

# **Dredged Material Management Program Mid-Year Progress Report on Recommendations for 2016**

**Approved at the May 18, 2016, DMMP Management Committee Meeting**

At its meeting on November 19, 2015, the Dredged Material Management Program (DMMP) Executive Committee<sup>1</sup> reviewed, endorsed and approved the 2015 Annual Report of the DMMP Management Committee. This included approval of all of the recommendations for Management Committee actions to be taken in all areas of the DMMP during 2016.

The Maryland Port Administration (MPA) provides this Mid-Year Progress Report to the Management Committee members at about the mid-point of 2016 to describe the work performed to date on those recommendations.

## **Status of Actions on the Recommendations for 2016**

### **1. Open Hart-Miller Island (HMI) South Cell for public access and begin implementation of the North Cell habitat management plan.**

The South Cell will be open for public access beginning in May 2016, with an official ceremony tentatively scheduled for early June. This is a five year pilot project that is managed through an intergovernmental agreement among MPA, Maryland Environmental Service (MES), and Department of Natural Resources (DNR).

A preliminary Water Resource Analysis Study has been completed to determine a low maintenance habitat design for the entire HMI facility that includes sustainable rain-fed pond features. The North Cell of the facility is being dewatered to prepare for habitat development. The plan is currently being reviewed by MPA and DNR. Design of the South Cell interior berm modifications and the North Cell deep pool dimensions is anticipated to be completed in the summer of 2016. Anticipated future work for the South Cell includes: design of a permanent deep pool, new spillway designs, and recommendations on management of the holding pond.

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<sup>1</sup> The DMMP Executive Committee includes the Maryland Secretaries of Transportation, Environment, and Natural Resources, the Corps' Commanders for the Baltimore and Philadelphia Districts, the Chesapeake Bay Foundation, and liaisons to the DMMP Management and Citizens Advisory Committees.

**2. Work with the federal government to support sufficient funding and beneficial policies for the Corps' dredging program serving the Port of Baltimore, emphasizing the necessary funding increase needed for the Poplar Island Expansion and Mid-Bay site design. Engage in continued coordination efforts with the Corps at the District, Region, and Headquarters levels, the Assistant Secretary of the Army for Civil Works, and the Office of Management and Budget (OMB) on dredging and dredged material management funding requirements and planning to meet the current and future needs of the Port of Baltimore.**

The Corps received approximately \$47.3 million for Poplar Island and its Expansion in federal fiscal year 2016 budget and the President's budget for federal fiscal year (FY) 2017 and the just passed Senate and House Energy and Water Appropriations bills for FY 2017 all include \$62.3 million to continue construction. These funding levels are significantly better than MPA had anticipated. There are no funds in the President's federal FY 2017 budget or the Senate and House Energy and Water Appropriations bills for the Mid-Bay site design. MPA understands that this project can be budgeted only after completion of the federal Dredged Material Management Plan update. If the federal DMMP update is completed on its current schedule (July 2016), there is some chance that the site design could receive FY 2017 funding from undesignated Corps funds. MPA and the Corps will be managing this closely so as to avoid potential deauthorization of the Mid-Bay project. MPA is continuing coordination with Corps at the District, Region, and Headquarters levels, the Assistant Secretary of the Army for Civil Works, and the OMB on dredging and dredged material management funding requirements.

**3. Work with the Corps, directly and through AAPA, to ensure that Corps' implementation guidance for WRRDA 2014 is in line with Maryland's understanding of the intent of the law.**

MPA has actively engaged with the Corps and the AAPA on implementation guidance for the Water Resources Reform and Development Act (WRRDA) of 2014 and has provided suggested updates to WRRDA 2014 to clarify certain provisions that would be beneficial to the Port of Baltimore.

**4. Work closely with the Corps' Baltimore and Philadelphia Districts in updating their Dredged Material Management Plan to ensure their complete understanding of the Port of Baltimore's expected business growth and development and DMMP plans, so that the plans and schedules are fully coordinated.**

MPA continues to work closely with the Corps' Baltimore District office as that District updates its twenty year Dredged Material Management Plan. This plan will act as a roadmap for timely and quality project delivery for the Port of Baltimore for the next 20 years. The final report schedule has changed from February 2016 to July 2016.

**5. As MPA continues to develop its Dredged Material Management Program, focus on planning beyond the 20-year time frame, including identification of data and information needed to support long term sustainable dredged material management options.**

MPA will initiate identification of data and information in the second half of 2016.

**6. Continue to review and evaluate the 2011 Harbor Team recommendations and implement where feasible. Based on additional studies and more recent stakeholder feedback, the recommendations to be pursued in 2016 include continued:**

- **Implementation of the Cox Creek Expanded (CCE) Project on MPA owned property (Stage 1 Expansion).**

MPA has completed a Feasibility Study report for Cox Creek Expanded (Stage I Expansion). This report was provided to the Maryland Department of the Environment (MDE) and the Corps in March 2016. Geotechnical investigations and data evaluations towards final engineering design for the CCE dike raising are ongoing. MPA continues to coordinate with MDE regarding dike construction as well as upland remediation concepts. MPA will submit a permit application to receive an MDE Dam Safety permit for raising of the existing dredged material containment facility (DMCF) dike and construction of the upland dikes. Demolition of the existing buildings in the upland began in December 2015 and is anticipated to be complete by December 2016. The Cox Creek Citizens Oversight Committee meets regularly and receives updates on the project's progress.

- **Pursuit of acquisition of the Cristal USA property for CCE Stage 2.**

MPA continues to perform due diligence related to negotiations for potential acquisition of the Cristal property. MPA and its subcontractors are currently evaluating costs associated with potential remediation at the site. MPA has met with MDE to discuss a path forward for closing the existing MDE Consent Order if MPA were to acquire the property.

- **Implementation of the Confined Aquatic Disposal (CAD) Pilot Project.**

MPA has received all necessary permits for the implementation of the CAD Pilot Project. As a requirement under the Corps permit, a comprehensive nutrient monitoring program has been established. The draft placement monitoring plan has been presented to the Corps and MDE, and has received preliminary approval. The final monitoring plan will be presented to the Corps and MDE in spring 2016 for formal approval. Construction of the CAD pilot cell will occur between July and September 2016.

- **Review of the potential to establish a DMCF at Coke Point.**

MPA continues to discuss with the property owner opportunities to use Coke Point as a Dredged Material Containment Facility (DMCF).

- **Implementation of the revised Innovative and Beneficial Use Strategy.**

Since the revised Innovative and Beneficial Use Strategy was approved in June 2014 by the DMMP Executive Committee, several of the strategy items have been implemented or are in the

process of being implemented. The Innovative Reuse Committee (IRC) has been kept informed of progress and continues to provide input and guidance. See status of recommendation 7 below for more detailed information.

**7. Implement a new direction for innovative and beneficial use by completing the economic analysis, completing the work of the Regulatory Action Work Group, and identifying small scale projects for implementation.**

MPA continues to coordinate with the University of Maryland Center for Environmental Science (UMCES) to complete an innovative and beneficial use economic analysis.

MPA initiated the Innovative and Beneficial Reuse Interagency Regulatory Workgroup in July 2015. Since that time the Workgroup has met monthly to review existing regulatory policies and determine whether opportunities exist to better facilitate the reuse of dredged material in Maryland. To focus its efforts, the Workgroup has formed three subcommittees addressing statutory/policy, technical, and outreach issues. The Workgroup submitted a draft report of its findings and recommendations to the DMMP Management Committee at its February, 2016 meeting. Subsequent to this presentation, the draft report was provided to all DMMP stakeholder committees for review and comment. A final draft report was provided to the DMMP Management Committee at its May 2016 meeting. The final report and recommendations for policy changes will be presented to the DMMP Executive Committee for approval at the June 2016 meeting.

MPA continues to investigate opportunities for small scale projects for implementation, with a focus on MPA-owned and other state agency property. Once the recommendations from the Regulatory Workgroup are accepted and implemented, there will be more certainty on the regulatory process for state agencies and private sector partners to advancing new, small-scale pilot projects moving forward.

**8. Support the Corps' Philadelphia District (CENAP) as it works with stakeholders and MDE to pursue dredged material placement capacity at previously used C&D Canal upland sites for placement of material dredged from the C&D Canal approach channels. Maintain the schedule for the re-opening of the Pearce Creek DMCF and installation of a new water supply system for citizens.**

A Water Quality Certification (WQC) was issued by MDE, in December 2014, to authorize CENAP to maintenance dredge the C&D Canal and its approach channels and place the dredged material at the Pearce Creek DMCF along with the installation of a liner. The Philadelphia District Corps of Engineers requested an extension of the WQC and received the extension from MDE on March 24, 2016. The extension is through March 31, 2018. Liner installation is expected to be completed for the receipt of dredged material during the October 2017 – March 2018 dredging season.

The Town of Cecilton (the Town) has agreed to provide potable water service to areas affected by degraded groundwater, including reservation of capacity for lots of record, in accordance with the Grant Agreement between the Maryland Department of Transportation (MDOT) and the

town which is implemented through the MPA and the Town. Water system construction, including on-lot connections, is expected to be completed by spring of 2018.

**9. Sustain the public’s engagement, understanding, and support of the Maryland’s DMMP through strategic outreach to the communities, government agencies, non-government organizations, businesses, and schools in the vicinity of project sites. Incorporate stakeholder feedback and input in the DMMP planning process. Continue to build upon existing partnerships, and develop new partnerships, with DMMP stakeholders.**

MPA’s outreach and education program continues to engage with key stakeholders. There continues to be a coordinated outreach effort to citizens and other stakeholders regarding the Cox Creek Expanded project. The Cox Creek Citizens Oversight Committee is fully engaged in the project’s progress. In March 2016 MPA invited DMMP stakeholders to view the in-flow occurring at the Cox Creek DMCF. Approximately 20 stakeholders attended and became more aware of how dredged material is managed. MPA remains engaged with the various dredging program committees, communities, environmental and education groups, and citizens interested in the program. Efforts are underway to identify and increase stakeholder engagement in the Brooklyn and Curtis Bay communities in support of the project at Masonville. MPA is looking at ways to improve communication pathways via changes to committee meeting agendas, social media, and personal connections.

**10. Complete a comprehensive water quality management strategy for all DMCFs that will focus on compliance obligations, TMDL implementation and maximizing dredged material placement capacity.**

The National Pollutant Discharge Elimination System (NPDES) Overlay Permit to manage nutrients discharged within the Baltimore Harbor watershed from the Cox Creek and Masonville DMCFs, as well as future Harbor DMCFs, was effective May 1, 2015. MPA continues to implement a nutrient monitoring program at all placement sites in order to collect nutrient data that will accurately reflect the loads discharged and to help plan and implement best management practices (BMPs). Data is also being collected to assess separately the mass balance of individual inflow projects, and to assess the effectiveness of the recirculation inflow BMP. MPA continues investigating the feasibility of an Algal Turf Scrubber BMP at the Cox Creek DMCF to collect nutrient data and determine the effectiveness of its nutrient reduction capabilities. Additionally, MPA continues to investigate water treatment options and conduct exterior water and sediment quality monitoring for a wide variety of parameters in the vicinity of the DMCFs. Information collected from nutrient reduction BMPs and water treatment options will be used in the development of the comprehensive water quality management strategy for DMCFs.