

**SUMMARY OF THE DREDGED MATERIAL MANAGEMENT PROGRAM
BAY ENHANCEMENT WORKING GROUP
August 21, 2024, 10:30 AM
Virtual Meeting**

Members Attending:

Anne Arundel County Department of Public Works: David Braun, Karen Henry
Baltimore County Department of Environmental Protection and Sustainability: David Riter
Baltimore City Department of Planning: Jazmin Kimble
Baltimore City Department of Public Works: Kimberly Grove
Chesapeake Bay Foundation (CBF): Gussie Maguire
Dredged Material Management Program Citizen Advisory Committee (DMMP CAC): Adam Lindquist
Maryland Department of the Environment (MDE): Matt Wallach
National Marine Fisheries Service (NMFS): Jonathan Watson
U.S. Environmental Protection Agency (USEPA): Byron Riggins
US Fish and Wildlife Service (USFWS), Chesapeake Bay Field Office (CBFO): Robbie Callahan
US Geological Service (USGS): Forrest Vanderbilt
University of Maryland Center for Environmental Science (UMCES): Elizabeth Price, Lorie Staver, Lisa Wainger

Support Staff and Others Attending:

Anchor QEA: Mark Reemts
EA Engineering: Peggy Derrick, Cynthia Cheatwood
Community Member: Ruth Sliviak
Maryland Environmental Service (MES): Saeka Foreman, Jeff Halka, Dallas Henson, Lauren Mentzer*
Maryland Port Administration (MPA): Jennifer Guthrie, Darren Swift
The Terrapin Institute: Marguerite Whilden

*Bay Enhancement Working Group Facilitator

Action Items:

- N/A

1.0 Welcome and Introduction

Ms. Lauren Mentzer, MES

Ms. Mentzer welcomed attendees and called the meeting to order. A list of the Bay Enhancement Working Group (BEWG) members was presented for review. Those not listed such as alternates or community members were asked to introduce themselves.

2.0 CAD Subcommittee Update

Mr. Darren Swift, MPA

Mr. Swift provided an update on the Confined Aquatic Disposal (CAD) legislation. Mr. Swift stated that the proposed second CAD pilot project has been paused due to citizen and resource agency concerns. Legislation to establish a CAD Task Force was introduced during the 2024 Maryland General Assembly, but the legislation did not pass. Although the legislation did not pass, the Maryland Port Administration (MPA) is committed to an inclusive process and will move forward with a CAD Subcommittee under the Dredged Material Management Program (DMMP) BEWG to explore the technical aspects of CAD. The BEWG is composed of scientific and technical advisors, which will be coupled with community members to compose the membership of the CAD Subcommittee ensuring that the full range of interested parties are engaged. MPA is currently working to finalize the CAD Subcommittee and membership will be listed on the [DMMP website](#). Interested parties can subscribe through the website to receive updates regarding CAD.

Ms. Mentzer reminded the BEWG members to respond to the invitation email inquiring about participation in the CAD Subcommittee. These responses will help to finalize the CAD Subcommittee membership prior to the first meeting planned for September.

3.0 IRBU Guidance Document Overview

Mr. Darren Swift, MPA

Mr. Swift stated that in an exchange after the first convening of the BEWG, MPA received an inquiry about the role of BEWG in assessing the potential for Beneficial Use (BU) projects in the Baltimore Harbor that would incorporate large amounts of dredged material. The Maryland Department of Environment's (MDE's) Innovative Reuse and Beneficial Use (IRBU) Guidance Document, provides guidance on BU, and MPA coordinated with MDE to confirm that the agency is open to feedback from the BEWG to support developers and regulators interested in details related to permitting the BU of Baltimore Harbor dredged material. MPA decided to establish a BU Subcommittee under the BEWG to focus on reviewing and providing recommendations to MDE related to the BU section of the Guidance Document, particularly in relation to its use in the Baltimore Harbor.

The IRBU Guidance Document was originally released in 2017 and updated in 2019 to include agricultural applications and processing facilities. The guidance document includes information on permitting and the Code of Maryland Regulation (COMAR) related to dredging and placement of dredged material. It is a living document and can be revised through scientific investigation and robust discussion.

Mr. Swift provided the COMAR definitions of IR and BU. IR is defined as "...the use of dredged material in the development or manufacturing of commercial, industrial, horticultural, agricultural or other products." BU is defined as "...the following uses of dredged material from Chesapeake Bay and its tributary waters placed into waters or onto bottomland of the Chesapeake Bay or its tidal tributaries, including Baltimore Harbor: 1) restoration of underwater grasses; 2) restoration of islands; 3) stabilization of eroding shorelines; 4) creation or restoration of wetlands; and 5)

creation, restoration, or enhancement of fish or shellfish habitats.” These definitions are also provided in the IRBU Guidance Document.

Mr. Swift stated that there are numerous authorized uses of dredged material in the IRBU Guidance Document. Mr. Swift provided examples of BU projects, including the Poplar Island Restoration project and the Mid-Chesapeake Bay (Mid-Bay) Island Ecosystem Restoration project. Recently, MPA also supplied dredged material to two (2) BU projects within the Baltimore Harbor. One of the projects was a wetland revegetation project that removed contaminated material and replaced it with dredged material to revegetate the wetland. The other project was a living shoreline beach restoration along Stoney Creek. For both projects, MPA provided resources for developing the Sampling and Analysis Plans (SAPs) and risk assessment documents to aid the end users with the required submission to MDE for approval.

Regarding IR projects, Mr. Swift stated that MPA’s Request for Proposal (RFP) contractors explored bricks, concrete, shoreline protection devices, re-engineered soil, light-weight aggregates, vegetated earth berms, and vegetated geotubes. For all IR RFP projects, the IRBU Guidance Document was utilized to determine the material’s safety for both human health and the environment.

Mr. Swift stated that a Sampling and Analysis Plan is required to be submitted to MDE for review and approval when MPA dredged material is incorporated into a project. The number of samples that are collected depends on the stockpile size and/or the quantity of dredged material that is used for the IR or BU project. The sample requirements for IR can be found on page 40 of the IRBU Guidance Document, and page 26 for BU.

The material testing requirements are dependent on the end use of the dredged material and therefore the required testing parameters will vary. For BU projects, MDE has a focus on water quality and aquatic life. Information regarding materials testing for BU can be found on page 27 of the IRBU Guidance Document. Differing from BU, the IR material testing requirements expand to include physical analysis. These physical analyses include grain size, specific gravity, moisture content, and Atterberg limits. Information regarding the material testing for IR as soil and fill material can be found on page 39 of the IRBU Guidance Document.

Mr. Swift reviewed the four (4) categories that evaluate the management of dredged material for land use. The categories provide clear guidance for IR uses. However, there is not comparable clarity for BU. Instead, BU screening depends upon the source and end use of the material. MDE may require chemical and physical tests based on the project size, scope, and environmental sensitivity of the BU site. Since the BU guidance is not as transparent as it is for IR, private developers may encounter perceived risks associated with material acceptance during the screening portion of the project development phase and the permitting process. BU is currently considered in consultation with MDE on a case-by-case project and may require detailed project investigation, planning, and study. In a BEWG BU Subcommittee, MPA’s intent is to bring transparency and predictability to streamline the process and help reduce the risks for end users. The Reimagine Middle Branch Team expressed concern regarding final MDE approval associated with BU projects. The Nature Conservancy (TNC) expressed the same concerns regarding risks in

the development of BU projects in the Baltimore Harbor. Mr. Swift re-stated that MDE is open to discussions and receiving recommendations from the BU Subcommittee.

4.0 Future Planning and Next Steps

Ms. Lauren Mentzer, MES

Ms. Mentzer reviewed the CAD Subcommittee schedule. The CAD Subcommittee meetings are currently scheduled for the 2nd Thursday of each month, from 1:00 to 3:00 pm. The meetings will be hybrid, with the in-person portion to be held at the Cox Creek Operations and Maintenance Building. The first meeting is scheduled for September 12, 2024. It is anticipated that there will be a total of five (5) CAD Subcommittee meetings.

The BU Subcommittee is anticipated to commence in the beginning of 2025 after the completion of the CAD Subcommittee. Ms. Mentzer requested that BEWG members reach out to MES regarding their interest in being a part of the BU Subcommittee. The number of meetings and frequency will be determined based on how the BU Subcommittee moves along with providing recommendations for updating the IRBU Guidance Document.

The future BEWG schedule is tentative, but it is anticipated that the BEWG meetings will be held biannually. The next BEWG meeting is expected to occur in January 2025 to review findings from the CAD Subcommittee.

5.0 Open Discussion

Ms. Lauren Mentzer, MES

Ms. Mentzer asked the BEWG members for follow up questions or comments. Mr. Watson expressed appreciation for convening the meeting and conveyed his organization's interest in participating in both subcommittees, emphasizing the importance of understanding the optimal conditions and scenarios for utilizing dredged material in a manner that benefits both natural resources and surrounding communities. Mr. Watson also requested the CAD proposal submitted through the Maryland Joint Evaluation Process be reevaluated, advocating for continued expert dialogue to determine the best practices for restoration and management. Ms. Mentzer highlighted the objectives of the CAD Subcommittee, which include reviewing the previous site selection process, addressing data gaps, and clarifying the suitability of CAD for dredged material management in Maryland. As a part of evaluating the previous process, the subcommittee will ensure that any outstanding questions are resolved, ultimately contributing to a report that will be submitted through the DMMP committee structure.

Mr. Watson requested clarification on how CAD fits into MPA's overall dredged material management, referencing a recent site visit to the Cox Creek Sediment Technology and Reuse (STAR) facility as well as the current amount of material able to be dried on the property and reused for BU. Ms. Mentzer shared that the CAD Subcommittee will cover MPA's long-range planning and modeling to manage DMCF capacity, helping identify when to explore alternative options. Mr. Swift elaborated that MPA's IR program will evolve over the next five years, noting the planned phased remediation and incremental use of the STAR facility as well as MPA's aim to issue a request for information (RFI) to aid in supporting IR projects on a larger scale, which will assist in reclaiming capacity in the Cox Creek DMCF. While CAD is being explored as an option, and pilot projects are needed to provide additional information beyond modeling, IR remains MPA's primary focus.

Ms. Sliviak inquired about the selection process of the CAD Subcommittee members. Mr. Swift stated that MPA reviewed a robust internal list including those who have engaged with and/or expressed interest over the years as well as community members who have been involved through community-based engagement opportunities.

6.0 Adjournment

Ms. Lauren Mentzer, MES

The meeting was adjourned at 11:10 am.