

The CLUE

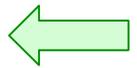
Calendar of Events

Wednesday, January 13, at 7 pm

Planning Commission's public forum and hearing on the draft new Comprehensive Plan (County Admin Building)

Tuesday, January 19, at 6 pm

CLUA Annual Meeting with elections for the Board of Directors (North East library)



Wednesday, January 20, at 12 noon and 7 pm

Planning Commission (County Admin Building)

In This Issue: Changing CLUA's structure (p.1); Notes on the Maryland AG's Susquehanna Town Hall meeting (p. 2); Video on Cecil County growth (p. 3); Cecil Watershed Watch (p. 4).

Changing CLUA's Structure

Now that CLUA is ready to form committees to work on various issues, I felt it was time to look at the organization's structure and see if there's a better way of reaching our goals. I talked with members of the Board about their experiences working on the Standing Committees (see our Bylaws at http://cecillanduse.org/clua/CLUA_Bylaws_3.pdf). I took this information and the results of our survey and came up with some ideas on how to make things flow more smoothly. In addition, George Kaplan has been publishing our newsletter and updating our website. We are **very** grateful for all of the hard work he's done and the excellent newsletters he's published, but I think it is time for an official Board member to take on these duties.

I presented my ideas to the Board during a recent Board meeting and they voted unanimously to try them out for the next six months. I want to briefly present these ideas to the membership in this article and more fully at our January meeting.

Right now, the Board has four Officers: President, Vice President, Treasurer, and Secretary. I propose that we add another officer, tentatively called the **News Coordinator**, to take on the responsibility for publishing our newsletter and keeping our website updated.

This person doesn't necessarily have to have the tech savvy to do the work him/herself; just make sure the jobs are done in a timely manner.

The Board also has five Standing committees: Research, Policy, Outreach, Finance, and Political. Based on the survey's results, I'd like to change the committees to reflect CLUA's overarching goals. As a result, I propose we have four **Goal Coalitions**: Preserve Agriculture, Protect the Environment, Land Use Planning, and Government Processes. Each coalition will have one to several committees working on issues related to its goal. Each committee will take on all of the jobs of the previous Standing Committees with the exception of Finance. This will allow each committee to fully take on its issue and do what needs to be done to reach their goal(s). We don't do much fundraising, but when we do, we need everyone to pitch in. So I think we should have a Board member specifically responsible for coordinating CLUA's fundraising efforts when the need arises.

These changes will be explained in greater detail at our January meeting on the 19th (6:00 pm in the North East Library). Also, we will be voting for which issues we want to take on and forming new committees. I look forward to seeing you there.

Julia Belknap
President

Notes from the Maryland Attorney General's "Town Hall" Meeting About the Susquehanna

The Maryland AG (now Douglas Gansler) performs "river audits" on all major rivers draining into the Bay on a regular basis; 2009 audits will be in a report due out on Earth Day 2010. These audits are part of his duties as the attorney for pollution enforcement for the Maryland Dept. of the Environment and the Maryland Dept. of Natural Resources. As part of his audit of the Susquehanna, he held a "Town Hall"-type meeting near Port Deposit on December 9.

Mr. Gansler is the head of the Environmental and Energy Committee of the National Association of Attorneys General.

The Susquehanna and the Potomac are the two biggest agricultural draining rivers. Half the water in the Bay comes from the Susquehanna. Pennsylvania is "particularly egregious" in not enforcing regulations on ag runoff and other pollution sources. "Gender bending" (sex ambiguity) of fish in both rivers is now common. Gansler and staff are trying to figure out the best legal strategy for going after polluters in Pennsylvania. There were some Pennsylvania environmental people at the meeting asking for enforcement help from Maryland.

The Bay is now a "no human discharge" zone; important for boaters.

Citizens' environmental groups now have "associate" legal standing to bring permit challenges related to environmental issues. (Not clear how broad this is.)

There are plans to build a chicken manure power plant on the Eastern Shore. Eastern Shore farms produce about 1 billion pounds of chicken manure annually, a major pollution source on this side of the Bay, and the planned power plant would use about half of it, generating 4.5 Megawatts of electricity.

There is arsenic in U.S. chicken feed (makes chickens look pinker in the store) but it has been prohibited in Europe for some time and may be soon eliminated in the U.S.

The AG is aware of the fly ash disposal issue at the Stancill quarry near Charlestown (half of which is in the Chesapeake Bay Critical Area) but is bound by MDE regs, which say it's OK if the pit is properly lined. ("Fly ash" is a coal combustion byproduct from power plants with heavy metal content. Two recent disposal sites in southern Maryland have caused water contamination.) Several people spoke of concern about this issue and the recent Cecil County Circuit Court ruling which disallowed a Cecil County zoning ordinance against fly ash disposal in certain zones. For background information, see the CLUA Newsletter of July 2008 at http://cecillanduse.org/clua/Newsletter_200807.pdf, page 4.

Citizens also expressed concern about use of sewage sludge as a fertilizer, which is currently a legal and regulated activity (MDE regs); one man called it a "license to pollute".

Mr. Gansler stated that there has been no net decrease, over time, of nitrogen going into the Bay – although agriculture is decreasing in land area, suburbia is increasing. However, Rupert Rossetti says that this is not true, that some pollution control goals are being met, and that the situation is more complex than Mr. Gansler described; see charts at http://www.chesapeakebay.net/status_reducingpollution.aspx.

See also the fourth article in The Cecil Watershed Watch, below.

— George Kaplan

Cecil College Student Makes Video of County's Growth Problems

Check out "Pop Goes Cecil County" at http://www.youtube.com/watch?v=SfWofIZoo_Y

Note the interview with CLUA Board member Nancy Valentine.

The student who produced it, Robert Moreland II, writes:

I finished the video and showed it during the Fall VCP Exhibit at Cecil College and it seemed to go over well (they showed everyone's work on a continuous loop in one of the lecture halls so people could come and go, which was different than what I expected so I don't know how many people actually saw it or what the overall reaction was).

I did have a few people comment to me afterward that it opened their eyes to the growth here in Cecil County that they had noticed in passing before but had never really made the

mental connection to. So even though it didn't reach a lot of people it did reach a few, which was what I was hoping for.

Here is a link to the video if you care to see it. If you wish to pass it along please feel free to do so, all I ask is that you give me credit. It's on youtube so the quality isn't the best that it could be (you can click the HD button which helps some) but I do have the original file which is somewhat better as well as the original raw footage.

http://www.youtube.com/watch?v=SfWoflZoo_Y

Sincerely,
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Cecil Watershed Watch

January 2010

Rupert Rossetti
(RupertRossetti@aol.com)

Local Watershed Activities:

1. **More Kudos to Kim Kohl, Kascie Herron and the Sassafras River Association.**
The EPA has approved their Sassafras Watershed Action Plan (SWAP) "without issue", which is a marvelous achievement. Their next Stakeholder Meeting is scheduled for February 23rd, 6:30pm at the Galena Fire Hall. Russ Brinsfield¹ has agreed to speak. The SRA will be presenting the implementation plan and highlighting some of the implementation activities currently underway. You can find out more about the SWAP by following this link:
www.sassafrasriver.org/swap/
2. **Stone Run Watershed Assessment.** Meanwhile, at the other end of the county, we are just getting started on a mini-version of the SRA SWAP in the Stone Run "subwatershed", in and around the town of Rising Sun. The Octoraro Watershed Association was successful in securing a grant from the Chesapeake Bay Trust

¹ Russ Brinsfield, farmer and Mayor of Vienna, is Executive Director, Maryland Center for Agro-Ecology, Inc. and Director of the University of Maryland College of Agriculture and Natural Resources Wye Research and Education Center. He currently serves as member of the Board of Trustees for the Chesapeake Bay Trust and was recently appointed to Governor O'Malley's BayStat Council to provide advice on agricultural and environmental issues. **Dr. Brinsfield was one of the speakers at our fourth Land Use Forum in October 2006**

(www.cbtrust.org) and the Department of Natural Resources (www.dnr.state.md.us) and will be working with the Center for Watershed Protection (www.cwp.org), based in Ellicott City, as technical partner. The goal is to identify and prioritize ten to twenty "in the ground" projects that can be implemented to improve water quality and reduce Stormwater run-off. We will conduct a stream corridor assessment to identify in stream problems, and an "upland" assessment to identify the root causes of those problems. The work will take place this winter, with a final report and plan for implementation to be completed by April 1st. If you live in the Stone Run watershed and have questions or some information to share, please contact Rupert.

3. **In 2010 MD Stream Waders is targeting Back Creek, Furnace Bay (Principio Creek), as well as portions of Little Elk Creek and the Octoraro.** If you live in or nearby one of these watersheds The Maryland Department of Natural Resources (DNR) Stream Waders Program will be sampling your streams this spring and is looking for help. Volunteers receive one day of training and do at least one day of sampling per team during March and April. As a volunteer, you'll collect samples from the streambed and send them to the DNR labs for analysis. The lab looks at the type and number of aquatic invertebrates, such as mayflies, caddisflies, stoneflies and dragonflies, in each sample. These little critters are very good indicators of stream health. They vary in their sensitivity to water quality and since some of them live for over a year, and don't move around much, they can tell us a good bit about the quality of the stream over time. Our closest training sessions are at
 1. Chesapeake College (Queen Anne's County): February 13th, 2010 (Register by February 5th)
 2. Oregon Ridge Nature Center (Baltimore County): March 6th, 2010 (Register by February 26th)



Nancy Valentine & Sally Skelley sampling on the Octoraro in 2009

If you are concerned about the health of your stream, or the Bay itself, this is a great way to help out! To check out the Stream Waders web site go to http://www.dnr.state.md.us/streams/mbss/mbss_volun.html.

4. **Lower Susquehanna River Audit by the Attorney General - another perspective:**

George has done a great job summarizing the Town Hall Meeting². Earlier in the day I attended a round table discussion with about 20 other "environmental leaders", A. G. Gansler, and his staff.

It was a little slow getting started because his opening question was along the lines of "I'm looking for someone to sue in PA. Who can you suggest?" I don't think that is what most people in the room had been expecting, or what they wanted to focus on. The discussion soon got quite lively and my take-away from the hour-long session was:

1. If you are going to go after farmers, make sure you "don't throw the baby out with the bath water" by punishing the many good operators.
2. We are all to blame - the urban-suburban contribution to the loads is increasing while other sectors are decreasing.
3. If you are looking for a regulatory tool, why not use the Municipal Separate Storm Sewer System (MS4) permits to go after the jurisdictions who aren't honoring their commitments.

² See page 2 above in this Newsletter.

There seemed to be a bit of a disconnect between what the Attorney General could do and what the round table attendees wanted him to do, which is to step up enforcement of existing and emerging regulations in our own State. This was definitely a contrast to the mood in the Town Hall Meeting!

Local Plans and Ordinances

5. Comprehensive Plan recommendations - Denitrifying Septics

The Draft 2010 Comprehensive Plan contains several recommendations that are intended to better protect our water quality, in the ground, on the surface and in the Bay. Last month, we focused on Wetland Buffers. This month, Denitrifying Septics. First, some background:

- Urban / Suburban development (including septic) is delivering 85% more nitrogen to the Bay than in 1985³.
- The average person contributes 9.5 lbs nitrogen per year.
- For those of us on mains sewer, much of this is removed in the wastewater treatment plant.
- For those of us on septic systems, much of the nitrogen flows out through the drain field, into the groundwater and thence to our local streams, rivers and the Bay
- The further your septic drain field is from a receiving water, the more nitrogen is removed during transport
- Conversely, the closer your septic drain field is to receiving waters, the higher the nitrogen load.
- MDE⁴ estimates the following nitrogen loading to surface water per On Site Disposal System (OSDS) aka septic:
 - 24.3 lbs/yr in the Critical Area
 - 15.2 lbs/yr 1,000 feet from any perennial surface water
 - 9.2 lbs/yr for all other systems
- Denitrifying septic (using Best Available Technology) reduce Nitrogen loads by at least 50%
- Recent State Law already requires ALL new development in the Critical Area to use denitrification systems

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³ www.chesapeakebay.net/status_reducingpollution.aspx

⁴ Source: Maryland Policy For Nutrient Cap Management And Trading In Maryland's Chesapeake Bay Watershed

- The Citizens Oversight Committee (COC) Draft Plan recommended requiring "all new development in wellhead protection areas, or within 1000 feet of streams to use septic denitrification systems. Elsewhere, consider requiring nutrient offsets for subdivisions built using septic systems".
- The Planning Commission recognizes the need, but removes the requirement and makes it voluntary.
- Septics currently contribute 16% of the county's nitrogen load.
- Without denitrifying septics, this percentage could grow to nearly 30% at Build-Out.

6. Stormwater Management Ordinance rewrite

My congratulations to the DPW staff, who have prepared a very significant revision to the Stormwater Management ordinance, triggered by Maryland's Stormwater Management Act of 2007.

In brief, the significant new element in the Act and the subsequent regulations is that developers must do everything they can to absorb all the runoff onsite, rather than conveying it off site and onto downstream properties and residents. In the words of the Act, they must employ "Environmental Site Design to the Maximum Extent Practicable" (or "ESD to the MEP" for short) and only resort to conventional practices such as Stormwater management ponds when all ESD options have been exhausted.

The developer must also prepare an integrated site map at each phase from the Conceptual Plan forwards which shows how the natural resources and the various components of development will fit on the site without conflict - for example, not allowing the areas intended for long term infiltration to be over-compacted, or not designating a site for infiltration that is also intended to be a septic drain field or a well location.

These are huge and welcome changes. The local Ordinance is based upon a Model Ordinance prepared by MD Dep't of the Environment (MDE) and adapted to meet local needs. Kascie Herron, the SassafRAS RiverKeeper® and I had the opportunity to review and comment on the draft ordinance from a watershed organization perspective. I am pleased to report that a good number of our suggestions were accepted. My thanks to DPW's Tim Whittie and Van Funk. They took the time to

answer a lot of questions and worked with us to make a very robust ordinance a little bit better.

The next step for the Ordinance is adoption by the County Commissioners, on or before May 4th 2010.

So, what does this mean to Cecil County citizens who follow the development process? Conceptual and Preliminary Stormwater Management Plans must be approved by DPW before approval of the respective Concept and Preliminary Plans by the Planning Commission. These SWM plans will include maps and an accompanying narrative, which will describe the ESD elements to be used. Where ESD elements were rejected, the specific reasons for the rejection are given and where standard BMPs were used instead, the specific reasons for their use. The narrative must also incorporate all comments from every review agency and how each comment was satisfactorily addressed.

So what does it mean for the Bay? Aside from better control of downstream flooding, improved management and treatment of Stormwater should result in reduced levels of nutrients and sediment entering our waterways and polluting the Bay. The Urban & Suburban non-point sector is the only sector in which pollution is increasing. We need to arrest and where possible reverse this trend if we are to have a healthy Bay. For more information see www.chesapeakebay.net/status_reducingpollution.aspx

Let us hear from you! The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at gkaplan@zoominternet.net

The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to gkaplan@zoominternet.net, or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecilanduse.org>

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