

**COMMISSION ON THE ENVIRONMENT MINUTES**  
**Commissioners Conference Room**  
**Minutes of September 5, 2007**

COE Members present were Barne Wheeler, Chairman; Susan Blake, Bill Shreve, Frank Allen, Marta Kelsey, Troy Hansen, Caroline Miller, Daryl Calvano, and Larry Hartwick. Jada Stuckert was the recording secretary.

COE Members excused were Sandra Neville.

WPTF Members present were Rebecca Schofield and David Kelsey and Steve King.

Others present were George Hansen and Chris Burch.

- I. **Call to Order:** Mr. Wheeler called the meeting to order at 7:05 p.m.
- II. **Review/Approval of August 1, 2007 minutes:** A motion was made and seconded to approve the minutes with amendments. The motion passed by a 9-0 vote.
- III. **Continuing Business:**
  - Update on Proclamation for Nancy Smith & Thank You Letters to Forum Participants  
Mr. Wheeler stated all the forum letters have been signed and sent out. Mr. Wheeler stated the proclamation is ready to go and the Commissioners are prepared to present anytime. Mr. Wheeler stated he would schedule the date and let the members know as well as inviting St. Mary's College.
  - Results of Commissioners briefing, July 31 – WPTF issue & Dyson letter  
Mr. Wheeler stated as a result of the Commissioners meeting on July 31, 2007 two letters were sent, one to Sen. Dyson and one additional one to the head of Maryland Dept. of the Environment. Mr. Wheeler stated the Commissioners seemed appreciative of all the work the COE & WPTF had done.
  - Update on COE Goals & Objectives  
Mr. Wheeler stated he has not received any feedback on the goals and objectives from the Commissioners. Mr. Wheeler stated the proposed goals and objectives contained in the COE's Annual Report differ from what is on the county website in two ways: 1) they enable the COE to undertake studies and analyses without specific BOCC tasking; and 2) they are considerably more detailed than what's now written
  - Discussion of CEO Web Page  
Mr. Wheeler stated we have approval to have a dual website on the greensomd.com page. Mr. Wheeler stated the COE would have to advise the Commissioners of postings prior to actually posting to the greensomd.com website. Mr. Wheeler explained this would give the Commissioners a chance to review the information prior to it being posted. The plan is to send the material to the County PIO Office a day or so early to give them a chance to review it.

Chris Burch gave an overview of the amenities available through the greensomd.com website. Mr. Burch discussed items such as a blog, printing, navigation, discussion forums, polls, etc. Burch stated the ultimate goal is to format the COE page to be user friendly, informative and allow the COE to edit their own pages. ***A motion was made and seconded to allow Barne Wheeler to execute the draft web page for approval by the COE. The motion passed by a 9-0 vote.***

One of the main aspects of the new web page will to encourage County citizens to send their environmental concerns and issues to the COE for consideration. It was decided to have the request for comments/concerns at the bottom of the main web page. This link would send them to a place where they could write & send their comments. It was decided the form would be forwarded to all the members and Mr. Wheeler would be the primary point of contact. The group agreed that a part of the submission form should be wording on how the citizen's comments would be handled i.e., that the COE might decide to act on the comments by: 1) taking action; 2) incorporating the comment in an ongoing or upcoming COE initiative; 3) referring the comment to another agency/activity; or 4) deciding that no action was required. In all instances the citizen would be provided feedback on what action was being taken. Some of the other things which would be posted on the web page would include:

- Current Annual Report – After discussion it was decided to include this on the website.
- A portion of the web page dealing with Water Policy Task Force Matters
- Commissioner Letters to Senator Dyson– After discussion it was decided to include this on the website as well as the letters the COE has sent out in the past.
- Minutes of Latest Meetings – It was decided to include this on the website.
- A Hot Topic link which would send the person to environmental items of concern and interest. Some possible hot topics might be:
  - Web Page Link on Pros & Cons of Global Warming– After discussion it was decided to include this on the website as a hot topic.
  - How Individuals/Businesses Can Help Conserve & Live Greener – After discussion it was decided to include this under the hot topics.
  - Something on the Menhaden's importance to the Bay
- Discussion of Forum Agenda and Booths – This item was not discussed, but it was agreed that this item would be high on the next meeting's agenda
- Networking, Discussion of Contact List – This item was not discussed.
  - Time Permitting
  - Discuss the new Chamber of Commerce 2.25% growth proposal – This item was not discussed.
  - Update on Menhaden investigations to date, discussion of priority as COE objective – Mr. Wheeler provided the COE with information pertaining to Menhaden to review for the next meeting.

#### IV. New Business

- Review of Comprehensive Water & Sewer Plan Update: Please see discussion below as this item was discussed with the First Environment Summit.
- First Environment Summit: Main Topic-Critical Area Rules & Regulations Assessment – Mr. Wheeler stated Sue Veith has recommended we have an environmental summit once a year. Mr. Wheeler stated he believes the COE should undertake a study of the Critical Area. Mr. Wheeler stated the critical area is defined as a distance of 1,000 feet from tidal wetlands and tributaries and there are rules and regulations associated with what can be done there. Mr. Wheeler stated there is a Maryland Critical Area Commission which defines these rules and regulations. Possible areas of investigation might be: The composition, make-up, and charter of the Critical Area Commission. Specifically, who is on the Critical Area Commission and what their positions and primary interests are. Purpose would be to see if the make-up constitutes a balanced group of people with varied interests and agendas.
- Identify any State laws which are related to the Critical Area rules so we will know which rules are backed by some legal statute. Then the rules would be examined to see if they all make sense and can be supported from an environmental perspective.
- Next how those rules are inspected would be investigated. Specifically, how many people are available to make sure the rules are being followed? Finally, the mechanism for enforcing the rules should be evaluated to see if it provides adequate incentives for compliance.
- The final part of the study should be the variance process. For every regulation it is possible to obtain a variance. The wording permitting the granting of these variances should be examined to see if the facilitate circumvention of rules designed to protect the environment.

The key to this entire process is the zoning ordinance which is considered law. If the COE wants to affect things in the County, it will have to have the zoning ordinance changed or at least highlight possible changes which will enable COE objectives to be accomplished.

Mr. Wheeler stated that septic tank system the Health Department is interested in could be incorporated into the Critical Area study project. Mr. Calvano stated LUGM is currently reviewing and updating the Comprehensive Water and Sewer Plan and some of what he wants to accomplish re: septic tanks is included therein. Ms. Stuckert stated the CWSP would be going to the Planning Commission on September 24, 2007.

After further discussion it was decided to have Jada Stuckert request a presentation from LUGM Staff regarding these items and mail a copy of the CWSP disks to all the COE and WPTF members. The COE's mission would be to review the CWSP before the next meeting so we will be able to ask informed questions.

- Discussion of COE/BOCC Draft Letter on Large Commercial/Industrial uses of Aquifer Water (WPTF) Issue  
 . Mr. Wheeler stated he would like to get the letter supporting Steve King out of the way before hearing Mr. Hansen's presentation. The Commission reviewed the letter and gave recommended changes to Mr. Allen for correction. Mr. Wheeler would then take the changed letter and circulate to the COE & WPTF members.

Once an agreed-upon version was finalized, a COE forwarding letter to the BOCC would be prepared and dispatched. The group agreed that this would be accomplished electronically before the next COE meeting.

Mr. Wheeler then introduced George Hansen stating that Mr. Hansen's lawsuit with Calvert County & the Maryland Dept. of Environment is probably the only reason the COE found out about the 2002 MGS Anne Arundel report, Mr. Wheeler stated the wording in the Anne Arundel Report scared the COE because it implies the Aquia aquifer is in a great deal more trouble than we had previously thought; and, was the impetus behind the recent BOCC briefing and subsequent letter dispatched to Sen. Dyson (see second paragraph in Section III above). Mr. Hansen stated in April 19 days of hearings were finished concerning this issue. Mr. Hansen stated the case was originally against the Maryland Department of the Environment for being arbitrary and capricious in the issuance of the water appropriations permits in Calvert County. Mr. Hansen stated there was some number twisting by Calvert County Department of Planning in order to cause the models created by the Maryland Geological Survey to tip in Calvert County's favor for commercial development. Mr. Hansen stated Calvert County planed down the numbers in disagreement with Maryland Department of Planning. Mr. Hansen stated MDE always looks at the most optimistic scenario during the permits process. Mr. Hanson and his group were not successful in their lawsuit, but that the conclusions concerning aquifer problems were correct and that something needed to be done to address the coming water problems.

Mr. Wheeler thanked Mr. Hansen for the presentation and asked that the COE be notified of any additional developments regarding this issue.

- V. Announcements – It was stated the State River Summit would be held October 5, 2007. Mr. Wheeler passed out a flyer giving the date of a potluck dinner.

Mr. King gave information about how the expected increase in corn planting was expected to undo all the work done to reduce nitrogen discharge into the Bay by sewage treatment plants and pointed out that increased use of SLUDGE as a fertilizer source was a potential solution to this problem.

- VI. Adjournment: The meeting was adjourned at 9:25 p.m.

Mr. Wheeler stated he will schedule the date for Nancy's proclamation and let the members know as well as inviting the college.

Jada Stuckert will request a presentation from LUGM Staff regarding these items and mail a copy of the CWSP disks to all the COE and WPTF members.