

**Anacostia River TMDL Effort Review Meeting
Meeting Summary
October 19, 2005**

I. Welcome and Introductions

Mr. Scott Macomber of the Maryland Department of the Environment (MDE) began the meeting at 9:15am. He briefly outlined the goals of the meeting, which were to 1) Provide an update on the bacteria Total Maximum Daily Load (TMDL) for the non-tidal Maryland portion of the Anacostia watershed, and 2) Present the proposed sediment TMDL methodology to the group for review and comment. All present were asked to introduce themselves to the group.

II. Update on the Bacteria TMDL for the Non-tidal Portion of the Anacostia River

Scott Macomber and Lee Currey of MDE updated the group regarding the current status of the non-tidal bacteria TMDL. Currently the situation is as follows; during the public comment period (August 5, 2005 – September 6, 2005) MDE received comments from Environmental Protection Agency (EPA) and stakeholders regarding the inclusion of a critical period calculation. To address these concerns, MDE has developed a critical period calculation for the swimming season (May – September). Additionally, MDE has included an averaging period that is similar to the District of Columbia's. As a result of these changes, MDE will put forth the TMDL for a second public comment period in the near future. MDE will notify the group when the document is available for public comment.

The following is an overview of the discussion that resulted from the update:

Q: Is the designated use of swimming appropriate in streams and creeks that in many places are very shallow?

A: It may or may not be considering the practical issue associated with very shallow waters in many regions of the watershed. However, this is the current designated use and it must be met. In the future, it may be appropriate to adjust the designated use to control for this practical constraint.

Q: As a result of the TMDL, what is expected from local governments regarding implementation? Specifically, what is the expected timeframe for implementation and what are the counties expected to focus on (e.g., human bacteria sources and monitoring)? Without timelines for meeting the TMDL it is difficult for county agencies to secure funding to implement projects that will address the impairments.

A: MDE acknowledged that Clean Water Act does not require an implementation plan to be included in a TMDL. However, it reiterated its' commitment to help interested parties in the watershed develop an implementation plan. Although there is no specific timeframe required to complete TMDL based implementation, the expectation is that local governments would enhance programs to meet the goals of the TMDL in a timely manner.

Q: Will the tidal portion of the river be included in the TMDL?

A: MDE has considered the comments regarding this topic made by stakeholders. To date the agency has ask for and received the model that the District of Columbia used in its TMDL. MDE is considering the model with updated data, developing a similar model, or using the Districts' allocation numbers. However, at this point the non-tidal TMDL will not include the

tidal portion of the river. If the tidal portion is included in the analysis, the document will not be submitted to EPA and another public comment will occur at a future date.

The comment was made that the Lower Beaverdam Creek discharges to the Maryland portion of the tidal Anacostia and that it will need to be accounted for as a source in the tidal analysis.

III. Review of the Proposed Sediment TMDL Methodology for the Non-tidal and Tidal Anacostia River

MDE has contracted with the Interstate Commission on the Potomac River Basin (ICPRB) to assist in the development of sediment, nutrient, and polychlorinated biphenyl (PCB) TMDLs in the Anacostia Watershed. Cherie Schultz of ICPRB delivered a presentation that presented background information and the proposed sediment TMDL methodology that is currently being developed for the tidal and non-tidal portions of the river. The expectation is that the sediment TMDL will be ready for public comment and subsequent submittal to EPA by September 2006.

The following are comments and questions from the background portion of the presentation:

Comment: It appears that the estimated tidal submerged aquatic vegetation (SAV) acres are overestimated based on evaluations that are dated. More recent evaluations of SAV in the Anacostia estimate approximately 1 acre of SAV vs. ~ 10 - 15 acres.

Comment: MDE is committed to meeting the District's water clarity water quality standard in the tidal portion of the river

Q: How will the MD non-tidal turbidity standard fit into the TMDL analysis?

A: The original response during the meeting was that the standard would not impact the development of the TMDL and would not need to be met because the standard was a reflection turbidity associated with dredging projects. Subsequent to this meeting, MDE has determined that the answer at the meeting was not accurate. MDE is currently investigating how the turbidity standard will need to be applied to the non-tidal waters during the development of the TMDL. There will be more information to come in the future.

Comment: The local jurisdictions did not concur that the use of TSS concentrations were an appropriate method to base the TMDL on when trying to estimate loads of sediments. Confounding issues include legacy sediments that are constantly re-suspended and transported within the system. The concepts of using an inbeddedness score or a hydrology based approach was suggested.

Response: The water quality endpoint in the tidal portion of the river is Secchi Disc depth. The use of TSS serves as a surrogate for Secchi Disc depth that can be computed.

Q: Will any of the Anacostia Watershed Restoration Committee (AWRC) restoration goals be accounted for in the development of the TMDL?

A: The TMDL development process does not explicitly account for the AWRC restoration goals. The TMDL is based on the attainment of water quality standards and not the attainment of restoration goals that are not directly linked to the standards. As a member of AWRC, MDE is committed to achieving the restoration of the Anacostia. However, MDE anticipates this will occur through a variety of measures, including the TMDL and AWRC efforts

Comment: Prior to the triennial review of water quality standards, the ICPRB and MWCOG may want to consider hosting a forum to assist the jurisdictions and EPA address the differences in jurisdictional standards.

Q: Would it be possible to have the TMDL focus on an overall load versus a concentration limit?

A: The agency will consider this question and determine if it is a possibility. However, the standards are written based on the depth of light penetration. TSS concentrations serve as a surrogate for depth of light penetration based on the relationship that can be developed to relate TSS concentrations to depth of light penetration.

The following are comments and questions from the TMDL methodology portion of the presentation:

Comment: Legacy sediments may cause a problem using the reference watershed approach; the sediments are already in the channel and constantly get resuspended and transported within the system. Thereby contributing to TSS concentrations but not loadings.

Response: The District's water quality standard in tidal river may be the driving force for the sediment load allocation in the nontidal area. The model will calculate the in stream TSS concentration and the TSS concentration will be related to the Secchi depth to check the attainment of water quality standards. Therefore, all legacy sediment and resuspended sediment will be included in the analysis or calculation of the sediment load in the nontidal area.

Comment: Two monitoring stations may not be sufficient to calibrate the loadings back to the subwatersheds due to changes in the physiographic regions and local land uses.

Q: How will the state allocate TSS loads back to specific jurisdictions?

A: The TSS load will be allocated based on landuse distribution and will utilize the jurisdictions MS4 permits as a mechanism for institutionalizing the storm water based allocations. .

Montgomery and Prince George's County will meet with ICPRB to review land use and impervious land cover data.

Montgomery and Prince George's County may wish to meet with ICPRB and MDE to discuss the loading rates based on limited jurisdictional MS4 monitoring.

The use of Upper Paint Branch and Upper Beaverdam Creeks as reference watershed for the modeling effort:

Comment 1) it may be impossible to have watershed with higher imperviousness meet the water quality associated with a watershed with low imperviousness

Comment 2) the Upper Paint Branch is in better condition relative to the Upper Beaverdam Creek, it may cause a disparity in the analysis that may be difficult to rectify

Comment 3) this is a potential precedent setting process and should be evaluated appropriately for potential long-term impacts

IV. General Discussion

MDE solicited the group to determine if quarterly meetings were appropriate to discuss the TMDL development process and whether or not all the appropriate stakeholders were at the

table. The participants indicated that quarterly meetings were desirable. Several recommendations were made regarding additional stakeholders to invite to the next meeting.

V. Adjourn

The meeting was adjourned at 12:15 pm. The next meeting will be scheduled for January 2006.