SUMMARY OF THE COX CREEK
CITIZENS OVERSIGHT COMMITTEE MEETING
July 12, 2023 - 5:30 PM
Cox Creek Operations and Maintenance Complex
1000 Kembo Road, Curtis Bay, MD 21226
Hybrid Meeting

Attendees:

Anne Arundel Community College Environmental Center: Tammy Domanski
EA Engineering, Science, and Technology, Inc.: Peggy Derrick
Citizens: Mary Grace Antonich, Erin Cook, Pam Jendrek, Tom Kerr, Benjamin Langer, Debbie Langer
Chesapeake Bay Foundation (CBF): Maya Koehn-Wu
Cox Creek Citizens Oversight Committee (COC) Facilitator: Angie Ashley
District 31: Delegate Brian Chisholm, Aysia Rodriguez
Greenland Beach: Bonnie Cardozo, Russell Cardozo
Marine Trade Association of Maryland: Mike Bonicker
Maryland Department of the Environment (MDE): Mark Mank
Maryland Department of Natural Resources (DNR): Robin Reed
Maryland Port Administration (MPA): Dave Bibo, Danielle Fisher, Rachael Gilde, Jennifer Guthrie, Katrina Jones, Holly Miller, Rachel Miller, Oge Nwafor, Amanda Peñafiel, Joseph Ross, Darren Swift
Maryland Environmental Service (MES): Chelsie Bateman, Dallas Henson, Mackenzie Miller, Maura Morris, Robert Natarian, Sarah Piker
Nabbs Creek: June Galloway, Susan Greene
North Point Council: Fran Taylor
Pasadena Sportfishing Group: Robert Schmidt
Pinehurst: Larry Machovec, Shelley Machovec
Public Water Access Committee: Lisa Arrasmith
Resident of Legislative District 31 & Chairman of the Cox Creek COC: Gary Gakenheimer
Restore Rock Creek: John Paul Jendrek
Rockview Beach: Bev Soucy, Mike Soucy
Scenic Rivers Land Trust (SRLT): Evan McGee
Stoney Beach Community Member: John Garofolo, Robin Leon
The Terrapin Institute: Marguerite Whilden

Action Items:

- No action items were provided.

1.0 First Run of Van Tours & Station Exploration

The July 12, 2023, Cox Creek Citizens Oversight Committee (CC COC) meeting commenced at 5:30 PM and was presented as a miniature open house consisting of van tours, project specific stations, and a brief formal presentation.

In-person attendees were invited to participate in vans tours of the Cox Creek Dredged Material Containment Facility (DMCF) to witness the expansion progress firsthand. Additionally, in-person attendees were given the opportunity to visit a variety of project specific stations to speak directly with project managers and subject matter experts to gain information on the various projects and

ask questions. After forty-five minutes of van tours and station exploration, attendees, both virtual and in-person, were invited to attend a brief formal presentation.

2.0 Welcome & Introductions **Angie Ashley, Facilitator**
Gary Gakenheimer, Chair

Ms. Ashley convened the hybrid formal presentation portion of the meeting and conducted roll call. Mr. Gakenheimer thanked the community members for attending the meeting, whether in person or virtually.

3.0 Dredged Material Management Program Overview **Holly Miller, MPA**

Ms. Miller, the Director for Harbor Development at the Maryland Port Administration (MPA), stated that the Dredged Material Management Program (DMMP) is the framework that manages and maintains navigation channels, allowing for safe navigation of ships in and out of the Baltimore Harbor. This requires a team of stakeholders and partners to run smoothly, along with an ability to adapt and progress as new problems arise. Masonville Cove and the Paul S. Sarbanes Ecosystem at Poplar Island (Poplar Island) are two popular success stories of these goals. The June 1, 2023, meeting regarding the upcoming confined aquatic disposal (CAD) pilot project raised numerous concerns leading to the project being paused to allow time for stakeholder education and engagement. Ms. Miller stated that the July 12 CC COC meeting is the first step in this process.

Ms. Miller stated that MPA was established in 1956 with the mission to stimulate the flow of waterborne commerce through the state of Maryland in a manner that benefits the citizens of the State. The Port of Baltimore is an economic engine for the region and a major contributor to the economy by providing employment and income to individuals; revenues to businesses; and tax revenues to State and local governments. To support international and interstate maritime commerce, there must be safe and efficient passage for ships entering the Port of Baltimore. The 50-foot channel system serves as a marine highway up the entirety of Chesapeake Bay. All major shipping channels in Chesapeake Bay and Baltimore Harbor are maintained at a 50-foot depth, other channels are maintained at a 35-foot depth.

Sediment builds up in the channels over time due to wind and tidal actions as well as stormwater run-off. To ensure the depths needed for the large ships, the marine highway system must be maintained through dredging. Each year approximately five million cubic yards (mcy) of dredged material is removed from the channels leading into the Port of Baltimore. This amount of dredged material would fill up the Baltimore Raven's M&T Bank Stadium twice.

To ensure there is a long-term plan for the management of dredged material, MPA and the United States Army Corps of Engineers (USACE) collaborate on the DMMP. The DMMP engages in many activities ranging from dredged material capacity planning, site engineering, construction, operations and maintenance, permit acquisition, environmental monitoring and compliance activities, as well as education and outreach services.

In 2001, the Maryland General Assembly enacted the Dredged Material Management Act (DMMA) which established and guides the DMMP and the DMMP Executive Committee to ensure that navigation channels in the Chesapeake Bay and Baltimore Harbor remain open for waterborne commerce. The act developed a hierarchy of dredged material management options.

The DMMP includes a rolling 20-year plan that outlines the projected demand for dredging needed to maintain the shipping channels and identifies options for placement capacity and alternative

management solutions for dredged material. Due to the cost, time, and regulations required to create a new dredged material containment facility, ensuring that there is a long-term plan for capacity is a challenge, especially given the deficit of available capacity for the Baltimore Harbor Channels dredged material. There are different management options based on the channel sediments and channel location, since transportation is a large cost in channel management.

MPA relies on coordination with regulatory agencies, engineers and environmental interest groups, and non-government organizations, along with stakeholder engagement with communities and interested citizens. The DMMP has a planning structure that uses a series of stakeholder advisory committees to assist in the implementation of the DMMA. Ms. Miller highlighted that the CC COC is an important and crucial part of this structure.

MPA has recognized the value of engaging with its stakeholders to ensure the best outcomes for the State of Maryland, the Port of Baltimore, the Chesapeake Bay, and Maryland communities. MPA has built a model outreach and education program that is committed to helping the community understand the importance of the Port of Baltimore and participate in initiatives that restore the environment and enhance the quality of life.

MPA requires testing of all the dredged material that is managed through its facilities. Dredged sediments are tested for a full spectrum of physical and chemical constituents to make sure the material is not hazardous. This testing allows MPA to ensure the material is allowed to be placed on the site, manage the material for reuse as needed, and will be able to comply with water quality criteria. Mr. Garofolo asked whether hazardous meant in terms of category. Ms. Miller stated that Mr. Mark Mank [MDE] will provide a presentation on sediment quality including categories of material.

There are multiple management options for Baltimore Harbor Channel dredged material. The first management option is placement of material in upland placement sites. MPA owns and operates two upland placement sites, Masonville DMCF and the Cox Creek DMCF. Both upland placement sites include containment dikes where dredged material is hydraulically unloaded at the site. Sediment is able to settle out and the water is then discharged through spillway structures. Construction and operations of these sites requires numerous state and federal permits, and MPA engages in extensive required and voluntary monitoring programs to ensure compliance. The Cox Creek DMCF is more than double the size of Masonville DMCF, however both are significantly smaller than the Hart-Miller Island site which stopped receiving dredged material in 2009.

Finding new placement capacity for Baltimore Harbor Channel material is an ongoing challenge, partially due to the lack of large tracts of available land. As a result, in addition to upland placement sites, MPA is exploring innovative alternative approaches to dredged material management.

First, the Innovative Reuse and Beneficial Use (IRBU) Program is a key component of the DMMP. To help further this program, MPA recently acquired the property adjacent to Cox Creek, which provides an opportunity to recover capacity at Cox Creek DMCF through large-scale innovative reuse of dredged material. While the property must undergo lengthy remediation before it can be fully utilized for innovative reuse purposes, it is a critical component in advancing these efforts.

The second is CAD. MPA has successfully implemented one pilot project and determining a location for a second pilot project is critical for this program so that MPA can continue to assess whether CAD can help to support the DMMP. However, MPA is pausing the CAD project work so that engagement

in a productive dialogue is prioritized and to ensure stakeholder feedback is incorporated into the planning process.

4.0 Sediment Quality and Testing Program **Mark Mank, MDE**

Mr. Mank, a toxicologist for MDE, thanked MPA for hosting the meeting and the community members for attending to express opinions and ask questions. In advance of his presentation, Mr. Mank addressed the question previously asked by Mr. Garofolo and stated that the term hazardous has a very specific definition, and that no Chesapeake Bay sediments are hazardous. Some historical levels may have been deemed as such, but nothing in the Chesapeake Bay today is considered hazardous. The categories created by MDE to aid in the reuse of fill material including dredge material are not related to the term "hazardous" as a definition but have a different set of parameters to keep sediment clean.

Mr. Mank explained that an important aspect of being a toxicologist at MDE is to ensure responsible entities conduct required environmental cleanups. All entities who are responsible for an impact, including the private sector or State agencies, are all held accountable. The goal is to protect the community, improve water quality, and support a fishable and swimmable Chesapeake Bay. Mr. Mank highlighted that MPA's Masonville project was overseen by MDE. The area was historically impacted by contaminants, but MPA remediated the area including the use of fill material to upgrade the property to an environmental campus.

Dredged material is important due to its status as a fill material. Throughout the State many materials are reused. This is particularly important for dredged material given storage capacity constraints. However, the reuse of these materials must be done in a constructive, productive manner that is protective of natural resources.

A popular usage of dredged material is to restore or stabilize shorelines which is beneficial to the surrounding environment and communities. This helps to not only combat erosion and sea level rise, but also improves the health of the Chesapeake Bay. These efforts are done under environmental management plans and require testing and processing of material before and after placement.

The MPA, and other environmental groups, are required to follow the Innovative Resue and Beneficial Use of Dredged Material Guidance Document (Guidance Document) created by MDE when reusing dredged material, and if there is any confusion, are required to contact MDE for projects to move forward. The Guidance Document specifically outlines how to use dredged material safely. Work plans are submitted and extensively reviewed based on the dredged material usage. Baltimore City waterfronts have been upgraded due to these projects. Mining sites across the state also use the Guidance Document to help navigate environmental impacts and reclaim the site.

The dredged material categories were created to clarify the types of projects dredged material can be used in based on grading. Most of the material coming out of the Baltimore Harbor is Category 2. Category 1 dredged material has unrestricted use meaning it can be used in all environments including residential settings. Category 2 material has many uses as well. Category 2 material will have slightly higher levels of contaminants from neighboring companies and runoff meaning it has slightly more restrictions than Category 1 material and must be used in commercial settings. Category 3 material must be capped.

Mr. Mank stated that Category 4 material from Chesapeake Bay has not been seen over the last few decades. To reach Category 4 contamination, a large number of contaminants would need to be

dumped and stay confined in one area. The water in the Chesapeake Bay is likely to distribute the contaminant across the waterways instead of confining it. Category 4 material needs to be kept away from the waters and stored at contained locations. Category 4 material is not eligible for reuse.

Ms. Greene asked whether the requirements that fill material must be placed at least three feet above the maximum expected groundwater elevation and fill material placement must not adversely impact groundwater or surface water resources contradicts the CAD project. Mr. Mank stated that the rule is specific to groundwater areas. Some material can be higher in metals and must not be placed too close to groundwater. Those requirements in question are for groundwater specifically, not CAD.

Mr. Mank stated that when environmental restoration activities take place water quality monitoring is often required, so the water quality monitoring associated with the CAD pilot project would be a good way to collect data for communities who are worried about waterway health. Mr. Garofolo requested more detailed data from Mr. Mank and will contact Mr. Mank for more information. Mr. Garofolo also asked for clarification on the press release which stated that there would be an establishment of a statewide task force to study the processes and plans for the CAD project and education of the public, but there were no details regarding any external studies. Delegate Chisholm stated that after meeting with the previous MPA Director, MPA made the decision to pause the project to allow for a study in coordination with MPA and MDE. The 6/1 meeting did not allow for enough time to educate the public and dispel the confusion. The 7/12 meeting is a great first step for the CAD project education, and allowing new topics the time they need to properly develop and be shared will lead to a better partnership between the project and the community. There is also a general mistrust of materials from Baltimore City being placed into Pasadena, which needs to be addressed to move forward with the community.

5.0 Final Run of Van Tours & Station Exploration

Ms. Ashley announced that the Cox Creek Open House will be held on Saturday, October 21, 2023, and the next meeting of the CC COC will be on Wednesday, October 11, 2023. The formal presentation portion of the meeting was then adjourned.

In-person attendees were invited to resume participation in site van tours and exploration of the project stations to continue productive dialogue with MPA project managers and subject matter experts.

6.0 Adjourn

The July 12, 2023, CC COC meeting was adjourned in its entirety at 8:00 PM.