**HO DPW- South Meadow Court WQC Hearing (2023-07-31 18:59 GMT-4) - Transcript**

# **Attendees**

+1 410-\*\*\*-\*\*63, Amy Bennett, Avinash Dewani, Avinash Dewani's Presentation, Beth Connor, Brenda Belensky, Danielle Spendiff -MDE-, Danielle Spendiff -MDE-'s Presentation, Dara Baker, Ken Bawer, Kris, Mark Richmond, Matt Hynson, Neb, Rachel Temby -DNR-, Roger Davis, Serena Stafford, Sharon Boies, William Seiger -MDE-

# **Transcript**

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Danielle Spendiff -MDE-: All right, it is seven o'clock and we're going to get underway. Good evening. I would like to welcome everyone to the Maryland Department of the Environments Informational, Hearing for Water Quality Certification. Request Number 23, Wqc0011, tracking number 2023, 60416 submitted by the Howard County Department of Public Works. My name is Danielle Spendiff Mde or the Department. I will be the presiding official for this evening's public informational hearing Also, in attendance with me, from the department is Bill Seager chief of the Waterway Construction Division. I would like to thank everyone for taking time to participate in the public process.

Danielle Spendiff -MDE-: Please be aware. This hearing is being recorded and the recording will be used to facilitate the final water quality certification decision. I also ask that everyone's microphones remain unmute…

Sharon Boies: which,

Danielle Spendiff -MDE-: unless you are presenting or providing comments.

Danielle Spendiff -MDE-: It is the responsibility of my office to evaluate requests for individual water quality certifications or Wqcs under Section 401 of the Clean Water Act, which requires Maryland as the certifying authority to determine whether the discharge associated. With the US Army Corps of Engineers known as the Core Permit Application, 2021-61285 - m49 Complies with the state's water quality standards. The department's authority is found in Subtitle 9 of the Environment article. Each certification request received through. A regulatory program, has specific and unique issues and impacts. That must be considered with regard to Maryland's water quality standards. The department is neither a proponent nor an opponent of any project.

Danielle Spendiff -MDE-: The logistics for this evening's hearing as follows. I will make a few opening remarks about the purpose of the public hearing and briefly list the proposed impacts, I will then call on Howard County or their presentation for the applicant statement regarding their project. After these presentation's, the department will facilitate public statements by first calling on any elected officials or the representatives to make a statement. I will then call on those of you who indicate that you wish to speak. It is not necessary to read a statement to make it part of the official record. Written comments will also be accepted and received the same consideration as any oral statement. In fact for accuracy, If you have a letter to read into the record, I suggest you also provide us with a copy of the letter via email or regular mail.

Danielle Spendiff -MDE-: We do not permit cross-examination of speakers during their presentation's, but you may post questions as part of your statement for consideration in our evaluation of the certification request. Please note that we will not be responding to questions or comments posed this evening. This venue is for the department to hear and record your public comments. At this time, I would like to acknowledge the representatives who may be present here this If representing an elected official, please raise your virtual hand now to be recognized.

Danielle Spendiff -MDE-: Okay, I am not seeing anyone. For many elected officials office.

Danielle Spendiff -MDE-: The department is conducting. This evening's public information, hearing pursuant to Code of Maryland Regulations or Comar, 26:08-02 10 Letter, F 2, The purpose of this public information hearing. It's for the applicant to present an analysis of impacts that may be associated with the proposed activity. I would like to emphasize that the purpose of this public information, hearing is to consider the wqc request pending before the department and specifically, any proposed impact to water quality. There may be concerns related to issues that are beyond the scope of this certification request and hearing. We would like for the hearing to remain focused on the certification decision and specific water quality concerns.

00:05:00

Danielle Spendiff -MDE-: This public Informational hearing is for Clean Water. Act Section, 401 Water, Quality Certification Request Number 23 wqc. 0011 tracking number 2023, 60416. Submitted by Howard County Department of Public Works Stormwater Management Division. And received by the department on March 15th 2023. the project includes a stormwater management Pond retrofit and a stream Restoration project, located east of the sac of South Meadow Court in Ellicott City, Howard County, Maryland. the purpose of this project is to decommission, the existing South Meadow Court, Stormwater Management Pond, Replace the lost water quality volume through the retrofit of an existing downstream sediment basin.

Danielle Spendiff -MDE-: Restore approximately 200 feet of a perennial stream and approximately 340 linear feet of an ephemeral tributary. The proposed action is needed because the existing pond does not comply with Maryland, code 378 The stormwater management pond will be replaced with a combination of constructed riffles boulder, log cells, and new storm. Drains to safely, convey water to the retrofitted pond which will be sized to both treat. The impervious surface to the pond and the additional impervious. Surfaces flowing to the sediment basin. The retrofitted sediment basin will be designed to meet current stormwater management requirements and classified as a low hazard dam. The project will restore 200 feet of the perennial main stem into the new pond. Which will be used to offset the length of stream removed by the pond construction.

Danielle Spendiff -MDE-: The project is located along a tributary of Centennial Lake. a use 4p waterway, which is located within the Little Patuxent River watershed I will now ask the applicant to provide a brief presentation of their proposed project.

Danielle Spendiff -MDE-: And if you would share your screen and also state your name and where you are from, please.

Avinash Dewani: Thank you. Danielle, can you hear me?

Danielle Spendiff -MDE-: Yes, we can.

Avinash Dewani: Okay, thank you.

Avinash Dewani: Good evening everyone. This is Avinash Dewani. I'm from Howard County. Stormwater Management Division. Along with me. in this meeting, you have Mark Richmond. He's a Chief Stormwater Management division and our consultant team right by strong and sent joint venture team.

Avinash Dewani: this particular project is located in Centennial Park, and this is a location map, the existing there are two pawns or which are being retrofitted or one point is being decommissioned, and one point is being restored and the north point is off of South Meadow Court. And there was a southbound, which is east of the existing pond.

Avinash Dewani: south meadow on the existing pond is filled with sediment and will be decommissioned and the info to the parts are to be stabilized and the output to the pond will also be stabilized, the centennial pond, which we are calling it, a existing sediment base and this is really need of much repair. if you look up at the existing pond or existing sediment base, and it doesn't meet with Md378 requirements, The.

00:10:00

Avinash Dewani: North Bond as this, south metabond is filled up with sediment Bennett's sediments, and is not functioning as intended. And thus, when the Centennial point of basin each, we reached or we feed that this is a opportunity to fix both of them by decommissioning, the pond on the south meadow and the restoring the existing segment basin to Md378 criteria So this is what you see is existing condition plans. And what you see in dashed, orange is approximate construction limits where the impacts they are going to be

Avinash Dewani: the next slide. What you see is a proposed condition plan. As you can see, the pond on the off of the south meadow, it will be decommissioned. And there's a channel, which will be created to train the entire drainage training into the pond at centennial segmentation, which will also be restore Although the formal channel, which is training to the pound, or the bigger pond will be restored to approximately 2 feet.

Avinash Dewani: These are project goals. the somewhat management pond will be replaced at the combination of circles and the storm greens, you safely convey, the water from South Meadow Court to Centennial Pond, existing basin. The Centennial Pond will be size to treat the water quality for the lost water quality in the South Meadow pond plus the area that's training to the sediment basin. The project will stabilize approximately 200 feet after a new stream into The decommissioned the existing sediment of existing bond along. South Meadow will be decommissioned and the pound on As I mentioned one, and The Big Upon will be retrofitted to provide what quality

Avinash Dewani: Or One of the goal is, but big goal is to really minimize the impact on the trees and minimize overall limit of the servants, especially near the private homes, and minimize impact of existing infrastructure. That includes a sewer lines, which are around the pond. And minimize the overall impact to the visitors to Centennial Park.

Avinash Dewani: Or construction access. And what we see as you see in these pictures, what in cream is really is where the construction access is going to be All the construction. Vehicles are expected to enter from the north entrance of the Centennial Park. What in green areas? All the paved path, vehicles will be coming off of that area. This area will be French, but the trails are going to remain open during the course of the The creales which what you see in gray or blackish colors. Those are the trails which are expected to be closed during the course of the construction. Those are gravel pathways and will be closed for the duration of the construction.

Avinash Dewani: These are the landscape impacts. What we see the entire project approximately see there are going to be 21 specimen trees, which will be removed as a part of this project out of 21 specimen trees to our already dead. And approximately 2.4 acres of wooded area will also be impacted as a part of the construction activity. As far as the landscaping is concerns on, you will be planting up three inch trees, approximately 42 or three inch trees, they will be planted and additional 169 degrees ranging from three quarter which is overtime meter to two inch time. It is planted

Avinash Dewani: County is currently reviewing the plants at our design consultants to to minimize the tree or the wooded area impact while still achieving project goals. Or construction schedule construction is, we are anticipating. We may be able to start the construction. Sometimes spring of 2024, It will take approximately 24 12 months for the construction duration. Then the signs will be posted near the construction site. And once we have closer to the construction,

00:15:00

Avinash Dewani: The construction hours. We expect from 7 am to 4 pm. The entire construction site will be fenced with orange safety fans. As I mentioned previously, the gravel trails around the LOD or limit of disturbance or expected to be closed for the duration construction for public safety. And all the paved trails in the parks are expected to remain open all that they may be closed for short duration, while the construction equipment is being brought in into the site for public safety.

Avinash Dewani: Our next steps are we will be finalizing, our design to minimize the dream packs. And we'll obtain all the necessary permits once we have all the permits, a project will be advertised forbid. So select the qualified contractor and all the property owners in property. Owners will be notified and then we'll have a pre-construction meeting with the contractor before actually construction begins. If you have any questions or if you need any additional information, can reach out to Mark Richmond or myself and these are email IDs. Thank you very much.

Danielle Spendiff -MDE-: Thank you, Avinash.

Danielle Spendiff -MDE-: Sorry, I don't have that in full screen mode. Hopefully everybody can still read that.

Danielle Spendiff -MDE-: I will now ask any elected officials or their representatives, who may be present, if they would care to make a statement. Please limit your remarks to five minutes. I will then allow members of the general public to make a statement. Please raise your virtual hand and leave it raised until we call on you, when we call your name, we will unmute you and you may Please start by clearly stating your name and any interest which you may be Speakers representing a group or organization are Five minutes to make their remarks and individuals are allotted three minutes for their remarks. Just due to the number of attendees, we will need to adhere to these time limits. Therefore at the 32nd, mark for all speakers. We will inform you of the time remaining for your statement. At the end of those 30 seconds, we will thank you for your statement and call on the next speaker.

Danielle Spendiff -MDE-: So I did ask before if we had any elected officials or their representatives present and there were not any at that point. Do we have any elected officials? who are wishing to make a statement. If so, please raise your virtual hand,

Danielle Spendiff -MDE-: And at this time, I will open it up to all other attendees wishing to make statements. So, please raise your virtual hand, if you're not familiar with Google Meets it is On the screen towards the right hand side.

Danielle Spendiff -MDE-: Okay, I do see one hand raised too, so I'm going to try to get these in the order that I see them if they get out of order. I apologize. But first, I see Sharon Boyce and if you would, please unmute yourself. And I will start the timer for three minutes. You can go ahead.

Sharon Boies: You think Centennial Lake is one of our county's. Crown jewels that provides many recreational opportunities. It's also a reservoir. It is a public drinking water source, and all measures should be taken to protect it in the water quality. I have requesting the permits be denied for this project because as I explained it will unnecessarily harm a stream ecosystem, that is already healthy. The project would remove a swath of mature forest and vegetation that covers, the steep slope between a neighborhood and centineola. It would also deforest a crucial thriving preparians over which includes a grove of 21 extremely large cement trees, the stream, they propose to restore his classified as class 4, p about stream which feeds upon their proposing to retrofit feeds, the lake the shade extreme has value and his teaming with the quiet species, such as fish crayfish and vertebrates, mature of trees, the network of roots are holding this deep hillside together, producing erosion during rainfall and absorbing nutrients for the stormwater run.

00:20:00

Sharon Boies: From a neighborhood at the top stream does not need restoration. In fact, it needs preservation so that it can continue to perform the echo services that the local residents and community need this healthy watershed absorbs or water runoff or punishing empirical underground water. It cools the Waterways after experiencing record-breaking temperatures, these counterintuitive to remove mature trees or tape measures that will intentionally and knowingly, increase temperatures integrate, water quality, especially the head, waters for a public drinking source, We are in a climate crisis, which should be taking every thoughtful measure to protect all mature trees and clean, natural streams that we have left. Especially considering the county's policies and plants dedicated to counterclimate change the engineering of the stream of heavy construction, machinery, driving in the street, and pond. And on the hillside treaty of vegetation when changes to hydrology and groundwater levels will create sediment in mud. With each rain fall, that will be difficult to make again, such a steep slope

Sharon Boies: Machine room, Modify this channel, we'll scrape, the banks away. So, change the streams, natural meander path, and alter the natural flow of depth. The water temperatures will increase and user for grab could order the pH levels. They may use imported food material or move, Dump Truck, loads of spoil. The machine Will compact critical root zones. Killing many of the Richard Main trees in the LOD and compact that permeable surfaces into hardness surfaces, Prone to producing more runoff in erosion. I'm concerned about increased levels of iron flocculent that could impact drinking water supply as well. The stream at lake Psychology and aesthetics. I understand the concern with the dam, but I do not support this project that would destroy the mature forest and harm the healthy vibrant stream,

Danielle Spendiff -MDE-: 30 seconds, please.

Sharon Boies: right? this project is not address the root cause of the pollution, which is the mitigated of stormwater, runoff. And this should be addressed, where is occurring up in the neighborhood, any tree removal, or stream arrested or stream restoration, is to be considered

Sharon Boies: Attitude denied, the permits, thank you for this opportunity.

Danielle Spendiff -MDE-: Thank you for the testimony. We will move on to the next commenter and I see Ken Bawer. You can come up,…

Ken Bawer: Yes, can you hear me?

Danielle Spendiff -MDE-: I can I,…

Ken Bawer: Okay.

Danielle Spendiff -MDE-: you can go ahead.

Ken Bawer: Thanks, this is Kenneth Power, A water quality certification for this proposed project should be denied for the following reasons. The public was not provided enough from information to allow independent analysis of the information. In fact, the public publicly provided information is not include any information. And the impact of the stream, restorations of the biological chemical thermal or other characteristics of the streams. For example, how will the endstream film material impact, the biological and chemical courist characteristics. So, what will be the thermal impact on the water temperature and aquatic organism? So for moving, flora from the repairing areas, the past performance of the project team has demonstrated by Stantag's Dewey Creek Project and Stanton,

Ken Bawer: Starting environmentals Point of Roth project shows a result of their clear cutting rippery and forest which exposes stream to major thermal impacts as well as blocking the passage of aquatic organisms at the Point of Rocks project. In addition, according to research by kashal groundwater sampling, studies of five Maryland streams show that Had higher riparian groundwater nutrient concentrations than sites where no trees were removed, He also cites many other studies that shows

Ken Bawer: And kris nutrient concentrations after tree removal in the watersheds no pre-construction monitor monitoring data has been provided which describes a current stream biology and chemistry per Mde's own document, The guidance for Stream Mde itself, Discourage Stream, restorations quote, Mde strongly encourages jurisdictions to use supersize upland treatment facilities. In addition, to improving, pollutant removal is upsized Stormwater control practices will capture more runoff volume to enhance climate change resilience to localized flooding. And I also say, quote, over design and excessive disturbance for stream restoration within channels. And floodplains not generally justified as a basis for future climate adaptation. the above may not be The explicitly standard goals of this project. Mde should consider that the applicant's goal should be revised to include the broader public consideration of non-destructive, upland, stormwater control.

00:25:00

Ken Bawer: It's impossible for the public mde and the Court to verify how this project can possibly adhere to the Code of Maryland. Regulations 26. .08.02.03-3 regarding the chemical physical and biological requirements of use for use for peace dream. For example, as mentioned above, how will the lower temperature requirement be met when the past practices of the application team are to clear-cut riparian areas as documented in the photographs that I'll send.

Danielle Spendiff -MDE-: 30 seconds.

Ken Bawer: Will the increase in stream temperature lead to toxic algal? Blooms that could contaminate drinking water? The applicant has provided no evidence that their work will improve stream, water quality, Both chemically and biologically, the applicant has not described how the tributary will be restored compared to a reference stream of the same type nor the likelihood of six As demonstrated by Monitoring a similar project by independent researchers, Dominic Film material into the existing stream does not constitute restoration or result in water quality improvements. The applicant has not described which functional layers of extreme function pyramid, These activities are meant to uplift. This activity. Does not address the root cause of any erosion. Therefore it is reasonable conclude based on similar projects this film material and stabilization which will be washed out by future storms. As can be seen across the region from other stream restoration projects. This is precisely why typical warranty for these projects but a contractors is only for one year after which repair costs are born by taxpayers, the photographs of my

Ken Bawer: Written testimony will show stream restoration failures across the region due to lack of upland, stormwater control.

Danielle Spendiff -MDE-: Mr. Brower, can I ask you to conclude your comments please? Thank you.

Ken Bawer: I have a couple more hours,…

Ken Bawer: I will send it in writing.

Danielle Spendiff -MDE-: I understand, but You do have someone else wishing to comment. So If you can wrap up and a few more seconds that would be fine if not we can move on to the next one,…

Ken Bawer: That's okay.

Danielle Spendiff -MDE-: and your comments in writing.

Ken Bawer: I'll just understand. I just said it in writing.

Danielle Spendiff -MDE-: Thank you for that.

Danielle Spendiff -MDE-: All right, moving on to the next. Commenter. I see Dara Baker.

Dara Baker: Good evening. Can you hear me?

Danielle Spendiff -MDE-: you can go ahead.

Dara Baker: My name is Dara Baker. I am part of a protect Our streams, a grassroots community group, that his informed ourselves about these types of projects over the last few years.

Dara Baker: My comments are really in two areas. Some of it will echo what Mr. Bauer and his boys have already said. The first one is something that actually was just said this evening from the project representative where he stated that those people affected by the project will be informed later in the process. It is really unclear from the information that's been provided. how much public information has been provided? And if those people who are going to be deeply affected, not just by the construction equipment, which is a huge issue but also by the removal of those very large trees and a massive change to the environment that they currently live in. If they have enough information, to make informed decisions and to be able to come to a meeting like this, in order to be able to express themselves. This is an ongoing concern with the way that public information is provided and the types of special tea that one really needs to have to be able to counter the information or

Dara Baker: Selected information that is provided. it is very unclear from the information provided about what Waller water quality improvements will be provided. It is clear that the pond that currently meet the storm water, catchment area needs to be replaced. If it is in violation of The regulation it is unclear from the application. How much research has gone into an alternate?

Dara Baker: Proposal that would do less damage to the environment and would not necessarily require that the streams be addressed. If the issue is a stormwater catchment, then additional information more research should be done using current science and the idea of step ponds particularly in our more aggressive climate where there is more rainfall and shorter amounts of time and a less consistent amount of stream. Particularly since one of these streams is not a permanent stream, but intermittent is actually probably less likely to improve water quality and actually more likely to increase the likelihood of insects that are deleterious to the community. I ask that this permit be denied at present and that additional research be done and potential alternate solution be provided. Thank you.

Danielle Spendiff -MDE-: Thank you, Miss Baker. I do see another hand raised. Roger Davis. You can go ahead.

00:30:00

Roger Davis: Hi, I'm Gonna turn yours off your sound. And I've been fighting.

Roger Davis: I've been fighting. On necessary about it.

Danielle Spendiff -MDE-: I'm sorry, I'm not starting your time yet. If anyone else is not muted. Please go ahead and mute. We don't have that echo. Not seeing that anyone else.

Roger Davis: Yeah, I've been fighting the county. For their plum tree branch stream, restoration More than a year now.

Roger Davis: this project it's got the same problem. There's no effective. Public explanation of what it is. You're planning on doing. I mean, I've been reading plans And stormwater documents for a year. hundreds of pages. And still, I had a hard time understanding. What you all are planning on doing. and the fact that there's very few people at the meeting, Tells me just like my project. That you just put out a couple of yellow signs with cryptic information on there so the public has no idea what's coming. And I hope the county does have a public meeting. And I hope what that meeting. They're honest and straightforward. and don't show,

Roger Davis: Black and white before pictures and color after pictures. and Not talk about. The true amount of treatment movement that they're going to do. And then the process is going to have to change. The tree removal is just too much and they all know there's no science behind this and it's just government. Gone awry. and You're just following some crediting regime that's gotten out of hand. and I hope, with the people in Colombia And the people in our neighborhood are going to start working together and things are going to have to change,

Roger Davis: Yeah, the stream restoration. Part of I'm totally against it. What I've seen that they're proposing in my neighborhood if it's anything like that. it's just

Roger Davis: There's no science, it's very sad that they're pursuing this. That's it. Thank you.

Danielle Spendiff -MDE-: Okay, thank you.

Danielle Spendiff -MDE-: I do not see anyone else with their hand raised right now. I did see a phone number join a little bit ago so if you were not here earlier, the format is, if you'd like to provide Testimony or comments, You have three minutes to do so. You will want to raise your hand virtually. I understand maybe you may not be able to do that if you're on the phone. So if anyone is wanting to testify, additionally. Please either unmute or raise your hand. Give you a moment or two.

Danielle Spendiff -MDE-: Okay, one last call for any additional comments or testimony before we move to the next steps.

Danielle Spendiff -MDE-: Okay, seeing none. That concludes the public comment portion of the hearing.

Danielle Spendiff -MDE-: The hearing record will remain open for two weeks until 5 pm on Monday. August 14th, 2023. The comments received during the public comment period will become part of the project file and will be considered by the department. When rendering a decision on certification request number 23, Wqc0011, tracking number 2023, 60416, unless extenuating circumstances justify an extension of time the department is obligated to issue wave certification of this project prior to expiration of the reasonable period of time as determined by the core which is September, 23rd 2023. The department's decision and accompanying information will be sent to the interested persons list, the applicant and the core.

Danielle Spendiff -MDE-: Any person who is agreed by the department's May appeal the decision by filing a request within 30 days of publication. Of the Wqc decision in accordance with Komar. 26:08-02 10 F4. If you're unsure, if you are on the interested person's list, if for example you saw that learned of the hearing through our website, you may contact me directly to be added to that list. And I also wanted to mention one more time that you did not have to testify this evening to provide comments. We will accept written comments and they'll be treated the same as anyone providing oral comments this evening.

00:35:00

Danielle Spendiff -MDE-: That. brings us to the end of our hearing, if there are no remaining people who would like to testify,

Danielle Spendiff -MDE-: Going once. Don't see anyone, okay, on behalf of the Maryland Department of the Environment, you're interested in this project and your attendance, At this evening's hearing is appreciate This hearing is now adjourned. Thank you all for attending and have a good evening.

Avinash Dewani: Six years. Thank you, Danielle.

Meeting ended after 00:37:11 👋