-at-large	X		
Nate Engle, academic/scientific	X		
Beth Forbes, co-chair, public-at-large		X	
Andy Garfinkel, business	X		
Philip Kibak, public-at-large	X		
Paul Hlavinka, co-chair, public-at-large	X		
Christopher Meaney, academic/scientific		X	
Annette Rosenblum, academic/scientific	X		
Scott Roser, business	X		
Linda Silversmith, public-at-large	X		
Phil Wagner, business		X	
Patrick Walsh, environmental		X	
Paul Billingsley, WSSC	X		
Pam Parker, DEP	X		
Mark Symborski, MNCPPC	X		
Agenda Item	Major Points		
7:05 PM Meeting convened	<p>Paul H. called the meeting to order after a quorum was present. Two new members of the WQAG were introduced. Korkud Egrican, public-at-large, a water resources engineer and Andy Garfinkel, business, a grants expert in water quality technologies including water and wastewater systems.</p> <p>A motion was made to approve the minutes of the July WQAG meeting; seconded and approved as written.</p> <p>Approval of the September meeting agenda, as proposed.</p> <p>October meeting scheduled for Tuesday, October 14.</p>		
Water Quality Monitoring in Montgomery County	Presentation by Meo Curtis on monitoring streams in Montgomery County. Discussion covered the municipal separate storm system permit (MS4); stream		

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<p>Monitoring Our Local Streams: Meeting Regulatory and Programmatic Goals</p> <p>Meo Curtis, Montgomery County Department of Environmental Protection (DEP), Manager Stormwater Permit Coordination, Watershed Management Division</p>	<p>resource condition monitoring and comparison with State of Maryland monitoring program. Montgomery County is 500 square miles with 12% impervious cover. More than 95% of the land area zoned for development is currently developed. Major impacts to county streams are (1) increased flooding, (2) lower baseflows and (3) erosion of stream banks and channels. Ms. Curtis provided a summary of significant MS4 permit requirements. Background information was given on the countywide monitoring program. In 1996, Montgomery County began biology and stream geomorphology monitoring in its NPDES MS4 permits. There are over 250 stream resource condition monitoring stations on a 5-year cycle. In addition, there are 50 special protection stations on a one-year cycle. Latest stream data is available on the internet. Discussion then focused on whether the county monitoring data is used for State programs. Montgomery County monitoring data is not used for State programs. Years of monitoring, reference conditions, sample site selection, sampling protocols and taxonomy protocols are different between the county and the state. Montgomery County data is used by the State for Tier II waters. County data used for cold water stream, designation. Questions on how to best use county data. The data collected is not coordinated.</p> <p>The WQAG would like to see the State MDE and County DEP work together to address the need for consistent data and a coordinated approach to monitoring. A letter will be prepared to be sent to the County and the State. The leads on drafting this draft letter are Dan D., Scott R. and Linda S. Discussion and comments on the draft will be by the entire WQAG.</p>
<p><i>Triclosan</i></p>	<p>Follow-up to 2011 WQAG recommendation that the County discontinue any purchase of soaps with triclosan as an ingredient. The County currently does not purchase ingredients with triclosan.</p>
<p>Microcystin</p>	<p>Follow-up to concerns about microcystin (blue-green algae) in County lakes. None of the lakes within the County permit swimming. Currently warning signs are posted by MNCPPC at Lake Needwood and Lake Frank to avoid contact with the water and to keep pets out of</p>

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	<p>the lakes. MNCPPC also monitors Pine Lake in Wheaton Regional Park and manages recreation at Lake Seneca in Black Hill Regional Park for WSSC. No microcystin levels requiring signage at these two lakes. Other lakes within the County where there is monitoring and no signage has been required are: Clopper Lake (State of Maryland); Lake Whetstone (Montgomery Village Foundation); Rocky Gorge and Triadelphia Reservoirs (WSSC).</p> <p>Keith B. will remain in touch with Jai Cole of MNCPPC. Paul B. mentioned that WSSC has a microcystin working group.</p>
Maryland Marcellus Shale	<p>Maryland Marcellus Shale Public Health Report comment period runs through October 3.</p> <p>http://www.marcellushealth.org/</p> <p>Mark S. stated that there is no Marcellus shale in Montgomery County. Triassic shales are present, but they are less productive for commercial production. Not any immediate problem in County now.</p>
Art Drain Project	<p>Pam P. updated the WQAG on the partnership of DEP with the Rock Creek Conservancy. The first project was painting three storm drains in front of the Aspen Hill Library. The next project will be two to three drains at the Kensington library. No painting will occur from late October through March due to the weather.</p>
Next Meeting & Meeting Closure at 8:50 PM.	<p>Next meeting is on Tuesday, October 14.</p>

Action Items

- Letter to State and County regarding coordination of water quality data.
- Presentation by new WQAG member Korkud E. on micro-constituents in water and wastewater.
- Scott R. volunteered to take minutes at the October 14 meeting.
- Mark S. to contact MNCPPC regarding the Bethesda Sector Plan.
- Paul B. to contact WSSC Budget group.