

COMMISSION ON THE ENVIRONMENT (COE) MINUTES
Potomac Building
Minutes of September 7, 2011

COE Members present were Lawrence Langley (Chair), Larry Hartwick, Barne Wheeler, Mike Thompson, Paul DiBenedetto, Marta Kelsey, Steve Tripp and Mindy Johnson. Memebers absent were Laura Friess, Jen Ballard and Daryl Calvano. Others present were Bob Elwood, Potomac River Association (PRA), Fred Tutman, Potomac Riverkeeper, Bob Lewis, St. Mary's River Watershed Association (SMRWA) and Paul Waxman.

- I) **Call to Order:** The meeting was called to order at 7:05 p.m.
- II) **Discussion & Approval of March Meeting Minutes:** The August meeting minutes were approved.
- III) **Continuing Business:** This meeting consisted of hearing presentations from the three environmental organizations mentioned above. The purpose was to find out each of the organization's major concerns & initiatives. The following are salient points from each:
- a. **Potomac River Association:** Bob Elwood, PRA President, introduced his organization by indicating that it was the oldest environmental organization in the County. It had been formed in 1967 in objection to a proposal to put an oil refinery at Piney Point. The organization was successful and, since then, has continued to be an environmental watchdog for matters concerning the Bay and its Tributaries. The following are the PRA's major concerns:
1. **Oyster Sanctuary Leasing:** The group opposes permitting privately owned oyster beds to overlap areas designated as public sanctuaries. This can only lead to harvesting controversies.
 2. **EPA Watershed Implementation Plan:** PRA is very concerned that political and monetary concerns will derail this initiative. Pressure must be placed on the BOCC to insure their commitment to it.
 3. **Critical Area Enforcement:** The eastern shore of the county, with its steep slopes and fragile soils is of particular concern. Limiting or carefully controlling development in this area is crucial. Also, CA rules do not seem to be consistently applied, enforcement is sporadic and penalties for infractions are insufficient to affect behavior.
 4. **Menhaden:** This fish, because of its source of food for other fish species and its ability to filter materials from the water, is crucial to the health of the Bay and has been over fished far too long. PRA supports any initiative designed to increase its population.
 5. **Comment:** Approximately 70-80% of the County is within 1000' of a perennial stream. Controlling sediment and nutrient runoff is therefore critical throughout the County.
 6. **Comment:** The PRA would like to see the COE become more pro-active. Attendance at Technical Evaluation Committee meetings might be one way to spot environmental concerns before they gather too much momentum.
- b. **Patuxent River Keeper (PRK):** Mr. Tutman indicated that the River Keeper organization is world wide and there are 18 river keepers in the Bay area alone. His organization is mostly involved in building community awareness about the Patuxent River's continued assault from intentional or unintentional environmental pollution that we, as its stewards, seem to continually take. The PRK also takes legal action where the law permits to force organizations and individuals to correct environmental abuses. The following are major points made during the presentation:
1. **Lawsuits:** Are mostly effective in getting attention focused on a particular issue. Their most effective outcome is settlement out of court.
 2. **Pollution of the Bay Watershed:** Comes in the form of nitrogen, phosphorous and sediment runoff, with Nitrogen being the most serious of the three. Approximately 70% of nitrogen comes from developed area runoff, 18% from public sewer, 5% from septic tank seepage into the water table and 7% from the atmosphere.

3. **Spot Zoning:** This egregious land use practice allows for the granting of rezoning actions on a single parcel of land frequently without going through the extensive public hearing process required for zoning code changes. In most instances, this spot zoning has adverse environmental consequences. The PRK believes that steps need to be taken to halt this process. Legal action to do so is possible.
 4. **SMC Growth:** Planned infrastructure growth in the County will be insufficient to handle projected population growth. Environmental and sustainable growth organizations must insure that adequate public facility zoning ordinances are in place and adequate to preclude serious infrastructure problems from developing as they have in other jurisdictions in the D.C. area. Effectively using the zoning ordinance to control and direct growth must be a major focus.
- c. **St. Mary's River Watershed Association (SMRWA):** Bob Lewis, Executive Director, gave a power point presentation outlining the major programs within SMRWA which include: conservation workshops, oyster restoration projects, community events, elementary school environmental education, St. Mary's River watershed research and stream monitoring. Their focus is on making small changes on an individual or sub-community basis with the thought that these small changes/initiatives will produce a favorable cumulative effect.
1. **Health of Watershed Streams:** From 2000-2008 the health of the streams feeding the River has deteriorated. Development over that time appears to be the main culprit, with a sub-culprit being septic systems.
 2. **Septic Systems in SMC:** The soil in SMC is such that conventional septic systems allow nitrogen to seep into the water table which in almost every instance flows underground into streams and hence into rivers and ultimately the Bay. Approximately 80% of the septic tank nitrogen discharge in the Critical Area (CA) and 50% outside ends up in the Bay. One house on septic produces the same nitrogen runoff as 14 houses on public sewer. Obviously, improving non-public sewage disposal should be a major initiative within the Bay watershed. New nitrogen removal septic systems are now being required for any new house in the CA. These systems cost approximately \$14K more than conventional ones. Grants are available to retrofit systems in the CA as long a money lasts. Watershed Implementation Plan in SMC has a major septic tank focus.
 3. **Controlling Growth:** Zoning, not soil perk ability, should be used to control growth in the County.
- d. **Other Agenda Business:** Not discussed at this meeting.

IV) **New Business:** None

V) **Announcements:** None

VI) **Adjournment:** The meeting was adjourned at 9:00 p.m.