

# The CLUE

## Calendar of Events

### Thursday, July 15, at 7 pm

CLUA Board (Elkton library) *All are invited*

### Saturday, July 17, at 10:30 am – 4 pm

SASSAFEST (Betterton Beach) Information:

<http://www.sassafrasriver.org/whatwedo/#section7>

### Monday, July 19, 6 pm

Last Charter Board meeting (County Admin Building, Perryville Room)

### Monday, July 19, noon and 7 pm

Planning Commission (County Admin Building)

### Monday, July 19, 7:30 pm

Discussion of charter government proposal with Dan Schneckenburger, Vice Chair of Charter Commission, at Colora Civic Association meeting (Mt. Pleasant Methodist Church, 1713 Liberty Grove Road, Colora)

### Saturday, July 31, at 9:30 am

Tour of Cecil County central landfill (reservations required; contact Rupert Rossetti)

**In This Issue:** Charter government (p. 1); New stormwater regulations (p. 2); CLUA supports Chesapeake Clean Water Act (p. 3); Watershed Watch (p. 5)

## Charter Government, Revisited

As you may know, at last month's meeting, the Charter Board reversed an earlier decision and decided to have the proposed County Council's five members elected at large, just as we currently elect County Commissioners (the districts would be the same, too). Charter Board Vice Chair Dan Schneckenburger will be at the **Colora Civic Association meeting on July 19** (see above list of events) to discuss this and other charter government issues. All are invited. The decision on adopting this version of Charter Government will be on the ballot this November.

## New Stormwater Regulations Will Help the Bay

George Kaplan

The Chesapeake Bay is Maryland's greatest natural resource, but as we all know, we have not taken very good care of it. The early European explorers described an estuary that was teeming with life, which had supported indigenous people for thousands of years. Today we don't worry much about fish jumping into our boats; rather, we measure the extent of the Bay's "dead zone", and try to keep the meager populations of crabs and oysters from disappearing altogether.

Many of the Bay's problems stem from two sources: stormwater runoff and sewage. Sewage (including septic system drainage) is a topic for another time. Stormwater runoff carries nitrogen, phosphorus, sediment, and other contaminants from our farm fields, roads, rooftops, and lawns into the creeks and rivers that feed the Bay. Nitrogen and phosphorus encourage algae growth that contributes to the loss of oxygen in the water; the sediment blocks sunlight (as does the algae) and hinders the growth of underwater grasses needed for the Bay's ecosystem to thrive.

In recent decades, many new requirements have been imposed on farmers to control the runoff from their operations. On the Eastern Shore, a major part of the problem is caused by accumulations of chicken manure on poultry farms, estimated at up to a billion pounds per year. That's lot of... well, you know what.

A few weeks ago, the Baltimore Sun printed a story about how Perdue, the multi-billion-dollar poultry company based in Salisbury, has been collecting chicken manure and using it to produce fertilizer pellets, which it is selling all over the eastern U.S. That helps get some manure off the shore. Looking forward, the state of Maryland is planning for a power plant on the Eastern Shore that will produce 4.5 Megawatts of electricity from chicken manure, with the potential to use about half the manure produced on the east side of the Bay.

Yet the Bay is still on life support, and farmers understandably claim that they are doing their part (in reality, some more than others) and that further progress should come from other sectors of the local economy. Indeed, the statistics show that the fraction of contaminated runoff going into the Bay from farms is decreasing, while that from residential development is increasing.

New regulations from the Maryland Stormwater Management Act of 2007 (see <http://tinyurl.com/MdSwMA07>) went into effect this May that will significantly affect the landscape design of new residential and commercial developments. (By a controversial action of the 2010 General Assembly, developments in the pipeline which have received preliminary plat approval will be allowed to use the old rules.) These regulations are aimed at retaining as much stormwater as possible within a given development, using what is called Environment Site Design (ESD). No longer will one or two large collection ponds be the primary means of stormwater control — we know that most of these ponds are not maintained and cease to function in a few years. ESD involves preserving the natural features, maximizing forested area, clustering housing, minimizing impervious surfaces, and using rain gardens, green roofs, "bio-swales", and buffers to keep rainwater on-site so

that it can soak into the ground or be taken up by the vegetation. See <http://www.dnr.state.md.us/ed/> for more information.

These regulations are for developers. But ESD practices are worth learning about, because many of them can be used on a smaller scale around our homes, businesses, parks, and churches. There is much that we can do as individual landowners to keep contaminated stormwater out of the Bay:

- Don't fertilize lawns unless a soil test demonstrates a specific need.
- When you mow, mow high!
- Avoid bare soil. Leave crop residues, cover crops, mulch, anything to protect and keep the valuable nutrients on your own property, not downstream.
- Plant trees wherever possible and minimize large exposed grassy areas. Forested land is best.
- Use permeable paving design when repairing or upgrading roads, walkways, driveways, and parking lots.
- Maintain vegetative borders along streams and shorelines.
- Consider green roofs when replacing flat or gently sloping roofs.
- Use rain barrels to collect rainwater from downspouts, and construct rain gardens to soak it up.

Rupert Rossetti recommends the hands-on book *Weedless Gardening* by Lee Reich.

Finally — although it's not about stormwater — CLUA member Mike Burns reminds us to use a commercial car wash rather than washing your car yourself. If you must do it yourself, use a biodegradable soap and make sure the wastewater drains into grassy or planted areas. *Don't even think* about holding a car wash fund-raiser if the wastewater runs into a storm drain!

These practices may seem trivial, but implemented on a broad scale in Maryland, they can have a measurable positive effect on the Bay in the coming years.

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## **CLUA Joins CBF in Support of the Chesapeake Clean Water Act**

At the June 24 CLUA meeting, Terry Cummings of the Chesapeake Bay Foundation described recent actions at several levels to improve conditions in the Chesapeake Bay. Terry is the CBF's Grassroots Advocacy Manager. He was in Cecil County to explore the agricultural community's concerns with the proposed next steps in the Chesapeake Bay cleanup and spent his evening helping CLUA understand current activity in support of the Bay's health.

Summary of Presentation:

1. Description of the range and activities of the Chesapeake Bay Foundation (CBF)  
The Foundation is active in Pennsylvania, Maryland, and Virginia with headquarters in Maryland. The organization educates, does restoration, and develops and

advocates for policy changes and funding to assure Bay clean up.

2. Successful suit by the Chesapeake Bay Foundation required the federal government to enforce the Clean Water Act to restore the health of the Chesapeake Bay.
3. Executive Order issued by President Obama requires federal agencies to develop and implement plans that meet goals of the clean water act. This has resulted in the approach of a Total Maximum Daily Load (TMDL) of pollution input in various watersheds that empty into the Bay. It is currently being modeled and can be viewed online. The TMDL is a pollution budget that will translate into steps needed by governmental units to achieve clean water. The modeling and numbers are to be complete by the end of 2010.
4. Since the Executive Order cannot provide funding, legislation has been drafted to implement the TMDL and provide funding to assist states in meeting objectives for reduction of point-source and non-point-source pollution. The Chesapeake Clean Water Act (CCWA):
  - a. Enforces science-based pollution limits from all nutrient sources.
  - b. Allows states freedom to develop the plan that fits their needs as long as they meet targets.
  - c. Provides funding for technical assistance for farmers and for storm water control. (The Agriculture Bill already provides implementation funds for farm best management practices.)
  - d. Encourages market based approaches which can reward those who clean up beyond their requirement with the right to sell pollution credits.
5. Status of the Bill.  
Mark-up in the Senate is hoped for before the August recess. There is stiff competition for Senate committee time for what is considered a regional bill.

A provision (Safe Harbor) has been added to protect those who have done all that they were required to do per the plan, even if the TMDL is not met. About 15 years is allowed for the full implementation of the plans.

6. Questions:
  - a. Stormwater requirements and suggestions. There's a great need for best practices at the residential and developer level.
  - b. Development of Total Maximum Daily Load model. How well-accepted is the model?
  - c. Effect of other states on Maryland farmers. Discussed the Safe Harbor provision as protection here. Also noted the progress that farmers like Bill Kilby have made in cleaning up streams through vegetative buffering and fencing that have brought back fish and cleaned the stream to better than adequate quality.
  - d. Adequacy of funding for things like "best available technology" septic systems. Noted that septic systems result in four times the pollution of wastewater treatment processes.

Action: CLUA membership present agreed to sign on to support the CCWA in a letter to committee chair Senator Barbara Boxer.

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**Cecil Watershed Watch**

July 2010

Rupert Rossetti  
([RupertRossetti@aol.com](mailto:RupertRossetti@aol.com))

#### Upcoming Events:

- **Sassafest** - SRA's first River Awareness Day. Saturday July 17<sup>th</sup> from 10:30 am - 4pm at Betterton Beach, on the Sassafras, (including **Wade-In**)
  - For more details, follow this link  
[www.sassafrasriver.org/whatwedo/#section7](http://www.sassafrasriver.org/whatwedo/#section7)
- **Land Fill Tour - focus on Stormwater** - Sat July 31<sup>st</sup> from 9:30 - 11:30 am at the Central Land Fill in North East.
  - In response to enquiries and communications from several concerned citizens regarding runoff from the landfill, we have arranged for a tour, which will include a look at all the land fill operations. So that we can best arrange transportation, please let me know at [RupertRossetti@aol.com](mailto:RupertRossetti@aol.com) if you would like to attend.

#### Watershed Activities:

**Sassafras River Association:** A warm welcome to Moira Croghan, the new Executive Director, who will be on the River from August 2<sup>nd</sup>, and to Jamie Brunkow, the new RiverKeeper®, who arrived in mid-May. They will have their hands comfortably full with all the implementation projects resulting from the Sassafras Watershed Action Plan. For more information, visit their website: [www.sassafrasriver.org](http://www.sassafrasriver.org)

**Octoraro Watershed Association - Stone Run Watershed Assessment:** The groundwork is currently being laid for the first set of implementation projects. Rupert Rossetti, OWA, and Bryan Seipp, Center for Watershed Protection, have been getting "landowner" approvals and support/partnership prior to applying for the necessary grants. Projects on the priority list include a Stormwater retrofit at one of the local schools, rain gardens for one of the subdivisions and wetlands and stream buffers in one or more of the town parks. For more information, please contact Rupert.

**Kilby Farm:** What's going on at Kilby Farm? If you've driven down Firetower Road recently, you might have noticed a strange looking "Quonset Hut" and flare stack just below the dairy. This is the visible portion of a "Methane Digester" that the Kilbys have installed to capture the gas from their manure pit. Inside the hut is, among other things, a V8 engine that drives some centrifugal pumps used to circulate the manure and help break out the methane - and yes - the engine runs on gas, cow poop gas! There is also a cow poop gas powered water heater that heats the water used for the dairy and bottling plant.

This is just the last in a long list of Best Management Practices the Kilbys have installed over the years, starting in the mid 1990's when DNR's Eastern Region Fisheries manager, Alan Heft, had a vision to reduce the temperature of Basin Run to enable it to become a non stocked Brown Trout stream.

The vision became reality in 1997 when Alan enlisted the Alliance for the Chesapeake Bay as lead coordinator, the Kilby family, US Fish and Wildlife Services, the Octoraro Watershed Association and West Nottingham Academy to establish a 12 acre fenced forested riparian buffer on the only un-buffered portion of Basin Run.

What are the results after 10 years? Basin Run's summertime temperature is consistently less than 20 degrees centigrade. The portion of Basin Run that transverses the 12 acre riparian buffer on the Kilby Farm has recently been upgraded by MDE to a Tier 2 high quality stream and the Brown Trout reproduce and thrive on their own.

If you happen to have sampled one of the Dairy's new lines of milk, take a close look at the label. At the bottom there is a logo that says:

**Water Stewardship**

Improving Water Quality

Sustaining Agriculture

**Certified**

To learn more go to:

[www.waterstewards.net](http://www.waterstewards.net)

Way to go, Kilbys!

## **Ordinances and Regulations:**

**Stormwater Management Act of 2007:** As George Kaplan's article pointed out, the new Stormwater Regulations took effect on 4<sup>th</sup> May, with some late-breaking adjustments which have required further changes to the local Ordinance. As the new ordinance does take effect, concerned citizens will need to learn how to review the new Concept Plats for compliance.

Fortunately, there are some materials on the web that can help, and people to back them. Richard Klein's Community & Environmental Defense Services website has fairly detailed page devoted to the new Regulations. Follow this link: [www.ceds.org/esd.html](http://www.ceds.org/esd.html). You'll find the PowerPoints from a recent workshop for "Clean Water Advocates" which Richard put on with Bruce Gilmore of the Anacostia Watershed Society. There is also a handy checklist: <http://ceds.org/pdfdocs/CEDS-ESDChecklist.pdf> For those a little daunted by all of this, Richard is offering half day workshops (closest planned is in Baltimore) and has gone even further and has offered to do a quick review of the new plats, if hard copies are mailed to him.

If there is sufficient demand, we can even hope to arrange a workshop up in this part of the State, perhaps in conjunction with Friends of Harford. Let me know if this piques your interest!

As a first step, the CLUA Board has agreed to invite Richard to speak at one of our upcoming general meetings, probably in the Fall, and he has agreed.

**Baywide TMDL / Watershed Implementation Plans:** As you may know, the EPA is working with the six Bay States and the District of Columbia on a "Pollution Diet" for the Bay, known in regulatory circles as the Chesapeake Bay Total Maximum Daily Load or TMDL. This is way too big a subject to cover in a Newsletter, but let me give you a few highlights from their most recent webinar, hosted earlier today, and refer you to their website, [www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl)

They just hit a significant milestone, having just provided the States with draft load allocations, i.e. proposed target weights, for Nitrogen and Phosphorus entering the Bay in any one year. These are split out by State and by major River Basin (Potomac, Susquehanna, etc.) and are prominently highlighted on the webpage.

They reached these numbers through a rather complex set of computations that started with what it would take to meet water quality standards in the mainstem of

the Bay, and working back from that to determine the relative contribution from each River Basin & State.

EPA will be delivering similar target loads for sediment by August 15<sup>th</sup>.

The next step, already in progress, is for the States to do a similar process within their State boundaries, apportioning the load across the various sectors (Wastewater; Agriculture; Developed & Wooded/Open) and describing how the gaps between today's loads and the target loads are going to be addressed for each sector. These will take the form of "Watershed Implementation Plans" (WIPs) at the major River Basin level.

The Basin-level WIPs are due to the EPA by Sept 1<sup>st</sup>, and will be integrated into the "Draft Bay TMDL" which will be published on September 24<sup>th</sup> for a 45 day public comment period. There are three avenues to make comments:

- Through formal written comments
- At one or more of 18 Public Meetings to be held across the Bay Watershed, including at least one webinar. Maryland's will be held in Hagerstown, Annapolis & Cambridge sometime in the latter part of September, early part of October.
- At stakeholder group meetings associated with the various public meetings. Stakeholder groups include: Farmers; Developers; Local Watershed Organizations; Environmental Advocacy Groups and many more.

Looking ahead, the Basin level WIPs will be further disaggregated during the first part of 2011 to the local watershed level within a county (e.g. Elk Creek in Cecil County), providing us all with a very local diet we'll be challenged to achieve.

If you've read this far, and are still interested in learning more, try joining the next webinar, scheduled for August 19<sup>th</sup> from 10 - 11:30 a.m. You can register at [www2.gotomeeting.com/register/241843475](http://www2.gotomeeting.com/register/241843475)

Federal Legislation:

### **Federal Legislation Moves Forward**

Two bills championed by Maryland Senator Ben Cardin were passed by the U.S. Senate Environment and Public Works Committee on June 30<sup>th</sup>. The Chesapeake Clean Water and Ecosystem Restoration Act (S. 1816) will help protect and restore the health of the Chesapeake Bay and its watershed. A second bill clarifies responsibility of federal agencies for stormwater pollution that they cause. Next step for both

bills is a vote by the full Senate. Click here for more information.

<http://cardin.senate.gov/news/record.cfm?id=326102>

The CLUA Board signed on to a letter of support for S. 1816 and its companion in the house, HR 3852, following the presentation by Terry Cummings, CBF, at our recent General Meeting.

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**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](mailto: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](mailto:gkaplan@zoominternet.net), or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecillanduse.org>*