

Committee members in attendance

Jennifer Aiosa
Kimberly Brandt
Bif Browning
Debbie Cameron
Terry Cummings
Brian Hammock
Matthew Kimball
Alan Pressman
Daryl Sabourin
Bonnie Sorak

Ex-officio members / others agencies in attendance

Alan Robinson, Chief, Office of Strategy and Performance Management, DPW
Kimberly Grove, Chief, Office of Compliance and Laboratories, DPW
Mark Cameron, Office of Compliance and Laboratories, DPW
Marcia Collins, Legislative Liaison, DPW
Dana Cooper, Chief of Legal and Regulatory Affairs, DPW
Kristyn Oldendorf, Office of Legislative Affairs, DPW
James Phillips-Farley, Office of Legal and Regulatory Affairs
Michael Wilmore, Department of Transportation
Amy Gilder-Busatti, Department of Planning

Other Attendees

Eli Allen, Civic Works
Laura Bankey, National Aquarium
John Berard, Blue Water Baltimore
Andy Galli, Clean Water Action
Nick Lindow, CityScape Engineering
Maggie Witherup, Amports

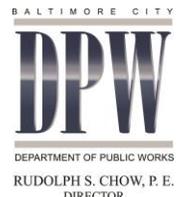
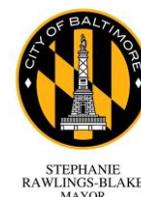
Meeting Minutes

The meeting started at 6:10pm with introductory remarks by Terry Cummings and introductions of all attendees. Alan Robinson asked that people sign in, and noted that there were index cards if non-SWAC attendees had questions they wanted addressed.

Election of new Co-Chair

Due to the resignation of Eric Schwaab from the Stormwater Advisory Committee, a new co-chair is needed. Terry Cummings asked for nominations from the SWAC members, with two being nominated: Daryl Sabourin and Noah Smock (in absentia). Members voted by index cards with the results to be announced at the end of the meeting.

In addition, two vacancies need to be filled due to Eric and Diane Ingram leaving the Advisory Committee. Alan Robinson noted that the Charter of the SWAC states that the Director can fill vacancies. The Department is



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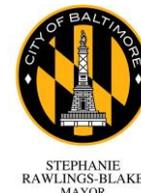
reviewing potential candidates (new as well as those who had previously applied). The goal is to fill the Citizen and Anchor Institution positions that Eric and Dian represented, but the Director would also like to have flexibility based on the candidates. Alan asked that if the SWAC members had any people to recommend that they should forward them to him.

MS4 Restoration and TMDL WIP Update

Kimberly Grove provided an update on the MS4 WIP. The WIP came out in December 2014, with the public comment period ending January 30, 2015. The Maryland Department of the Environment (MDE) provided comments in March, 2015. On June 30 DPW submitted a response to MDE, which was recently approved. MDE's primary comments were regarding the calculation of the baseline. In particular, MDE said that the previous street sweeping could not be included in the baseline but could be counted toward the 20% restoration requirement. In response to other MDE comments and to comments received from the public, the following changes were made to the WIP:

- Executive Summary changed to discuss the local TMDLs.
- Exempt impervious area was modified based on GIS data. Street sweeping no longer counts towards the baseline. The lists are now Appendix A and B.
- Local TMDLs are discussed in greater detail.
- 20% restoration keeps us on track for Bay TMDL.
- Local nutrient TMDL will be met by the Bay TMDL.
- Sediment TMDL appears impossible because the loadings don't correlate to other models; this is described in the WIP. DPW will be asking MDE to revisit the Sediment TMDLs to determine if the Waste Load Allocations are off or if the loading relationships are the problem.
- Bacteria TMDL requires more study but a preliminary schedule is provided.
- PCB TMDLs are very generic and include a long-term schedule.
- Chlordane has no WLA so no other work is needed.
- Added schedules and removal efficiencies to the text of the projects and programs rather than in tables.
- Expanded description of the IDDE program.
- Added table related to stream restoration – taking care of over 1/3 of our degraded streams in this MS4.
- Revised milestone schedule to match the City's Chesapeake Bay WIP Milestones.
- Added a table to show how development will be counted.
- Added additional text related to the funding of the program, including information on other City funding. This coincides with information from the SWAC presentation.
- Moved some of the ESD projects to the contingency list based on cost / impervious acre restored.

The final WIP was reviewed internally by DPW. Additionally, Jay Sakai, formerly with MDE, was hired as consultant to the department and is doing a final review of the MS4 WIP. This should be completed in the next two weeks, after which the WIP and the Comment Response Document will be released to the public.



Trash TMDL Update

Mark Cameron provided an update on the Trash TMDL Implementation Plan. DPW is finalizing the 60% document by the end of month, with the 90% draft in October, and final document for public comment in November. The Healthy Harbor Initiative reviewed the 30% document and provided several recommendations for consideration.

Jen Aiosa: Trash is different from nutrients, what is the long term plan for trash?

Mark: The 60% document will outline a two-part strategy. The first is "Collection as a Stop-Gap". This will include continuing and expanding existing programs and installing structural devices such as inlet screens and debris collectors. The second part is "Prevention as a Sustainable Method".

Trash is based on human behavior, which will require a long term effort to change. Given this, Baltimore City is looking at a 20 year timeline, which is in line with Baltimore County. For the projects and programs, implementation will be over the next 10 years. Collection data will be evaluated, with adjustments made during the second ten years. For prevention, a campaign and pilot programs will be developed in Years 1 – 3, the campaign launched and expanded in years 4 – 10, then evaluated and repeated as needed.

Regarding prevention, as part of DPW's strategic planning process, one of the priority tactics is to develop an anti-litter campaign. DPW's Environment and Public Health Goal Team is working on developing this campaign, and will make recommendations as to the scope and resources / consultants needed. Staff members from across the agency are involved in developing the campaign, and will also be reaching out to partners and SWAC.

Debbie Cameron: Was there a time Baltimore was cleaner? And should you talk to those people?

Alan: Yes, but it was a generational difference. The Trash Ball campaign was successful but took time.

Brian Hammock: Will signs for street sweeping be posted?

Alan: DPW is posting signs in Central District first and then will be expanding to other neighborhoods.

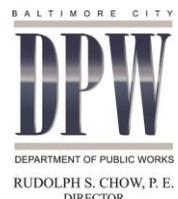
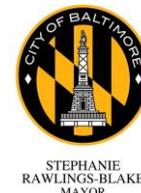
Mark concluded by saying that DPW is working with Baltimore County to coordinate load reduction methodologies as well as future studies to determine efficiencies for trash removal. Also, there will be a section in the WIP on project selection.

When the 60% document is completed, it will be shared with the SWAC members. DPW would like the SWAC members to review and to share with constituents for feedback. Terry suggested that the sub-committees meet to look at trash WIP before next SWAC meeting as well as review the Healthy Harbor recommendations.

Amports

As noted in the May 2015 minutes, the SWAC Policy sub-committee was asked by DPW to review a request by Amports because they were losing their Certificate of No Exposure and the associated 55% stormwater fee credit. Jen Aiosa asked that the discussion be short given that there was an interim meeting on Amports as well as various sub-committee meetings. Brian Hammock provided a brief overview of the issue and stated that the sub-committee tried to find an equitable solution, given that State facilities compete with Amports and don't have a stormwater fee. He then summarized the sub-committees recommendations:

1. Within the MIZOD, Baltimore Department of Public Works extends the 55% credit until the end of the permit cycle (December 31, 2018) to any entity that once held a certificate of no-exposure within the current permit period. Said entity must certify that it continues to maintain the site(s) as required to qualify for a certificate of no exposure, with its activities verified and guaranteed by specified entities and inspected by DPW.



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2. Applications for inclusion in this credit will be reassessed by DPW at the end of the General Industrial Permit (12-SW) cycle (December 31, 2018). To continue receiving the credit after December 31, 2018, property owners must complete remediation of impervious surface area consistent with the amount of remediation required on State-owned properties within the City of Baltimore.

Terry iterated that the sub-committee was recommending that the same structure remain in place for the current permit period, as long as Amports maintained the property in the condition to meet the Certificate of No Exposure. Discussion included:

Darryl Sabourin: Amports has to get an engineer to certify no exposure, City does not have to inspect.

Brian Hammock: But if they don't keep No Exposure conditions, then the City can take away the credit.

Bif Browning: How will the City know if they hadn't been met?

Darryl: City has the authority to do inspections. Also, if there are erosion and sediment control problems downstream this could lead to inspections at Amports.

Debbie: What happens in 2018?

Darryl: City reassesses if State then has 20% remediation.

Jen: The industrial properties that have a permit have a requirement for remediation. MDE changed the rules of the game for Amports so I'm ok with leaving the status quo intact. If we're going to give them 4 years to get to a 20% remediation, shouldn't we just stop giving them the credit at the end of those years?

Darryl: We just went back to the way the law is written. If the State stops being exempt and the law changes, then we take the credit away.

After discussion and questions, Terry asked if the SWAC could forward their recommendations to the Director saying that we could not come to consensus.

Brian: We are making a recommendation to the Director, not changing the recommendations ourselves.

Bif: Should we buy time and look at this with the rest of the regulations? Concerned that making changes to one property was not only piecemeal but potentially unfair to others.

Jen: Give them certainty through the end of the permit term.

Terry: We're not going to get to consensus this evening. Brian: We should be at consensus.

Terry: Can anyone not live with what is in the recommendations?

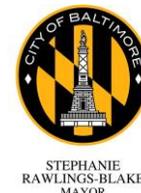
Bif: Can't go past 2018. Should look at all of the stormwater fee regulations as a whole.

Darryl: This is a specialized case.

Jen: Cut out everything after 2018.

Terry: Excise second sentence in paragraph 3.

There were no paramount objections by the SWAC to removing everything after 2018 and excising the second sentence in paragraph 3. The next step is for the Policy sub-committee to make revisions as discussed and submit the recommendations to the Director for his review.



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SWAC Sub-committee updates*Implementation Subcommittee*

No report due to the sub-committee chair (Eric Schwaab) stepping down from SWAC. A new chair is needed; Terry will review who is on the sub-committee and share with the sub-committee.

Outreach and Communications Subcommittee

The sub-committee met with the DPW Chief of Communications and Community Affairs. The sub-committee provided two follow-up actions. The first were recommendations for a Communications Strategy regarding stormwater and trash (see Trash TMDL section). The sub-committee also reviewed www.cleanwaterbaltimore.com and provided recommendations for improvements. Mark noted that the Communications and Customer Service Goal Team for DPW's Strategic Planning identified the review and revision of DPW's website and the cleanwaterbaltimore website as a priority tactic. The sub-committee's recommendations will be shared with the Goal Team.

Policy Subcommittee

See Amports discussion. Dana Cooper said she agreed that the stormwater fee regulations needed to be reviewed as a whole and that the Department was interested in having the SWAC members provide a comprehensive review of the stormwater fee regulations, and would follow-up with the sub-committee and the SWAC Chair as to the best method for providing review and feedback.

Finance Subcommittee

The sub-committee had several questions as a follow-up to the Fiscal 101 presentation made at the previous meeting, and is reviewing additional information provided by Kim in response to the questions. The sub-committee would like to function like a Board Finance Committee, providing reports at the quarterly meetings.

New Business*Growing Green competition groundbreaking*

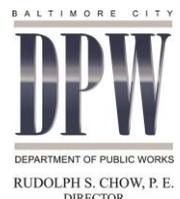
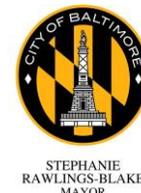
Terry noted that there is a groundbreaking on Friday, August 7, for a project that the Chesapeake Bay Trust was a lead partner. The project is partially funded by the stormwater fee, and will remove 10,000 sf of impervious surface and replace it with grass and rain gardens to create a new community space.

Montgomery County Decision

James Phillips-Farley presented an overview of the recent decision from the Circuit Court for Montgomery County – Chod v. Board of Appeals for Montgomery County (a property owner petitioned the County for a 100% credit against its stormwater fee based on treatment of all stormwater generated on-site, plus treatment of stormwater originating off-site, at the property owner's expense). James provided the following key points:

- No direct impact on Baltimore City. Persuasive authority only. Applies to Montgomery County and their local laws only. That said, other courts will look at this.
- Court looked at one portion of State law and gave it a very narrow reading. 4-202.1(e)(3)(i). The fee needs to reflect the services to the property.

Brian Hammock asked if the City should be looking at what happens if the same case is brought here. Dana said that the case may be going to the Court of Special Appeals, and that the City is following it closely. Marcia suggested that a bigger concern regarding the fee was State legislature, and that she will be working with the SWAC leading to and during the next legislative session.



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Conclusion

Alan Robinson announced that Daryl Sabourin was elected as the new co-chair. He also thanked the SWAC members for their time and commitment, as well as those people who attended in the audience.

The meeting ended at 7:50pm.

Next meeting is November 2, 2015, at the Planning Department (417 E. Fayette Street, 8th Floor).



STEPHANIE
RAWLINGS-BLAKE
MAYOR



RUDOLPH S. CHOW, P. E.
DIRECTOR