

# Severn River Association Minutes

## Board of Directors Meeting Tuesday, Tuesday, January 17, 2012

The meeting was called to order at 7:10 p.m. by President Duane Wilding

Steve Barry reminded all that coffee is available but please keep Sustainability in mind. President Duane Wilding thanked Steve for his hospitality and introduced the speaker.

**Presentation:** Richard Klein, Community & Environmental Defense Services.

The Severn Run used to be the state hatchery for yellow perch. CEDS was formed to help restore the Run and the River to that quality. To this end, they have developed a process known as a Watershed Audit. This presentation describes the procedures used and the results of the preliminary Audit of the Severn River Watershed, which is being used as a test case to demonstrate the effectiveness of the Audit.

**The Purpose of the Audit** is to assure full compliance with existing clean water laws.

- Enforcement agencies are overloaded and cannot seek out violations. The traditional approach of reporting to a regulatory agency, threatening suit, suing, and generating negative publicity overloads regulatory agencies and clogs the courts. The best outcome of a traditional lawsuit is a negotiated settlement. CEDS recommends proceeding directly to a negotiated settlement without the adversarial relationship.
- The CEDS approach to correcting violations is for private individuals to POLITELY approach “responsible parties” (not “polluters”) and point out problems and options for solutions. Cooperation is the first approach, followed by negative publicity such as asking elected officials and other influential parties to contact responsible party. Smart Legal Strategies are used only as a last resort.
- The full report of the Preliminary Audit is available for download from [ceds.org/audit](http://ceds.org/audit)
- There is much good news in the Report. The Annapolis Watershed Restoration Fund (“Flush Fee) and Forest conservation easements are doing well.
- There is also much bad news. Only 1/3 of the soil exposed by grading of construction projects is properly protected – proper protection requires plantings, not just silt fences. At least 1/3 and possibly most or all of the current stormwater BMPs (Best Management Practices) are failing, putting 1.4 million pounds of sediment into the Severn River each year. See Example below
- Only 1 of 4 development projects make full use of Environmental Site Design (ESD). AACo is aggressively pushing this approach, but many projects are grandfathered and do not use it. The purpose of ESD is to keep and treat ALL stormwater on site for most storm events.
- 4 millions gallons of sewage overflowed during the period 2005-2011.
- Severe erosion was found in an Equestrian area.

Proactive Cooperation is more fruitful.. Example: On 10/16/11 a construction site was cleared in



violation of existing law (more than 5 acres). The SRA sent a polite letter 12/6 to the CEO of Elm Street Development, and by 12/17 all violations were corrected. Straw mulch and grass seed replaced the ineffective silt fences. We sent a follow up letter thanking them for their prompt cooperation.



**TMDL regulations alone will not accomplish our goal** – the governments will never have enough money to meet the goals. We need to make exposed soil socially unacceptable. One construction can damage three miles of downstream waters for 10- to 100-years; Each dollar spent keeping mud on the site saves \$100 in damages avoided; and each hour a volunteer spends winning good control through the Audit approach saves 100 feet of waterway. More information is available at [ceds.org/esp](http://ceds.org/esp).

**Stormwater Best Management Practices** – infiltration basins should drain completely in 2 days – they are the most cost-effective way to absorb Nitrogen, but they do need regular maintenance.



The cattail marsh shown above is an infiltration basin which is no longer functioning. All such facilities sighted had failed. Wet ponds work well, but also need maintenance – if they are partially filled with

sediment, (indicted by the presence of cattails), they no longer trap pollution. Bioretention is the most effective BMP – a rain garden (trench with mulch & soil) requires relatively low maintenance. Infiltration trenches are also good but harder to maintain. More information is available at [ceds.org/esp](http://ceds.org/esp).

**What you can do** – We need volunteers to monitor existing and new stormwater management facilities in a non-confrontational way. AACo had 7 inspectors in 2000, but cut down to 1 in 2002. There are now 11,000 BMPs in AACo, and each inspector can only monitor about 600 per year. Obviously this is totally inadequate, but additional inspection would require a major funding increase which is not possible in the current or foreseeable future economic climate. It is possible that funding for inspectors could be restored with enough political pressure, but any reasonable increase would still leave the inspection woefully inadequate. It therefore seems that the only viable method of inspecting such a huge quantity of facilities is by a growing network of volunteers which would ultimately include at least one neighbor of each facility. Many hands make light work. Watershed Stewards are one source of volunteers, but that training is much more extensive (and expensive), so this source seems unlikely to provide enough volunteers to fill the need. CEDS offers a framework and simpler training for potential volunteers. [The next training session is Saturday, March 10th, 9:30 am –Noon. To register and get the location go to: <http://ceds.org/esp>.] You can also download a checklist to get a flavor for what is involved. The volunteer would not confront or antagonize the facility owner – only make the owner aware of the problem and offer to try to provide help solving it if necessary. That is enough to solve most of the problems and CEDS can take further steps (without involving the volunteer) if necessary.

An example of a simple inspection by a volunteer is checking the absorption capacity of an infiltration basin. With the owner's permission, it can be checked by the gage+float method. A simple and inexpensive float and rain gage are placed in the facility when rain is predicted, then checked after the storm. If the float has moved and the gage shows less than 1" of water (in 24 hours), the basin needs cleaning. There are over 2000 such facilities in the Severn River watershed. Most are owned by responsible parties who are happy to do the right thing, but don't have the time or expertise to perform this test. A well-maintained facility enhances property values and community ambience – a poorly maintained facility detracts from the beauty of the neighborhood and lowers property values.

Environmental Site Design (ESD) compliance is another area where volunteers can be valuable; again a checklist is available on the CEDS website. Of 4 ESD's sighted, 1 was waived (we should testify against such waivers in the future), one had most elements in place (AACo required full compliance), and 2 were grandfathered. CEDS and the SRA plan to approach the grandfathered developers to suggest that ESD will save them money – eliminating traditional ponds could make another building site available. CEDS also hopes to train volunteers to approach developers in a positive non-confrontational manner to help them realize the benefits of ESD – a win-win for the developers and the River. There are currently 150 active construction sites in the Severn River watershed. Most are small, but some are big such as Odenton Gateway. Monitoring these sites is crucial for the health of the Severn.

**Sewage overflows** – In the period 2005-2011, there were 38 Overflows totaling 4 million gallons. Again volunteers can help by promptly reporting any evidence of an overflow (e.g. toilet paper) to <http://www.mde.state.md.us/programs/Water/OverFlow/Pages/ReportedSewerOverflow.aspx> Neighbors should also keep track of how often emergency generators in pump stations are tested, and contact DPW if they are not tested approximately monthly.

**Illicit discharges** – there are thousands of pipe outfalls in the watershed – volunteers should look during dry weather & see if the fluid coming out is not water. This is especially important in commercial and industrial areas.

In summary, we must become Proactive, not just react to incidents. Government can't solve our environmental problems without our help. No house in the watershed is more than 15 minute walk from a stream, and 80% of those streams are rated poor.

The full Report is available from the CEDS website, along with a calendar of upcoming events including site tours, training sessions, and a seminar on **Rapid Water Quality Monitoring**. For more information, visit the CEDS website or contact Richard Klein at **Community & Environmental Defense Service, [Rklein@ceds.org](mailto:Rklein@ceds.org) 410-654-3021**.

**Questions from the audience:**

Sally Hornor asked if new regulations limit clearance to 5 acres at a time. Mr. Klein answered that the present limit is 20 acres, but a new version of handbook will reduce that and also reduce the allowed time to cover exposed soil to 3-7 days from present 14-21. Many contractors are not staying within the present limits – this is definitely an area where we must exert pressure to change attitudes.

Jim Martin mentioned that water near the Odenton Town Center used to be very clear water, but is now cloudy.

Steve Barry said that John Peacock had indicted to him that of the present 11000 BMP stormwater facilities, AACo owns most– only commercial properties and condominiums are privately owned. How does this impact their maintenance? Answer – money is a problem, but near neighbors may help improve compliance. New installations have better regulations, but are still often improperly installed or maintained.

Gene Milgram asked what is the most frequent cause of Emergency Generator failures? Duane Wilding said that it is usually a failure of the switchover switch. Steve Barry noted that septic systems do more harm than spills.

One member asked if Lawn Services are generally bad? Mr. Klein answered yes, homeowners should change to more native low-maintenance fields. Again we need to change the current mindset. Trees are more common now, but we still need to replace more lawns with Bayscapes.

President Duane Wilding thanked Mr. Klein for his interesting and informative presentation, and encouraged all to visit the CEDS website.

Steve Barry opined that John Peacock & Richard Klein have shown that the honey approach works much better than adversarial approaches, achieving results much more quickly and easily. Duane said he hopes to have more regular meetings with John Peacock (chief of Inspections for Stormwater management).

## **Business Meeting:**

**Minutes of Last Meeting** were Approved

**Treasurer's Report** – Treasurer Lynne Rockenbauch was not present (conflict with Watershed Stewards Academy class) so there was no report.

### **Old Business:**

- Membership renewals –John Wright said the committee had a good meeting and are working on better communications, getting a facilitator to help brainstorm. They have a proposal from an organization that specializes in RiverKeepers, and are now evaluating the proposal.
- Executive Committee Meeting – The EC discussed the Log – we want to do more quarterly, possibly smaller. Also send it to marinas and other public venues. We Need to focus more on communities, especially at the dry end of the watershed.
- Lynne Rockenbauch, Charlotte Lubbert, Ann Jackson, Richard Klein and Duane Wilding met with Ron Bowen to discuss ongoing projects, especially the Shipley's Choice Dam rehabilitation – DPW provided a list of projects. AACo is working on restorations to get their stormwater permit renewed. The List has many in the design phase, one in Herald Harbor on Buttonwood Trail is now permitting. 4 others in permitting. Cypress Branch is still in design. Bear Branch off East-West Blvd is almost complete (step pools). Hurricane IRENE washed much of it out. Wells Branch near the Millersville landfill is also complete. A second meeting is scheduled for July. Next problem is capital funds.
- Jonas Green Park – Bob Whitcomb reported that we were awarded a CBT grant for the environmental planning project – about 6 signs, some in Spanish. He is still talking to other grantors to get an additional \$1,000 grant. CBF may give us a grant for signs on our Oyster Reef – he is still negotiating.
- Bill 79-11 (Stormwater Treatment Fee). SRA testified, but the bill was pulled due to lack of support. Hopefully our publicity will help.

- Severn RiverKeeper report by Fred Kelly – Sarah Knebel is joining the program, with a degree in restoration – she will work with Sarah Caldes. The SRK is doing restorations – raised \$2 million for projects that AACo should be doing but cannot fund, including an \$800,000 project for Annapolis Mall stormwater treatment to save Saltworks Creek. AACo should apply for federal funds to do water testing. The SRK just finished the Carriage Hills stepped pool conveyance system project. The Clements Creek marsh and infiltration restoration project, (\$500K) is awaiting more funding. They got permits from Federal (ACE) and MD, but AACo is still delaying the project. Ron Bowen thinks big. Contrary to the CEDS opinion, the SRK believes that lawsuits are the most effective tool for promoting restoration. Waterkeeper lawsuits forced Los Angeles to fix its sewage treatment system – LA will spend \$2b to fix problems. AACo can't even get the stormwater utility fee passed. The SRK is considering suing AACo to force stormwater fixes more quickly. They started Lawyers for the Bay to sue polluters. Richard Klein's approach is good but lawsuits are also needed in many cases. The Chesapeake Legal Alliance has been funded by the Keith Campbell Foundation – their Executive Director, Jacqueline Sincore Guild, will sue polluters. The SRK hasn't sued AACo yet because Ron Bowen is committed to getting funding. However, there is no support for this funding on the County Council. The SRK is reporting violations to AACo & State authorities, but in some instances the AACo inspector has said there is no violation when the SRK sees a clear violation. Still this is an improvement – the previous head of Inspections and Permits refused to even look at alleged violations. RiverKeepers win most of their lawsuits. Federal courts can force AACo to come up with money or pay huge daily fines. This is long overdue. AACo is holding up their project permits because of bonding. One young man offered to provide expert testimony if needed. Elm St tried to build the Odenton Town Center without ESD but the RiverKeeper sued and won. This woke others up. AACo is the biggest impediment to cleaning up the Bay. Teamwork between the SRA and the SRK is very encouraging. Sarah will attend SRA meetings and keep us posted on SRK activities.

#### **New Business:**

- Community News – (opportunity for Community Reps to share happenings in their community) – No news
- The Arnold Preservation Council has a new president – Elizabeth Rosborg.
- Bob Whitcomb reported that Project Clean Stream will take place this year on March 31. 2 sites have been selected for cleanup. One is at the headwaters of Clements Creek, the same as last year – there is much left to clean up that was not completed last year. The other is on Luce Creek.
- Next Saturday, Jan 21, is the first Watershed Stewards Conference. The website ArlingtonEcho.org has the details. The Public is welcome. Ron Bowen is the keynote speaker. He will also have a work session on specific projects. One forester will lead a winter forestry activity outdoor session. Cooks Café will do a session on Sustainable Cooking. Chris Trumbauer & Councilmen Grasso and Ladd may come. Registration is \$25.
- The next Log will discuss the Watershed Audit.

#### **Meeting Adjourned at 8:20 PM.**

**Next Meeting:** will be Tuesday, February 21, 2012 at Arlington Echo. The Speaker will be Ed Peters of AACo Health Dept – topic will be Septic Systems (grant money is available).

Respectfully submitted,                      Bob vom Saal