

SB 353 - CBF - FAV.pdf

Uploaded by: Doug Myers

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 353

Confined Aquatic Disposal Task Force

Date: February 6, 2024
To: Education, Energy and the Environment Committee

Position: **Favorable**
From: Doug Myers
Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 353 which establishes a task force to discuss and review the overall concept, viability, and available options associated with confined aquatic disposal (CAD) of maintenance dredged material from state navigation channels. The task force will make a recommendation on whether the Maryland Port Authority (MPA) should pursue the development of a CAD program or prohibit its use in the State. The Task Force will, if appropriate, develop a list of best practices and legislative or other policy recommendations regarding the authorization and implementation of the program.

Currently, CBF participates in several committees convened by MPA to guide all aspects of dredged material management and a structure already exists within those committee structures to bring stakeholder recommendations to a multi-agency Executive Committee that directs MPA. There is the potential for this legislation to be largely duplicative of those efforts.

However, on the issue of Confined Aquatic Disposal, considerable community opposition has been raised related to various aspects of siting, potential environmental impacts, and quality-of-life impacts a CAD program might create. CBF understands the potential lack of capacity for dredged material management within the harbor, especially as the port modernizes with berths for larger vessel types currently under construction. We also understand the concerns of community members about legacy toxic recontamination potential if CAD is not carefully planned and executed. CAD capacity, siting limitations, and community protective measures must be developed now, whether or not that capacity is actually needed in the future, because the timing required to bring a CAD program online will be several years.

Whether it is within the existing Dredged Material Management Program structure or a task force created by this bill, CBF will continue to participate in the development of CAD program parameters that assure equitable community involvement and strong environmental protections.

CBF urges the Committee's FAVORABLE report on SB 353.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

SB 353 Senator Simonaire_FAV.pdf

Uploaded by: Kara Contino

Position: FAV

BRYAN W. SIMONAIRE
Legislative District 31
Anne Arundel County

Education, Energy, and the
Environment Committee

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



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The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

Written Testimony in SUPPORT of SB 353

Chairman and members of the Education, Energy, and Environment Committee, I am here to introduce and voice my support for Senate Bill 353 – *Confined Aquatic Disposal Task Force*.

Senate Bill 353 would establish the Confined Aquatic Disposal Task Force to discuss and review the overall concept, viability, and available options associated with confined aquatic disposal program and the State's requirements and long-term strategies for maintaining functional and thriving ports in the Maryland. It would require the Task Force to submit a report of findings and recommendations on or before July 1, 2025 to certain committees of the General Assembly and the Governor.

SB 353 Sponsor Amendments.pdf

Uploaded by: Kara Contino

Position: FAV



SB0353/463222/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

05 FEB 24
11:25:41

BY: Senator Simonaire
(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENTS TO SENATE BILL 353
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Water Resources – Redeposition of Dredged Material – Prohibition Near Rock Point**”; strike beginning with “establishing” in line 3 down through “Force” in line 4 and substitute “prohibiting the redeposition of dredged material from Baltimore Harbor in certain waters within a certain distance of Rock Point in Anne Arundel County; and generally relating to redeposition of dredged materials”; and after line 4, insert:

“BY repealing and reenacting, with amendments,

Article – Environment

Section 5–1102

Annotated Code of Maryland

(2013 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 6, after “That” insert “the Laws of Maryland read as follows”; after line 6, insert:

“**Article – Environment**

5–1102.

(a) A person may not redeposit [in an unconfined manner] dredged material from Baltimore Harbor into or onto any portion of the water or bottomland of the

Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries[. However,]:

(1) IN AN UNCONFINED MANNER OUTSIDE BALTIMORE HARBOR, EXCEPT THAT the dredged material UNDER THIS SUBSECTION may be redeposited in contained areas approved by the Department; OR

(2) WITHIN 5 MILES OF ROCK POINT IN ANNE ARUNDEL COUNTY.

(b) A person may not redeposit in an unconfined manner Baltimore County tributary dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries within 5 miles of the Hart–Miller–Pleasure Island chain in Baltimore County.

(c) Except as provided in subsection (d) of this section, a person may not redeposit in an unconfined manner dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portion of any of the Chesapeake Bay's tributaries except when used for a beneficial use project undertaken in accordance with State and federal laws. However, the dredged material may be redeposited in contained areas approved by the Department.

(d) (1) Beginning October 1, 2001, subject to paragraph (2) of this subsection, and in accordance with State and federal law, a person may redeposit up to 7.4 million cubic yards of dredged material into or onto any portion of the water, bottomland, or the tidewater portions of the Chesapeake Bay collectively known as Pooles Island, including G–West and Site 92.

(2) The redeposit of dredged material authorized under this subsection may not occur after the sooner of:

(i) December 31, 2010; or

(ii) The initiation of the placement of dredged material in any site or sites approved pursuant to the process established in § 5-1104.2(d)(1) of this subtitle if the total capacity of the approved site or sites, when combined with the approved capacity of existing placement sites identified in the October 1, 2000 report to the Maryland General Assembly regarding the Governor's Strategic Plan for Dredged Material Management, provide 20 years of placement capacity for dredged material.

(e) A person may not dump, deposit, scatter, or release sewage sludge by any means, including discharge from a sewer or pipe, into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore County.

(f) A person may not redeposit dredged material or other material excavated or dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of the bottomlands or waters of the Chesapeake Bay known as the deep trough."

On pages 1 through 3, strike in their entirety the lines beginning with line 7 on page 1 through line 27 on page 3, inclusive.

On page 3, in line 28, strike "July" and substitute "October".

On pages 3 and 4, strike beginning with "It" in line 29 on page 3 down through "effect." in line 2 on page 4.

SB353 Corrected Tetimony

Uploaded by: John Garofolo

Position: FWA

SENATE BILL 353 – SUPPORT with enhancements

**Senate Bill 353 – Environment - Cox Creek Citizens Oversight Committee - Membership
Senate Committee on Education, Energy, and the Environment
February 6, 2024**

My name is John Garofolo. I live in the community of Stoney Beach – a 62-acre peninsula community in Curtis Bay in Northern Anne Arundel County with 1.2 miles of shoreline bordering the Patapsco River, Stoney Creek, and Cox Creek. I am a scientist, an Anne Arundel Watershed Steward Academy (WSA) - Master Watershed Steward, a citizen environmentalist, a boater, and I have previously been on the board of directors of my community association. I have been engaging the Maryland Port Authority through their Cox Creek Citizens Oversight Committee off and on for several years since they began constructing the enormous 237-acre diked dredge containment facility that is only 2 miles upriver from our community called the “Cox Creek Dredge Management Containment Facility (CC-DMCF).”

Channel and berth dredging are essential to support the Baltimore Harbor and its shipping industry. **However, the safety of the disposal of the removed dredge material is crucial to the health and safety of the Patapsco and its waterways, the Chesapeake Bay, the tidal ecosystem, and the citizens and especially families with children that live on, use, and play in these waterways. This is especially important because much of the dredge material removed from the Baltimore Harbor and Patapsco shipping channel is contaminated with highly toxic forever chemicals from past industrial dumping and runoff – many of which are carcinogenic.** This is why MPA must already take special precautions in containing and dewatering it as required by law and regulation. The Patapsco is also environmentally sequestered by law from the rest of the Chesapeake for dredge management because of the known contamination of the riverbed near industrial sites. My understanding is that MPA may currently only dispose of dredge material from the Patapsco in land-based diked containment facilities adjoining the Patapsco.

Due to the projected expansion of Baltimore Harbor/Patapsco shipping and berthing channels and ongoing maintenance requirements, MPA has predicted a shortage of places to “contain” contaminated dredge material in the future. As a result, MPA began to explore an aquatic alternative to land-based facilities for dredge material containment called Confined Aquatic Disposal (CAD). MPA created an initial CAD pilot in a ship berth adjoining their diked containment facility in Brooklyn called “Masonville Cove” in 2016. The pilot was in calm protected water in an already-contaminated industrial area and not reflective of the behavior or impacts of a CAD project in the open waters of the outer Patapsco near the Bay. MPA created their “Innovative Reuse & Beneficial Use Program (IRBU)” program to promote both CAD and R&D in the potential reuse of dredge material. MPA’s 2019 DMMP annual report¹ indicated that they had initiated a process to identify potential sites for a pilot of an operationally-sized CAD installation in the Patapsco (MPA refers to the entire tidal Patapsco as “the Baltimore Harbor” - including outer Patapsco waters adjoining the Chesapeake and residential Anne Arundel County shorelines.) MPA has clearly been working on these plans for years and **MPA has been negligent in sufficiently communicating their plans to use CAD to the citizens of North Anne Arundel County and to our legislative representatives.**

¹ <https://mpa.maryland.gov/greenport/Documents/dmmpannualreview2018.pdf>

According to MPA, their implementation of CAD involves digging a hole in the riverbed (cell) and removing clean sand from the cell to be used for other beneficial purposes and dumping (contaminated) dredge in its place but not completely filling the cell to the top.² This is referred to as “uncapped CAD”. Enormous amounts of healthy river bed would be destroyed including all aquatic life in and near the CAD cell. It’s unclear how much of the contaminants in the dredge would be released into the river during filling or over time and how long it would take the disturbed ecosystem to recover. MPA specifically chose a location one mile off of Stoney Creek/Rock Creek because it was uncontaminated and could support any beneficial reuse. **This approach would not contain and control the contaminants the way diked dredge facilities do, and it is unclear how this would affect public health in nearby waterfront communities or the delicate environment of one of the less-contaminated areas of the Patapsco as well as its nearby tidal tributaries.** Existing implementations of CAD such as in the New York Harbor have placed CAD cells next to the industrial areas where the material was removed so as not to increase environmental impact. My understanding is that CAD has not been used next to residential communities and waterways.

I began engaging MPA through their Cox Creek Citizens Oversight Committee (CCCOC) meeting in the Fall of 2022 to ask if they could provide clean (Category 1³ – suitable material for residential use) dredge for a shoreline restoration project in my community (my community is now benefiting from the MPA IRBU beneficial reuse program for our shoreline.) MPA announced in their Spring 2023 CCCOC meeting that they planned to create a 20-acre outer Patapsco CAD pilot as part of a 220-acre ultimate site plan and this site would contain “Category 2” material (not suitable for residential use or direct human exposure). **The enormous MPA CAD site is planned for the Southern side of the outer Patapsco River just 1 mile off Stoney Creek and Rock Creek and very close to my community of Stoney Beach and nearby Riviera Beach. Potential extension of the site to its full size would bring it close to Fort Smallwood.**

I was so alarmed by this announcement, that I organized a meeting with MPA to meet with citizens on June 1, 2023 and asked MPA to speak about their IRBU program and CAD project and to take an hour of questions. **The meeting had over 150 participants including citizens from many Anne Arundel Patapsco waterway communities as well as all of our legislative representatives.** In that meeting, MPA did a poor job of explaining their plans and research and responding to questions from the citizens. Citizens asked many important questions regarding risk assessment, science, engineering, health and safety, environmental concerns, and for technical documentation which MPA could not adequately answer. **Both our citizens and our legislators expressed great concern about the soundness, safety, and transparency of the project. The citizens at the meeting also expressed how important the outer Patapsco and its Anne Arundel residential waterways (including Cox Creek, Stoney Creek, Nabbs Creek, Rock Creek, and Bodkin Creek spanning Pasadena and Curtis Bay and tens of miles of shoreline) are to the way of life for families living on and engaging with these waterways.** On any one nice summer day, you might see dozens of families swimming, boating, skiing, jet skiing, fishing, and crabbing in the cove at the mouth of Stoney Creek.

² <https://maryland-dmmp.com/innovative-solutions/confined-aquatic-disposal/>

³ https://mpa.maryland.gov/greenport/documents/MDOT_MPA_IBR_FACT_SHEET%202021%20FINAL.pdf

Senator Simonaire and Delegates Chisholm, Munoz, and Kipke quickly met with the MPA shortly after the meeting and published a press release stating that MPA agreed to pause the CAD project while our legislators worked to create legislation to stand up a statewide task force to investigate the use and location of CAD projects in Maryland. MPA held its own citizens meeting and open house several weeks later in July, 2023. However, MPA provided essentially no new information, only took questions at tables outside of the formal part of the meeting, and a MDE environmental expert who spoke at the meeting had obviously not been briefed by MPA on their plans. **MPA asserted in the meeting (and every meeting since) that they were only focused on pausing their CAD project to “improve their education and outreach”, but have stated nothing regarding improving their science, transparency, and substantive citizen engagement.** I asked MPA at that meeting if they would hold a technical briefing for scientists and engineers and interested citizens living near the planned site and they agreed, but never followed through.

I am very concerned about the quality and scope of MPA research regarding CAD and its safety, the amount of funding that has been spent on developing CAD plans and pilots without sufficient citizen and legislator interaction and input from impacted communities, the apparent lack of effective coordination with MDE, the lack of independent health, science, and environmental oversight of this project, and the lack of publicly accessible documented research and planning regarding the project.

For purposes of dredge management, MPA and the state seem to see the Patapsco River as disengaged from the greater Chesapeake. The Patapsco River and its many waterways are an important part of the Chesapeake Bay and its overall health. And the Patapsco is the most at-risk part of the Chesapeake Bay environmentally because of the great harms caused by industrial waste and sewage spills from the last 150+ years. **The Patapsco needs to have the most environmentally sensitive laws, regulation, and oversight - not the least.** And the residential areas of the outer Patapsco in Anne Arundel County has hundreds of waterfront communities whose families swim, fish, crab, boat, and do water sports in the river and its waterways. **The Patapsco waterways literally are the lifeblood of the communities in Northern Anne Arundel County. It’s important for our future that these waterways are kept environmentally safe and that no further environmental damage is done to the Patapsco.**

It is therefore critically important that the task force proposed in Senate Bill 353 is moved into legislation and enhanced with independent scientific experts in health, environment, and marine environmental engineering and testing as well as an independent expert in CAD. It’s also important that the task force has meaningful bidirectional interactions with impacted communities in North Anne Arundel County and with our legislative representatives.

Sincerely,



John S. Garofolo

Stoney Beach, Curtis Bay, MD

SB0353 - MPA - Confined Aquatic Disposal_LOI_FINAL

Uploaded by: Holly Miller

Position: INFO

February 6, 2024

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Information – Senate Bill 353 – Confined Aquatic Disposal Task Force

Dear Chair Feldman and Committee Members:

The Maryland Port Administration (MPA) respectfully submits this letter of information on Senate Bill 353 which seeks to create a legislative task force for a dredge material management option known as “Confined Aquatic Disposal” (“CAD”). The MPA believes that such a task force is misplaced given the existing governance structure of the State of Maryland’s Dredged Material Management Program (DMMP) that already provides a more comprehensive and broad-based stakeholder process for reviewing, discussing, evaluating, and making recommendations on dredge material management options like CAD.

The Need for a Dredge Material Management Program

Each year, the U.S. Army Corps of Engineers performs maintenance dredging on the over 130 miles of navigational channels connecting the Port of Baltimore to the Atlantic Ocean. This maintenance dredging generates, on average, approximately five million cubic yards of sediment which is enough dredge material to fill up M&T Bank stadium twice. Once this material is dredged, the State of Maryland, through MPA, is responsible for the placement and management of all this material through the DMMP. The DMMP was established by the Maryland General Assembly in 2001 to create a comprehensive process for evaluating and assessing dredging management options, and for identifying potential new placement sites. *See* Md. Envir. Code, § 5-1104.2(d).

DMMP Governance Structure

To ensure that future dredged material placement options are rigorously evaluated by a broad and representative cross-section of interested parties, the General Assembly created an Executive Committee composed of eight members, the Secretary of Transportation, the Secretary of Natural Resources, the Secretary of the Department of the Environment, the Chesapeake Bay Foundation, a representative of the Management Committee of the DMMP, a citizen representative, and the district engineers for the U.S. Army Corps of Engineers, Baltimore and Philadelphia Districts. *Id.* at § 5-1104. The Executive Committee meets twice annually to review and recommend to the Governor long-term strategic plans for dredged material management, placement sites, and the beneficial use and innovative reuse of dredged material.

The Executive Committee receives a wide range of analysis, input, and recommendations on different dredge material management options from eight oversight and advisory committees that are the foundation of the model engagement program of the DMMP. They include: the Management Committee, Citizens’ Advisory Committee, Innovative Reuse Committee, Hart-Miller Island Citizens Oversight Committee, Cox Creek Citizens Oversight Committee, Masonville Citizens Advisory Committee, Pearce Creek Implementation Committee, and the Bay Enhancement Working Group (BEWG).

These Committees and Workgroups are made up of a broad and inclusive cross-section of partners, including national, state, and local governmental agencies, nonprofit organizations, community groups, citizens, and businesses, all of whom work together to plan for, and manage, dredged material in innovative and sustainable ways that benefit our local communities and the environment. The Committees and Workgroups provide advice, input, and recommendation to the Executive Committee on a wide range of topics, including, but not limited to, the technical viability of a specific dredge material management option, the science associated with that option, the environmental, natural resource, and financial impacts of the option, and the impacts to neighboring communities.

Confined Aquatic Disposal

CAD is one dredge material management option that the State is currently investigating through the DMMP. Under this option, Baltimore Harbor dredged material is placed in a confined underwater cell created by excavating material from the waterway bottom. In the U.S., CAD has been used successfully in Boston and Newark Bay.

In 2016, MPA constructed its first CAD Pilot Project in Baltimore Harbor and began an extensive 2-year study of this new approach in Maryland. Dredged material was evaluated prior to placement with monitoring occurring during placement, followed by extensive post-placement monitoring to evaluate the long-term stability of the material within the cell. The first pilot project was demonstrated to be technically feasible and sediment and water quality study results were determined to be within water quality standards and consistent with baseline conditions.

Through continued coordination with DMMP committees, the 2016 CAD Pilot Project identified planning goals to be taken into consideration while exploring a location for a second CAD Pilot Project such as evaluating different natural site conditions. Preliminary site analysis for a second pilot project included an environmental assessment, hydrodynamic modeling, and geotechnical investigations.

Through ongoing coordination with DMMP committees, potential sites were refined and focused for further study, ultimately resulting in a recommended location in the open water region southeast of Cox Creek Dredged Material Containment Facility, approximately one mile off the coast of Anne Arundel County.

Citizen Request for Further Study

In June 2023, MPA attended a community meeting in Anne Arundel County during which community members raised concerns about the proposed location for the second CAD Pilot Project which was being considered one mile off the community's shoreline in the Chesapeake Bay. The meeting revealed there were misconceptions about CAD, and that MPA could improve outreach and collaboration with the citizens and the District 31 delegation to address some of the citizens' concerns. After subsequent conversations with DMMP stakeholders and the District 31 delegation, MPA agreed to pause the second CAD pilot project.

Since then, MPA has been engaged in conversations with the District 31 delegation on how best to further discuss, review, evaluate, and perform community outreach on CAD. Senate Bill 353 seeks to address this matter by setting up a legislative Task Force that reports its findings and recommendation regarding CAD to the Senate Committee on Education, Energy and the Environment, the House Environment and Transportation Committee, and the Governor.

The Honorable Brian J. Feldman
Page Three

The MPA believes that further review, discussion, feedback, advice, and recommendation on CAD should come from the DMMP committees to the Executive Committee because these committees have the scientific, regulatory, and technical expertise, as well as the diverse stakeholder input needed to address the concerns of citizens regarding CAD. Specifically, MPA believes this process should start with the Bay Enhancement Working Group (BEWG), originally established in 2001 with the enactment of the Dredged Material Management Act of 2001, that serves as the technical advisors on environmental and social issues related to the development and implementation of dredged material placement activities of the Port of Baltimore. The BEWG is composed of broad-based technical personnel with expertise relevant to environmental issues in the Chesapeake Bay region. BEWG participants represent resource management and regulatory agencies at the federal and state levels, local governments, and stakeholder groups, including environmental interest groups, universities, watermen, and communities. The BEWG develops and utilizes tools to assess environmental impacts and/or benefits associated with dredged material management options. Moreover, citizens and legislative representatives are welcome to attend any of the meetings of the BEWG; its meetings are open to the public.

In conclusion, MPA believes the DMMP is well equipped to address the concerns raised by the citizens at the June 2023 meeting regarding CAD, and that creating a legislative Task Force with a narrower group of members is unnecessary.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberations of Senate Bill 353.

Respectfully Submitted,

Bob Munroe
Deputy Executive Director
Maryland Port Administration
410-385-4829

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

SB0353 - MPA - Confined Aquatic Disposal_LOI_FINAL

Uploaded by: Pilar Helm

Position: INFO

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The Need for a Dredge Material Management Program

Each year, the U.S. Army Corps of Engineers performs maintenance dredging on the over 130 miles of navigational channels connecting the Port of Baltimore to the Atlantic Ocean. This maintenance dredging generates, on average, approximately five million cubic yards of sediment which is enough dredge material to fill up M&T Bank stadium twice. Once this material is dredged, the State of Maryland, through MPA, is responsible for the placement and management of all this material through the DMMP. The DMMP was established by the Maryland General Assembly in 2001 to create a comprehensive process for evaluating and assessing dredging management options, and for identifying potential new placement sites. *See* Md. Envir. Code, § 5-1104.2(d).

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Uploaded by: Robert Munroe

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Each year, the U.S. Army Corps of Engineers performs maintenance dredging on the over 130 miles of navigational channels connecting the Port of Baltimore to the Atlantic Ocean. This maintenance dredging generates, on average, approximately five million cubic yards of sediment which is enough dredge material to fill up M&T Bank stadium twice. Once this material is dredged, the State of Maryland, through MPA, is responsible for the placement and management of all this material through the DMMP. The DMMP was established by the Maryland General Assembly in 2001 to create a comprehensive process for evaluating and assessing dredging management options, and for identifying potential new placement sites. *See* Md. Envir. Code, § 5-1104.2(d).

DMMP Governance Structure

To ensure that future dredged material placement options are rigorously evaluated by a broad and representative cross-section of interested parties, the General Assembly created an Executive Committee composed of eight members, the Secretary of Transportation, the Secretary of Natural Resources, the Secretary of the Department of the Environment, the Chesapeake Bay Foundation, a representative of the Management Committee of the DMMP, a citizen representative, and the district engineers for the U.S. Army Corps of Engineers, Baltimore and Philadelphia Districts. *Id.* at § 5-1104. The Executive Committee meets twice annually to review and recommend to the Governor long-term strategic plans for dredged material management, placement sites, and the beneficial use and innovative reuse of dredged material.

The Executive Committee receives a wide range of analysis, input, and recommendations on different dredge material management options from eight oversight and advisory committees that are the foundation of the model engagement program of the DMMP. They include: the Management Committee, Citizens’ Advisory Committee, Innovative Reuse Committee, Hart-Miller Island Citizens Oversight Committee, Cox Creek Citizens Oversight Committee, Masonville Citizens Advisory Committee, Pearce Creek Implementation Committee, and the Bay Enhancement Working Group (BEWG).

These Committees and Workgroups are made up of a broad and inclusive cross-section of partners, including national, state, and local governmental agencies, nonprofit organizations, community groups, citizens, and businesses, all of whom work together to plan for, and manage, dredged material in innovative and sustainable ways that benefit our local communities and the environment. The Committees and Workgroups provide advice, input, and recommendation to the Executive Committee on a wide range of topics, including, but not limited to, the technical viability of a specific dredge material management option, the science associated with that option, the environmental, natural resource, and financial impacts of the option, and the impacts to neighboring communities.

Confined Aquatic Disposal

CAD is one dredge material management option that the State is currently investigating through the DMMP. Under this option, Baltimore Harbor dredged material is placed in a confined underwater cell created by excavating material from the waterway bottom. In the U.S., CAD has been used successfully in Boston and Newark Bay.

In 2016, MPA constructed its first CAD Pilot Project in Baltimore Harbor and began an extensive 2-year study of this new approach in Maryland. Dredged material was evaluated prior to placement with monitoring occurring during placement, followed by extensive post-placement monitoring to evaluate the long-term stability of the material within the cell. The first pilot project was demonstrated to be technically feasible and sediment and water quality study results were determined to be within water quality standards and consistent with baseline conditions.

Through continued coordination with DMMP committees, the 2016 CAD Pilot Project identified planning goals to be taken into consideration while exploring a location for a second CAD Pilot Project such as evaluating different natural site conditions. Preliminary site analysis for a second pilot project included an environmental assessment, hydrodynamic modeling, and geotechnical investigations.

Through ongoing coordination with DMMP committees, potential sites were refined and focused for further study, ultimately resulting in a recommended location in the open water region southeast of Cox Creek Dredged Material Containment Facility, approximately one mile off the coast of Anne Arundel County.

Citizen Request for Further Study

In June 2023, MPA attended a community meeting in Anne Arundel County during which community members raised concerns about the proposed location for the second CAD Pilot Project which was being considered one mile off the community's shoreline in the Chesapeake Bay. The meeting revealed there were misconceptions about CAD, and that MPA could improve outreach and collaboration with the citizens and the District 31 delegation to address some of the citizens' concerns. After subsequent conversations with DMMP stakeholders and the District 31 delegation, MPA agreed to pause the second CAD pilot project.

Since then, MPA has been engaged in conversations with the District 31 delegation on how best to further discuss, review, evaluate, and perform community outreach on CAD. Senate Bill 353 seeks to address this matter by setting up a legislative Task Force that reports its findings and recommendation regarding CAD to the Senate Committee on Education, Energy and the Environment, the House Environment and Transportation Committee, and the Governor.

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The MPA believes that further review, discussion, feedback, advice, and recommendation on CAD should come from the DMMP committees to the Executive Committee because these committees have the scientific, regulatory, and technical expertise, as well as the diverse stakeholder input needed to address the concerns of citizens regarding CAD. Specifically, MPA believes this process should start with the Bay Enhancement Working Group (BEWG), originally established in 2001 with the enactment of the Dredged Material Management Act of 2001, that serves as the technical advisors on environmental and social issues related to the development and implementation of dredged material placement activities of the Port of Baltimore. The BEWG is composed of broad-based technical personnel with expertise relevant to environmental issues in the Chesapeake Bay region. BEWG participants represent resource management and regulatory agencies at the federal and state levels, local governments, and stakeholder groups, including environmental interest groups, universities, watermen, and communities. The BEWG develops and utilizes tools to assess environmental impacts and/or benefits associated with dredged material management options. Moreover, citizens and legislative representatives are welcome to attend any of the meetings of the BEWG; its meetings are open to the public.

In conclusion, MPA believes the DMMP is well equipped to address the concerns raised by the citizens at the June 2023 meeting regarding CAD, and that creating a legislative Task Force with a narrower group of members is unnecessary.

The Maryland Department of Transportation respectfully requests the Committee consider this information during its deliberations of Senate Bill 353.

Respectfully Submitted,

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