

FINAL DRAFT  
SUMMARY OF THE COX CREEK  
CITIZENS OVERSIGHT COMMITTEE MEETING  
October 10, 2018 5:45 PM  
Riviera Beach Community Library  
1130 Duvall Hwy.  
Riviera Beach, MD 21122

***Attendees:***

*Anne Arundel County Water Access Commission:* Lisa Arrasmith, Larry Velten  
*Candidate for Legislative District 3:* Nathan Volke  
*Cox Creek Citizens Oversight Committee Facilitator:* Angie Ashley  
*Greater Pasadena Council:* Allan Straughan  
*Marine Trades Association:* Mike Bonicker  
*Maryland Department of Transportation Maryland Port Administration (MDOT MPA):*  
Sergio Adantor, Chris Correale, Bertrand Djiki, Jennifer Guthrie, Kristen Keene, Gannon Price, Holly Miller  
*Maryland Environmental Service (MES):* Dallas Henson, Maura Morris, Robert Natarian  
*North County Land Trust:* Bill Jones, Laura Jones  
*Pasadena Business Association:* Brian Conrad  
*Pasadena Sportfishing Group (SFG):* Donald Heinbuch  
*Resident of Legislative District 31:* Gary Gakenheimer  
*Resident of Riviera Beach:* Kelly Hunt  
*Resident of Sunset Beach:* Betty Hewitt  
*South Baltimore Business Alliance (SBBA):* Vince Glorioso

**Action Items:**

- Ms. Ashley will send information packets from the Cox Creek Citizens Oversight Committee (CC COC) meeting to members who were not in attendance (and follow-up with phone calls).
- MDOT MPA will discuss the osprey and eagle relationship with US Fish and Wildlife Service to determine the best number and installation locations of the osprey platforms.
- MDOT MPA and MES will continue research on priority community enhancement projects and refine cost estimates.
- MDOT MPA and MES will update the community enhancement matrix and factsheets per the CC COC discussion.
- The CC COC will prepare for the CC COC chairperson transition.
- Committee members will contact Ms. Ashley about interest in serving as the CC COC chairperson.
- Ms. Keene will follow-up with Mr. Heinbuch regarding the potential for a shoreline restoration project at Stoney Beach.

**1.0 Welcome & Introductions**

**Angie Ashley**

Ms. Ashley convened the meeting and welcomed the committee members, asking all in attendance to introduce themselves and the organization they are representing. The previous meeting's

summary was reviewed, and Mr. Glorioso requested a motion to approve, which was made and seconded by committee members.

## **2.0 Cox Creek Expanded Update**

**Gannon Price, MDOT MPA**

### History

Mr. Price, the new Cox Creek Expanded (CCE) Project Manager, began his presentation with a brief history of the Cox Creek Dredged Material Containment Facility (DMCF). The site began as a copper refinery under Kennecott Company in the early 1960s, and the Cox Creek Upland and the DMCF was purchased by the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) in the late 1990s for continued use as DMCF. At its current elevation of +36 feet Mean Lower Low Water (MLLW), the DMCF has a capacity of 3.1 million cubic yards (MCY).

### Construction Projects

Mr. Price reviewed the current on-site projects occurring in support of CCE, which include: the base dike widening within the DMCF, the +60 feet MLLW dike design, the demolition of Building 201, the Operations and Maintenance (O&M) Complex construction, and the continued soil remediation efforts within the Cox Creek Upland.

### Base Dike Widening & Borrow Material Excavation

Bowen & Kron was the selected firm to perform the base dike widening construction. The base dike widening began on schedule in late August 2018. Mr. Price pointed out the borrow area within the Cox Creek Upland that is being utilized for the base dike construction.

### Dike Design & Construction

Concept design plans have been received for the +60 feet MLLW dike raising; the 60% design plans should be received by the end of October. The 100% design plan is expected to be developed by summer 2019. Dike construction will most likely begin in late 2020. Once completed the +60 feet MLLW dike construction will provide an estimated 11.3 MCY of additional capacity.

### Demolition of Building 201

The demolition of the remaining copper refinery buildings within the Cox Creek Upland has been completed over the past two years. The remaining building (Building 201) was originally utilized as the copper casting facility and legacy activities performed within Building 201 has left behind elevated levels of polychlorinated biphenyls (PCBs) and metals. As noted in previous meetings, MDOT MPA has been working with the US Environmental Protection Agency (EPA) to develop a strategy for safely remediating and demolishing the building. Final EPA approval of the remedial work plan has been received, and once all submittals have been received from the subcontractor, Building 201 remediation and demolition work will begin. Demolition will occur in three phases and is expected to be complete by summer 2019.

### Operations & Maintenance Complex (O&M)

The O&M Complex is currently under construction; the concrete slab has been poured and once the desired dryness/strength is reached the structure of the building will be erected. The O&M Complex will include: additional parking, a laboratory, office space, meeting room/outreach space,

and vehicle maintenance garage. Construction of the complex is expected to be completed in September 2019.

### *Upland Site Remediation*

Phase II of the Cox Creek Upland soil remediation has begun. Drilling and characterization of the three identified locations (SW19, SW28, and Area B) in the northwest area of site with elevated metals and PCB impacted soils is complete. The CCE team is currently reviewing the laboratory data to complete the delineation of the areas requiring soil removal for remediation.

## **3.0 Innovative & Beneficial Use**

**Kristen Keene, MDOT MPA**

### Demonstration Projects

Ms. Keene provided an in-depth overview of the Innovative Reuse (IR) and Beneficial Use program. MDOT MPA is currently working with partners to develop several IR demonstration projects to demonstrate the ability to reuse dredged material in a variety of applications. Demonstration projects currently in progress include: alternative daily cover (ADC) at Quarantine Road Landfill (QRL), a small test nursery at Cox Creek DMCF, engineered fill at the South Cell of Hawkins Point, and habitat development at the North Cell of Hart-Miller Island (HMI).

### *ADC*

MDOT MPA and Baltimore City Department of Public Works (DPW) finalized the agreement for hauling dried dredged material from the Cox Creek DMCF to the QRL. Hauling of the dried dredged material is expected to occur within the next month. Maryland Department of the Environment (MDE) has approved the use of dried dredged material as ADC at QRL for a period of one year. Based on the material's performance during this trial period, MDE may consider the use of dredged material as ADC for an extended period. If dredged material is approved for extended use, the City will be required to amend the landfill's O&M manual to reflect the use of dredged material as ADC.

### *Engineered Fill*

MDOT MPA has completed dewatering the Hawkins Point DMCF South Cell. Dried dredged material from Cox Creek as well as on-site material will be used as fill in the South Cell. Once the site is filled and graded, an algal flow-way (AFW) will be constructed on-site.

### *Test Nursery*

A test nursery located at Cox Creek is using various treatments of dried dredged material to determine the ability of dredged material to sustain vegetative growth. The nursery was established in October 2017 and is divided into seven separate plots; each plot has a unique treatment of dredged material, a mixture of dredged material and Leafgro® or lime, and a control plot of store brand topsoil. The plots have been observed weekly since inception and observations will continue to be recorded through October 2018.

Currently, the 100% dredged material and lime plot has the highest percent coverage of all the plots, while the 100% dredged material plot without lime has the second highest percent coverage.

Before monitoring began, laboratory testing was performed on soil samples from each plot. At the end of this demonstration, the same soil testing will be performed and the test results from each event will be compared.

#### *Habitat Development*

Currently, the habitat development pilot project in the HMI North Cell is in the design and preparation phase. The 23-acre habitat area will be in the upper northwest corner of the HMI North Cell. This is an area that has been consistently dry; is readily accessible to HMI visitors; and the area is large enough to study and create a viable habitat but small enough to manage.

The proposed plan is to create micro-landforms or habitat mounds using dredged material and monitor these areas for success. The goals of the plan are to: create a diverse habitat by improving environmental and ecological functions on-site; engage and educate stakeholders; and minimize operational costs.

#### *MDOT State Highway Administration (SHA) Coordination*

Ms. Keene explained that the MDOT SHA specification book currently includes a specification for furnished topsoil (Specification 920) that states, “Topsoil shall not contain substances in concentrations that are harmful to human health, water quality, or plant growth. Industrial waste such as ash, slag, raw sludge, dredge spoil, or similar materials shall not be soil components.” Through continued coordination between MDOT MPA, MDOT Office of Environment, and MDE, MDOT SHA will be updating Specification 920 to remove the words “dredge spoil” from the harmful materials provision. The MDOT SHA specification book is the standard used across Maryland, including county and local departments and contractors/developers on various soil engineering projects. Benefits associated with the Specification 920 revision include: detaching the negative stigma associated with dredged material, thus sending a positive signal to other state agencies and private industries looking for fill material; contributing to Governor Hogan’s Waste Reduction and Resource Recovery Executive Order; the reuse of dredged material from all sources, not just federal navigation channel material; and the vast reuse potential that may be available.

Mr. Straughan asked if MDOT MPA would address the 1975 Legislative Declaration that discusses dredged material being harmful. Ms. Keene stated that MDOT MPA has not made efforts to change this declaration to date, as it does not prohibit the use of dredged material in specific applications. This is not the case with Specification 920, which limited the use of dredged material, and why it was addressed.

Mr. Heinbuch questioned if dredged material could be made available to fill eroded areas, specifically the Stoney Beach area. Ms. Keene stated that Turner Station Community is interested in utilizing dredged material for a similar purpose. She explained that although MDOT MPA would like to offer material to multiple end users, currently there is only enough material for small scale projects. As MDOT MPA accumulates larger stockpiled volumes, medium to large scale projects may be possible. She noted that the material must meet the chemical and physical requirements as well as the use categories specified in the MDE Guidance Document. Ms. Keene will contact Mr. Heinbuch to discuss the potential use of material at Stoney Beach.

### *Innovative Reuse and Beneficial Use Outreach*

Recently, the American Society of Landscape Architects (ASLA) Honor Award was presented to Mahan Rykiel Associates (MRA) for the ‘Design with Dredge: Resilient Landscape Infrastructure in the Chesapeake Bay’. The ASLA award brought national attention, thus assisting to bring awareness of the MDOT MPA Dredged Material Management Program (DMMP) and innovative reuse and beneficial use to a much larger audience.

Additionally, the Morgan State University School of Architecture and Planning hosted a fall lecture series including a lecture on ‘Dredging the Future’ led by MRA that covered the collaborative Design with Dredge program. MDOT MPA attended the lecture as well and had the opportunity to reach a broader audience and connect a diverse group of stakeholders to the DMMP.

## **4.0 Community Enhancements**

**Kristen Keene, MDOT MPA**

### Community Enhancements

Ms. Keene explained that MDOT MPA updated the potential community enhancement projects and associated factsheets based on the previous committee input and discussion. The following changes were made to the listed factsheets: 1) *Reserving placement capacity in the Cox Creek DMCF for Anne Arundel County Department of Public Works (DPW) dredging projects* - Language was added to clarify the minimum \$2.00 tipping fee required under the Code of Maryland Regulations (COMAR); 2) *Creation of walking trails and associated on-site trail signage* – Added “Actual trail location will be based on field investigation” under the figure of the proposed walking trail; and 3) *Assistance/enhancement with local fishing groups* – Language regarding Weinberg Park was removed based on committee comments from the previous meeting.

The objective of the discussion at this meeting was to continue prioritizing the remaining projects utilizing the engineer’s estimates, which provided cost ranges for each of the projects. Ms. Keene reminded the group that available funding will first be used to satisfy the required CCE project mitigation and remaining funds will be dedicated to community enhancements.

The committee discussed the remaining projects, which were previously prioritized in the order below:

1. Reserving placement capacity in the Cox Creek DMCF for Anne Arundel County DPW dredging projects (\$30,000/year)
2. Dredging and installation of navigation aids in (real) Cox Creek channels (\$300,000)
3. Creation of walking trails and associated on-site trail signage (\$400,000)
4. Osprey platform installations (\$100,000)
5. Public water access including boat launch or boat launch retrofit (\$1.4M)
6. Assistance/enhancement with local fishing groups (\$400,000)
7. Bio-filtration installation outreach (\$40,000)
8. Bio-filtration installations (i.e. Algal Flow Way and/or Biohut) in local waterways (\$5M)

1. Reserving capacity in the Cox Creek DMCF for Anne Arundel County DPW projects: This project would involve the MDOT MPA providing placement capacity within the Cox Creek DMCF for Anne Arundel County DPW dredging projects (\$30,000). \*Cost is based on an estimated

*dredging and placement need of 15,000 cubic yards and the minimum state mandated \$2.00 tipping fee.*

Ms. Keene relayed Mr. Chris Phipps' opinions in his absence. Mr. Phipps strongly supports Enhancement 1 as it would augment Anne Arundel County's (the County) reduced capacity for placement of dredged material, provide a cost savings to the County, and reduce disturbance to the residential neighborhood in the vicinity of the Rock Creek placement facility located in Pasadena.

The committee suggested adjusting the costs shown for Enhancement 1, as it is a cost that the County must pay, not MDOT MPA. Mr. Straughan explained that there would be a loss in revenue for MDOT MPA (\$285,000), as the regular tipping fee is \$21/cubic yard. Although there is a loss in revenue for MDOT MPA, the committee still believes this is a worthwhile enhancement for the County and surrounding community.

Mr. Straughan stated that the community surrounding the Rock Creek placement facility is negatively impacted and does not favor the facility. He suggested that there may also be evidence that the facility may be affecting the water quality in Rock Creek.

2. Dredging and installation of navigation aids in (the real) Cox Creek channels: This project will include the dredging and installation of navigation aids, as necessary, in the tributary known as Cox Creek (\$300,000).

Ms. Keene relayed Mr. Chris Phipps' opinions in his absence. Mr. Phipps strongly supports Enhancement 2 as it provides safe navigation for recreational boaters. He relayed future plans the County has to dredge Cox Creek and supports any funds that would offset costs for dredging or installation of navigational aids. He noted costs for navigational aids are not included in the County dredging projects, but is a supporter as they improve safety, minimize impacts to submerged aquatic vegetation outside of the channels, and potentially could extend the life of the channel.

Mr. Straughan asked if the installation of the navigational aids was discussed with the US Coast Guard. It was stated that coordination would occur with the US Coast Guard.

Ms. Arrasmith asked if the dredging of Cox Creek was funded through the Waterways Improvement Fund (WIF). Ms. Correale confirmed that WIF funding is being utilized; the County receives 50% of their funding for dredging projects from DNR through the WIF and provides the remaining 50% of the necessary funds from the County budget.

Mr. Heinbuch stated that Cox Creek rarely gets dredged as it keeps being removed from the County's project list. Ms. Correale added that Mr. Phipps confirmed that appropriations were received to dredge Cox Creek. Ms. Keene stated that if the dredging is fully funded, the enhancement would just include purchasing and installation of the navigation aids.

The committee then discussed the usage of the Cox Creek channel. It was suggested that boats larger than 15 feet may not utilize the creek. The committee suggested moving this enhancement to a lower priority.

3. Creation of walking trails and associated on-site trail signage: *This project involves the creation of a walking trail within the existing Cox Creek Forest Conservation Easement Area. The trailhead would begin at the new Cox Creek O&M building. It is expected that the trail would be open to the public during site operating hours. The project would also include the installation of interpretive signs to be placed on-site along the pathway, as well as additional signs along the roadway alerting the public to the location of the site (\$400,000).*

Ms. Hunt suggested that the trail bypass the riffle area in the Swan Creek mitigated wetland, as it is a falling/safety hazard. Ms. Keene stated that MDOT MPA would ensure that the trail meets all safety standards.

Ms. Laura Jones asked if the trail would go through the North County Land Trust. Ms. Keene stated that the exact location of the trail has not been selected at this time; however, activities related to the walking trail would have to be consistent with the language in the conservation easement. Any changes made to the conservation easement will have to be coordinated with the North County Land Trust and Maryland Environmental Trust. Ms. Correale added that there is language in the management plan that states a trail could be installed.

Mr. Straughan asked if O&M costs are included in the cost estimate. Ms. Keene stated that O&M costs are not included, but there is a 30% contingency added. He voiced concern that a path created from woodchips has large O&M costs. Ms. Ashley stated that MDOT MPA has several facilities with maintained trails to model costs after.

Mr. Straughan asked how long the trail would be maintained. Ms. Keene stated that it would be managed as part of the O&M complex. Ms. Hunt suggest establishing a small fee for use or ask for donations. Ms. Correale stated that this would not be feasible, as MDOT MPA is not set up to operate the trail in this way.

Ms. Hunt asked if the operational hours would be extended if a trail was installed. Ms. Keene stated the main gate would proceed the trailhead, so if the gate is closed the trail is unavailable. Currently, the facility closes at 3 PM when the staff leaves, unless there is a weekend program or special circumstance, such as a rare bird observed on-site. Ms. Hunt supports the hours as it minimizes disturbance of the birds, but noted the budget is very high for a trail that most people will not be able to visit due to their work schedule. She suggested adding weekend hours once or twice a month.

4. Osprey platform installations: *This project includes recommendations from the US Fish and Wildlife Service (USFWS) for osprey platform installation locations in the Cox Creek DMCF and Swan Creek mitigation area, in the Fort Smallwood Park area, in the Rock Creek park area, and in the Fort Armistead Park area. The selected location(s) would be near water, with preference given to healthier waterways where ospreys have historically nested (\$100,000). \*Cost is based on the installation of 13 osprey platforms.*

The committee discussed the coexistence of eagles and osprey in the same area. There was concern that the platforms would not be utilized while both birds were present in the area. Ms. Keene

suggested discussing this with USFWS and adjusting the number and locations of platforms accordingly.

5. Public water access including boat launch or boat launch retrofit: *This project would include the creation of public water access by providing funding towards a public boat launch or retrofit near the Cox Creek DMCF (\$1.4M).*

Ms. Laura Jones questioned the County's funding and boat ramp locations. Ms. Keene stated that the County is currently working on a boat launch at Solley Cove, which has been awarded \$500,000 in matching funds from the DNR WIF. Additionally, the County, in coordination with Anne Arundel County Water Access Committee, investigated the feasibility of a boat launch facility at several locations throughout the County including Stoney Creek Park. Ms. Arrasmith stated that if Solley Cove is fully funded, money from this enhancement would most likely make Stoney Creek Park the next priority. Ms. Keene reminded the group that this enhancement has several potential partners and could provide matching funds towards multiple boat launches or retrofits.

Mr. Straughan asked if this enhancement was for the construction of a soft launch for kayak access. Mr. Velten stated that the enhancement would most likely fund a boat ramp/launch or retrofit, not a soft launch. Mr. Jones voiced concern about providing funding for boat launches that the County can fund. The need for public boat ramps in Anne Arundel County was then discussed by the committee. Currently, there are only four public boat ramps in Anne Arundel County, two of which are in Annapolis (please note that this number does not include soft launches).

6. Assistance/enhancement with local fishing groups: *This project would include providing assistance and/or enhancements to support local fishing and fishing organizations. The project may include the installation of structures to create an artificial reef to enhance fish habitat in the communities near the Cox Creek DMCF. The project may also include the installation of fishing piers on publicly accessible lands (\$400,000). \*Cost is based on the installation of 1,000 reef balls and one fishing pier.*

Ms. Ashley reminded the group that this enhancement could also fund events or programs focused on fishing, such as a fishing derby as suggested by Mr. Heinbuch. Mr. Straughan suggested decoupling installation of structures and piers, as the piers would not allow access to the structure installed in deep water. The committee agreed.

7. Bio-filtration outreach: *This project is associated with the AFW that will be constructed by the MDOT MPA Safety, Environmental and Risk Management (SERM) Office after grading and filling of the Hawkins Point South Cell is complete. Construction is expected to begin in 2020. This site would serve as an educational stop during MPA tours including those associated with guided tours of the Cox Creek DMCF (\$40,000).*

The committee agreed that this still is a viable option.

8. Bio-filtration installations (i.e. AFW and/or Biohut) in local waterways: *This project includes installation of an AFW or a Biohut in local waterways. An AFW is a structure that uses surface*

*water to grow algae, which will capture nutrients from the water. A Biohut is an artificial fish nursery meant to be installed on port infrastructures, such as docks, pontoons, or dikes, and provide food and shelter to juvenile fish. These installations require a high level of maintenance (\$5M).*

Ms. Keene stated that this enhancement would most likely require a large amount of maintenance. Ms. Laura Jones questioned if the costs included a staff member to manage the program and bio-filtration units. Ms. Correale stated that it did not.

Mr. Straughan reminded the group that this is the only enhancement that improves the environment and earns mitigation credits. Ms. Keene confirmed Mr. Straughan's statement, but added that there will be required environmental mitigation related to the CCE activities.

Mr. Heinbuch suggested reducing the size and scope for cost savings. Mr. Straughan voiced concern of the large budget. He stated that there are numerous projects to improve water quality that shouldn't be as expensive. Ms. Keene suggested breaking this enhancement into high-cost and low-cost options. The committee agreed.

The committee agreed that the factsheets and costs should be adjusted before the priority levels are assessed, tentatively planned for the next COC meeting.

## **5.0 Harbor Development Update**

**Chris Correale, MDOT MPA**

Ms. Correale presented updates on both the Masonville DMCF and additional dredging needs within the Port of Baltimore.

The Masonville DMCF was designed with a final dike elevation of +42 feet MLLW. Originally constructed with dike elevations of approximately +10 feet MLLW, Masonville is now receiving its first incremental dike raising, which will result in a dike elevation of +18 feet MLLW. She noted that the Kurt Iron Slip dike and Cofferdam would have lower elevations.

MDOT MPA would like to deepen a portion of the Seagirt Marine Terminal. Since the expansion of the Panama Canal, cargo has increased within the Port of Baltimore. Although the Port of Baltimore includes a deep berth, it is still viewed as berth-constrained by the shipping industry.

To increase efficiency, MDOT MPA is applying for a permit through the US Army Corps of Engineers (USACE) to deepen Berth 3 to -50 feet within the terminal. Simultaneously, MDOT MPA is asking the USACE to perform a feasibility study for the deepening of the remaining Seagirt Marine Terminal loop to avoid difficult maneuvers for the ships. The required time to go from the feasibility study through the dredging is estimated at 9 to 14 years. Ms. Correale explained that the created feasibility study must be reviewed and approved by all three levels of the USACE (3 years). If the project has a positive benefit to cost ratio, it then must receive authorization through the Water Resources Development Act (this occurs approximately every two years). Once authorization is received, the project must receive federal appropriations (approximately a 2-year process). The final two phases are design and construction (approximately 3-5 years). Although daunting, if this process is successful, the USACE will fund 90% of the dredging project.

MDOT MPA has accounted for this dredging in the long-range capacity planning for dredged material management, as it needs to occur to remain competitive in the shipping industry.

#### **6.0 Committee Administration**

**Chris Correale, MDOT MPA**

Ms. Correale announced that Mr. Glorioso will be retiring, leaving the Committee Chairperson position open. She thanked him for his service.

Ms. Correale reviewed the chairperson's role as well as other membership changes. Besides the chairperson, there is also a vacant position for the Anne Arundel County Watermen's Association representative. Mr. Heinbuch has been approved to represent the Pasadena Sportfishing Group while the Maryland Saltwater Sportfishing Association undergoes transition. Mr. Jim Matters will be the new representative for the South Baltimore Business Alliance upon Mr. Glorioso's retirement.

#### **7.0 Upcoming Meetings, Open Discussion, and Adjournment**

**Ms. Angie Ashley**

Ms. Ashley stated that the CC COC will meet quarterly in 2019 with the first meeting taking place in January. The committee was then reminded of the November 2, 2018 DMMP Annual meeting and the committee was asked to invite any community members that may be interested.

Ms. Ashley thanked the committee for their time and reminded them to contact her or MDOT MPA staff with any questions or if they are interested in being the new Committee Chairperson.