

**FINAL DRAFT**  
**SUMMARY OF THE DREDGED MATERIAL MANAGEMENT PROGRAM**  
**MANAGEMENT COMMITTEE MEETING**

**March 15, 2017, 9:00 AM**

**World Trade Center, 20<sup>th</sup> Floor Stanton Room**  
**401 East Pratt Street**  
**Baltimore, Maryland**

**Attendees:**

*Citizens' Advisory Committee (CAC)*: Fran Taylor

*Council Fire*: George Chmael

*Ecologix Group*: Steve Pattison

*Maryland Department of Natural Resources (DNR)*: Bruce Michael, Rich Ortt

*Maryland Department of the Environment (MDE)*: Matt Rowe

*Maryland Environmental Service (MES)*: Cece Donovan, Jeff Halka

*Maryland Department of Transportation's Port Administration (MPA)*: Sergio Adantor, Chris Correale, Bertrand Djiki, Kristen W. Fidler, Natasha Pavlovich

*National Marine Fisheries Service*: Kristy Beard

*US Army Corps of Engineers, Baltimore District (CENAB)*: Fred Kimble, Graham McAllister

*US Army Corps of Engineers, Philadelphia District (CENAP)*: Gavin Kaiser

**Action Items:**

1. None

**Statements for the Record:**

1. None

**1.0 Introductions, Approval of Meeting Summary**

**Ms. Chris Correale, MPA**

Ms. Correale welcomed the attendees and called the meeting to order. Attendees were asked to introduce themselves and state whom they represent. Ms. Correale requested comments on or changes to the summary from the November 14, 2016 Dredged Material Management Program (DMMP) Management Committee Meeting. Mr. Taylor made a motion to accept the meeting summary. Mr. Michael seconded the motion, and the motion passed unanimously.

**2.0 Citizens Advisory Committee Report**

**Mr. Fran Taylor, CAC**

Mr. Taylor stated that 2017 has started as a year of progress; citizens have been staying active in the citizen committees. He added that the DMMP CAC and Harbor Team meetings have been well attended; there has been an increase in meeting attendance and membership. Mr. Taylor stated that Ms. Angie Ashley will replace Fran Flanigan as the CAC facilitator. He also noted that Kathy Broadwater retired from MPA. Ms. Broadwater was a great supporter of the CAC, community involvement, and the entire DMMP.

Mr. Taylor stated that he participated in the February stakeholder discussion to review the Innovative Reuse and Beneficial Use (IBRU) of Dredged Material Draft Guidance Document. A public forum will be held in April to discuss progress; CAC members will attend and provide recommendations, if necessary. Mr. Taylor asked MPA to continue to be transparent and allow committee feedback on presentations.

The Hart-Miller Island (HMI) Citizens Oversight Committee (COC) is considering transitioning from an oversight committee to a friends group. He added that MPA is working on a long-term transition of park management to DNR. The last exterior monitoring event is scheduled to take place in 2018. The HMI COC recognizes that their role is changing, so they are reaching out to local organizations to identify interested parties for membership in the friends group. At the next Hart Miller Island COC meeting, the president of the Maryland State Parks Association will be a guest speaker.

The IRBU outreach team held their first public outreach meeting to present the “Sediment to Solutions: Channeling Innovation” video and technical document. Mr. Taylor received positive feedback; community members were impressed with the progress on MPA’s projects. He added that the Innovative Reuse Regulatory Workgroup members are thinking about long-term initiatives, goals, and placement needs.

Mr. Taylor stated that the citizen committees have provided feedback to him on the Tradepoint Atlantic dredging. A citizen is calling other citizens to express concern about dredging in the Sparrows Point area. Mr. Taylor suggested informing the CAC of any challenges and proposals in order to initiate positive and informed discussions with the community. Mr. Taylor stated that the community organizations will participate in an HMI tour in May.

### **3.0 Chesapeake Bay Restoration/TMDL Implementation**

Mr. Matt Rowe, MDE

Mr. Rowe stated MDE held five regional meetings in the fall to reach out to local governments and to provide them an update on the status and next steps of the Watershed Implementation Plan (WIP). Engaging local stakeholders is a key component of the WIP for the Total Maximum Daily Load (TMDL) regulatory requirements.

Mr. Rowe stated that the Chesapeake Bay (Bay) TMDL was established in 2010. The Bay TMDL WIP is unique because it was developed along with the state TMDL goal. There are three stages to the WIP. Phase I was implemented in December 2010 and affected the five major basins: Patuxent River, Potomac River, Eastern Shore, Western Shore, and the lower Susquehanna River. Phase II was implemented in October 2012 and broke those broader components down to a local level. MDE is currently working on the 2017 Midpoint Assessment, which checks the progress for meeting TMDLs. In 2018, Phase III will be due, which will outline a pathway for meeting 100% of the TMDL by 2025.

The 2017 Midpoint Assessment process uses an adaptive management approach to identify what is needed to achieve 100% of the TMDL by 2025. MDE will use refined data and information to update the Maryland Assessment Scenario Tool (MAST) to improve accuracy, transparency and confidence in planning and tracking. MDE will optimize the WIPs by engaging local partners, addressing emerging issues, and establishing a financially feasible pathway. Mr. Rowe presented a figure detailing the 2016 progress in meeting the TMDL nitrogen goals for Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington D.C., New York, and the total Bay watershed. MDE has adopted using 1-meter federal high-resolution land cover imagery for their models to reduce pixelation and improve their understanding of the location and extent of pollution sources. At the local level, MAST uses MD 6-inch pixel imagery to provide more refined geographical data for decision-making purposes. The Bay Program Committee's expert panel is prioritizing best management practices (BMP) into a matrix and identifying where each BMP is in the development/approval process. The Phase I and II WIPs provided the necessary information to prepare for a successful Phase III WIP. The states involved set forth their milestones, which describe the activity that will be done over the next two years.

The 2016 Bay Spending Report was presented to the Maryland General Assembly; the current fiscal estimate for reaching the 2025 goal is approximately \$5.1 billion. Approximately \$7 million was spent to reach the Midpoint. While expensive, Maryland is ahead of other states in meeting pollution reduction goals due to the replacement of urban stormwater and septic systems. Wastewater treatment plant (WWTP) upgrades are expected to keep Maryland on track by making up for lack of progress in other sectors. The Report outlines that it is very important that the current regulations be maintained through effective enforcement.

Mr. Rowe outlined the six elements of Maryland's Bay restoration framework, which were presented in the Report:

1. Use WWTP growth allocations wisely to preserve options for local growth
2. Mitigate the future impact of growth in pollutant loads
3. Transition to credit-based financing/accounting
4. Reaffirm that restoration responsibility starts and ends with the states
5. Complete a strategy to address the cost to implement remaining nutrient and sediment reductions
6. Recognize that success does not end in 2025

Mr. Rowe stated that the Conowingo Dam and Reservoir were not included in the original Bay TMDL. The Conowingo Dam Reservoir is filled and is no longer trapping sediments, affecting the loads to the Bay. MDE anticipated this issue, but is unsure what additional reductions will need to be achieved. Mr. Michael stated that MDE is unsure if all jurisdictions, the Susquehanna River basin, the states, or a combination will be affected by the additional reduction requirements. The Principal Steering Committee to the Executive Council, which facilitates communication with the states and EPA, will make a decision in late summer on how additional loads from the Conowingo Dam will be addressed. Mr. Rowe stated that Pennsylvania and New York are already experiencing difficulty meeting their original load allocations; the addition of Conowingo Dam loads would further the difficulty for those states to meet their load allocations.

Mr. Rowe stated that climate change issues, such as increasing precipitation, which has the potential to increase runoff including delivery loads to the Bay, will need to be addressed in the TMDL. MDE is inquiring if the loading impacts are quantified for the Phase III WIP, or only accounted for in the strategy choices and quantified later. Mr. Rowe stated that MDE has a schedule of events; however, they are slightly behind schedule in obtaining information for the model. Mr. Michael stated that the Phase III WIPs are anticipated to be complete in mid-2018, and implemented at the end of 2018. He added that MDE recognizes the importance to have input from the local jurisdictions and the people that the WIP impacts.

Mr. Chmael asked if there were any updates on the Maryland trading policy. Mr. Rowe responded that the Water Quality Trading Advisory Committee (WQTAC) meetings have been postponed. MDE is discussing the Maryland trading policy internally; at this time, there is not a definitive timeline.

#### **4.0 Innovative Reuse Regulatory Workgroup**

**Ms. Kristen W. Fidler, MPA  
Mr. Matt Rowe, MDE**

Ms. Fidler stated that the Innovative Reuse Regulatory Workgroup (Workgroup) have made significant progress towards the completion of the draft Innovative Reuse and Beneficial Use of Dredged Material Guidance Document and Technical Screening Criteria (Document). The Document is being reviewed by MDE's Assistant Attorney General before being posted for public review.

### Overview

Ms. Fidler stated that the document is rooted in existing MDE statutory/regulatory authority and standard operating procedures. It establishes a framework that is end-use based and risk-based using Environmental Protection Agency (EPA) Soil Regional Screening Levels (RSLs). The Document creates a structure to reuse dredged material by clearly setting categories and criteria; however, there is flexibility at every stage. The Document allows for updates as new technology emerges and new innovative uses are identified. The Document closes the existing regulatory gaps through a policy framework that includes four tiered categories of dredged material management options. Ms. Fidler stressed that the Document is not new regulation, change in existing statute, substitute for existing regulations or law, or imposing legally binding requirements.

In the 2016 Workgroup Report, 7 key findings were identified through comprehensive review. Three of the findings were based on outreach and state agency leadership. Four of the seven findings were based on a technical, regulatory framework. For Maryland, the Workgroup found there was a lack of clarity regarding legal and appropriate end uses of dredged material. Other state programs included clear statutory authority to regulate and implement acceptable uses for dredged material. Model programs established authorized uses in a tiered permit structure for other uses. Other state programs have a separate beneficial use for dredged material management office or a joint programmatic effort between their land, air, water, and waste regulatory departments. All nine state programs reviewed had minimum technical screening criteria for standards.

In moving forward and delivering on the Workgroup's recommendations, the Document clarifies MDE's statutory authority. Ms. Fidler stated the Workgroup identified end use-based scenarios and created flow charts for each. The Document has tiered categories based on data determined through sampling and testing as well as project-specific factors for end uses. The Document uses EPA's RSLs, which are technical, risk-based screening criteria. This is important because the innovative reuse of dredged material will no longer be required to fit into State voluntary cleanup program (VCP) non-residential and residential soil standards. The screening criteria can be applied to the raw, dried dredged material or to the blended product, allowing for added flexibility. The Workgroup has seen extensive coordination among MDE's water, land, air, waste, and science administrations. MDE's leadership and coordination has allowed the Document to be developed. Within the Document for every proposed end use, there are identified points of contact at MDE depending on the dredged material's end use. Ms. Fidler reiterated that the Document is draft and will be open for public review and comment; the feedback from the users, general public, and regulated community will be integral to the final Document.

### Format of Document

Mr. Rowe provided an outline of the Document; the green text indicates new MDE policy or guidance information. The Document will streamline the process and encourage beneficial and innovative use projects. The new policy applies to land use, where the material is used as engineered fill such as under a roadway, remediating a brownfield site, or as landfill cover. The new MDE policy and guidance establishes four categories based upon sediment, chemical, and physical concentrations and applies risk-based screening criteria:

- Category 1: residential unrestricted;
- Category 2: non-residential restricted use;
- Category 3: restricted use, cap required; and

- Category 4: ineligible for reuse.

Category 1 material can be used with very few restrictions; the material is clean and MDE is not concerned about exposure causing public health or environmental effects. Category 2 material is used for commercial and industrial use, allowing for different exposures. Land use controls are required within this category. Category 3 material is similar to Category 2 material but requires the material to be buried at a project site, and a clean cap to be put in place to prevent exposure and direct contact with the soil. Category 4 material exceeds Category 3 screening levels, may not be used for innovative or beneficial use, and must remain in a dredged material containment facility (DMCF).

Mr. Taylor asked how a future political leader would know what Category of material exists at a site. Ms. Fidler responded that the material's Category would be listed on the deed to ensure that the information is known and transferred.

#### *Key Takeaways and Next Steps*

Ms. Fidler stated that the term “processed” now refers to material that is, at a minimum, dried; “unprocessed” is the wet slurry. These terms are important in designating when a material is no longer dredged material and when it is a usable product. Material that is “processed” will be called “fill” and is a usable product with a lot of potential. Based on sampling data, comparison to EPA RSLs, and the tiered Categories, the majority of the MPA’s Cox Creek DMCF material would be Category 2 material.

The Document and corresponding MDE fact sheet will be posted on MDE’s website this week for circulation to DMMP Committee members and stakeholders; this will initiate the ninety-day public review period. Ms. Fidler stated that the document was presented to key DMMP stakeholders and the Innovative Reuse Committee. The Workgroup will meet with DMMP Committees and small groups to discuss in further detail and address concerns. A public forum will be held Tuesday, April 25, 2017 at 6 pm at MDE Headquarters. Following public feedback, the Workgroup will revise the Documents and MDE will respond to any outstanding comments. Ms. Fidler stated that the estimated submittal of the Final Document to MDE will be in June 2017, with MDE Approval by July 2017.

#### **5.0 Corps of Engineers, North Atlantic, Baltimore (CENAB)**

**Mr. Graham McAllister,  
Mr. Fred Kimble, CENAB**

##### *Baltimore Harbor and Channels Maintenance Dredging*

Mr. McAllister stated that the dredging contractor, Great Lakes Dredge and Dock Co. (GLDD), dredged the Ferry Bar Channel. Approximately 62,500 cy of material from the Ferry Bar Channel will be placed in the newly-constructed Confined Aquatic Disposal (CAD) cell at Masonville. GLDD will return to dredge Craighill Angle in April 2017. Following the receipt of dredging surveys for the Craighill Angle, the expected dredging amount has increased from 500,000 cy to 850,000 cy. CENAB expects GLDD to complete Craighill Angle by May 2017; the material will be placed at Poplar Island. Mr. Halka asked the timeline between the surveys and the Craighill Angle dredging. Mr. McAllister responded that nine months passed between the two events.

GLDD will return to dredge some Harbor channels and clean up the Ferry Bar Channel; that material will be placed at Cox Creek DMCF. An additional 500,000 cy will be dredged from the Brewerton Angle, which will also be placed at Cox Creek. The Baltimore Harbor projects are expected to be completed in May 2017.

CENAB will begin advertising for maintenance dredging of the Cape Henry Channel and Virginia approach channels; material will be placed at the Dam Neck Open Water Placement Site. Surveys of the Cape Henry and Virginia approach channels will be conducted in April 2017.

*Masonville Decision Document*

CENAB drafted a decision document that demonstrates that it is in the federal government's best interest to place material at the Masonville DMCF. Once approved by USACE North Atlantic Division (NAD) and Headquarters (HQ), CENAB can enter into an agreement with MPA to place material at Masonville and pay a tipping fee.

CENAB is finalizing a Memorandum of Agreement (MOA) with MPA so that CENAB can transfer Energy Transfer Port funds to perform maintenance dredging for cargo vessel berths at Dundalk Marine Terminal (DMT).

*Poplar Island Expansion*

Mr. Kimble stated that 30.2 mcy of dredged material have been placed, and 289 acres of wetlands have been created at Poplar Island through 2016. One of the three expansion contracts is for Norfolk Dredging who will be mining and stockpiling sand for vertical and lateral expansion; they are expected to be complete in August 2017. The second contract is for Marine Technologies to conduct spillway modifications by upgrading site infrastructure for vertical expansion; they are expected to be complete in April 2017. Lateral Expansion Contract 1 is being executed by Precon Marine for the construction of the perimeter dikes for the first expansion wetland cell and dredging of the northern access channel; they are expected to be complete in December 2017. The Lateral Expansion Contract 2 will be awarded in the near future for the embayment and remaining three wetland cells in September 2017. The expansion contract work is scheduled to be complete in late 2019 or early 2020. The expansion projects will allow for placement at Poplar through 2029/2030.

*DMMP Update*

Mr. Kimble stated that the Dredged Material Management Plan report was submitted to and reviewed by USACE NAD and HQ. CENAB received final comments in February, and will deliver comment responses to HQ by the end of March. CENAB expects final approval by May. The report reconfirms the Poplar Expansion and Mid-Bay as recommended plans for the Bay channel material placement. The report also recommends continued use of Cox Creek, Masonville, Cox Creek Expanded, and CAD for Harbor material.

*50-foot Widening*

Mr. Kimble stated the 50-Foot Widening Reevaluation Report Study is evaluating the benefits of widening the channels to 750- and 800-foot widths in the Maryland channels and 900-, 950-, and 1,000- foot widths in the Virginia channels. Mr. Kimble noted that the study does not include widening the Harbor channels. CENAB is preparing a draft report for public review, which should begin in June 2017. CENAB anticipates the final report to be submitted in December 2017.

*Mid-Bay Islands*

Mr. Kimble stated CENAB is working on internal review of the project management plan, the integral determination report, and the design agreement. CENAB experienced delays due to policy changes; however, CENAB is back on schedule to finish review and submit the final package to USACE HQ by April 2017. CENAB is building the 2019 budget for Mid-Bay; CENAB hopes to receive construction

design funding as soon as possible. The current plan is to seek construction funding for the Barren Island ecosystem component in 2020 and to start construction of the James Island component in 2023.

## **6.0 Corps of Engineers, North Atlantic, Philadelphia (CENAP) Mr. Gavin Kaiser, CENAP Pearce Creek**

Mr. Kaiser stated that the liner for the Pearce Creek project has been installed and passed inspection. In April/May 2017, CENAP will drill eighteen new monitoring wells around Pearce Creek. In October 2017, a geotextile layer will be placed on top of the liner for protective purposes. Dredging is expected to occur in November 2017. GLDD began dredging in the Pooles Island area on March 5, 2017; 420,000 cy of material will be placed at Poplar Island. There have been minor setbacks; however, CENAP expects to remain on schedule and complete the dredging by the end of March 2017. Once the current contract with GLDD is complete, CENAP does not anticipate placing material at Poplar Island during the remainder of the year.

## **7.0 Harbor Development Update**

Ms. Correale stated that MPA has acquired some of the Point Breeze properties. She added that the acquisition is strategic and beneficial to MPA since it is adjacent to Seagirt Marine Terminal. The Hogan administration is looking at revised criteria for Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Grants; MPA hopes to successfully compete for a FASTLANE grant to modify the Howard Street Tunnel for double-stacking in the near future.

Senator Van Hollen toured the Port; MPA discussed Port business and the dredging program, emphasizing the importance of funding for dredging and Mid-Bay. Ms. Correale stressed that MPA will lose federal authorization to construct Mid-Bay if construction is not initiated within seven years of passage of the Water Resources Reform and Development Act of 2014. MPA also met with Congressman Ruppersberger and Congressman Harris to discuss funding and Mid-Bay.

MPA held a two-hour strategic thinking session on the next steps for climate change resiliency for MPA's landside and waterside facilities, led by Mr. Don Boesch. MPA also conducted a study in 2010 to investigate climate change resiliency.

Ms. Correale stated that MPA has made progress on the June 2014 Innovative Reuse Strategy action items. MPA is interested in expanding the work of Cox Creek to incorporate innovative and beneficial use projects. MPA has increased the amount of data in the Sediment Quality Database in order to identify locations of better dredged material for innovative reuse (IR). DNR conducted sampling for MPA to develop correlations between what is in the channels and what is in the DMCF; some correlations were developed. MPA is investigating opportunities for demonstration projects around the Harbor and would like to secure them within the next year. MPA is coordinating with University of Maryland Center for Environmental Science (UMCES) to develop a report to value reclaimed capacity at placement sites (primarily Cox Creek). MPA suggested to CENAB under Section 1122 of the 2016 Water Resources Development Act (WRDA) some potential pilot projects for IR. Mr. McAllister added that CENAB submitted the proposed pilot projects for approval. Ms. Correale stated MPA is exploring opportunities to foster research and innovation with Anne Arundel Community College (AACC) on combined waste streams for food waste, poultry litter, and dredged material. MPA is also partnering with University of Maryland, College Park on test blends and leachate analysis of dredged material. In conjunction with a local architecture firm, MPA is preparing to implement a summer internship program, *Design with Dredge*, with a focus on Harbor beneficial use and climate change

resilience. The architecture firm will be able to create visualizations to demonstrate to the public how dredged material might look in a real-life application. Ms. Fidler stated that prior to the internship MPA and key partners will meet with the architecture firm to discuss the DMMP and current IR activities. MPA will coordinate with DNR's fellowship program to connect coastal resiliency with dredged material reuse. MPA is continuing to work on the Recycled Materials Task Force Sub-Committee on dredged materials. In the future, MPA will develop contracting strategies to address the issue of no guaranteed volume of material. MPA will continue to engage in the public-private partnership process and seek additional opportunities.

#### Cox Creek Expanded

Ms. Correale stated the demolition of buildings at Cox Creek is 90% complete; MPA is working with EPA to remove and properly dispose of high concentration polychlorinated biphenyls (PCBs) from Building 201. MPA conducted a base dike test to analyze the geotechnical properties of the material. Due to a mud wave within the DMCF, more fill material than previously anticipated will be required. A second test of the base dike will be completed after spring 2017 inflow. MPA will continue progress on the design of the dike; construction will begin in spring/summer 2018.

#### Masonville

Ms. Correale stated dike raising design is underway; MPA expects the dike raising to begin in summer 2017. MPA continues to make progress in completing the required mitigation projects. MPA held a pre-construction meeting with the contractors for the DMT Trash Interceptor in March. The Masonville Cove Trash Wheel contract was awarded in early March.

#### CAD Pilot Project

Ms. Correale stated MPA completed filling of the CAD cell with maintenance material from the Ferry Bar Channel. The first monthly post-placement survey occurred in March 2017; MPA will be regularly monitoring the site. The preliminary results show that the turbidity concentrations during placement were within State water quality standards.

#### Pearce Creek

Ms. Correale stated that the transmission line and the distribution line for water have been completed; the last connection was made in February 2017 near Bay Circle and Old Barn Lane. The on-lot construction is scheduled to begin in spring 2017 and be complete by spring 2018.

#### Upcoming Dredging Meetings

Ms. Correale stated a public meeting will be held March 16, 2017 at Benjamin Franklin High School to discuss feasible multimodal transportation options to Masonville Cove; this is being funded by the Federal Lands Access Program (FLAP) Grant. The Grant was awarded to MPA to identify pedestrian access to the Masonville Cove Urban Wildlife Refuge. A study of the findings will be drafted.

Ms. Correale stated the Cox Creek Expanded Public Information Meeting will be held April 6, 2017 at the Riviera Beach Fire Hall. Communities will receive updates on the progress MPA is making on the Cox Creek expansion.

Ms. Correale stated that the Pearce Creek public information meeting, "*What to Expect During On-lot Construction*" will be held April 8, 2017 in Chesapeake City. The meeting will focus on providing Pearce Creek residents with details associated with the third phase of the waterline construction project, which involves the on-lot connections and well abandonment.

## **8.0 Closing Comments and Adjourn**

Mr. Michael stated that MES is heading a workgroup that is investigating the potential for a dredging pilot project at Conowingo Dam. DNR is also determining the cost effectiveness of additional phosphorus BMP implementation upstream in the Susquehanna watershed. DNR is investigating ways to beneficially reuse dredged material at Conowingo Dam. Governor Hogan will host a Conowingo Dam summit in summer 2017; DNR is hoping to announce the findings from their cost effectiveness analysis then.

Mr. Kimble stated CENAB began dredging the lower reaches of the Wicomico River; the placement will be a shoreline restoration project in Ellis Bay. Approximately 100,000 cy of dredged material will be placed along the shoreline; once consolidated, the area will be planted to restore marshes. CENAB will discuss any lessons learned with the IBR Workgroup for beneficial use projects implemented in the Harbor.

Ms. Jones stated that MPA is working with Port Discovery and the Baltimore Museum of Industry to update their presentations to include and embrace the maritime history of Baltimore.

Ms. Correale stated that the DMMP Executive Committee meeting will be held May 18, 2017 at Maryland Department of Transportation (MDOT) Headquarters.

The next DMMP Management Committee meeting will be held June 21, 2017 at the World Trade Center. There were no additional comments; Ms. Correale thanked everyone for their attendance and the meeting was adjourned.