

February 23, 2024

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

Re: Letter of Support with Amendments – House Bill 886 – Confined Aquatic Disposal Task Force

Dear Chair Korman and Committee Members:

The Maryland Port Administration (MPA) respectfully requests a favorable report on House Bill 886 with amendments. House Bill 886 creates a Task Force under the State of Maryland’s Dredged Material Management Program (DMMP) to study a dredge material management option known as “Confined Aquatic Disposal” (“CAD”) and make recommendations to the DMMP Executive Committee. By placing the Task Force under the existing governance structure, the DMMP will provide the Task Force a 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 dredged material 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, 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. With amendments, House Bill 886 would address this matter by setting up the Task Force within the DMMP and reports its recommendations regarding CAD to the Executive Committee.

The Honorable Marc Korman
Page Three

The MPA firmly believes that 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 BEWG, within the DMMP, is well equipped to incorporate the Task Force for the fixed term and address the concerns raised by the citizens at the June 2023 meeting regarding CAD.

The Maryland Department of Transportation respectfully requests the Committee grant House Bill 886, with amendments, a favorable report.

Respectfully Submitted,

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SB0353/773125/1

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

AMENDMENT TO SENATE BILL 353

(First Reading File Bill)

On page 1, in line 9, after “(1)” insert “the members of the Bay Enhancement Working Group;

(2)”;

in line 11, strike “(2)” and substitute “(3)”; strike line 13 in its entirety; and strike beginning with the first “the” in line 14 down through “designee” in line 15 and substitute “one member from the Anne Arundel County Office of Planning and Zoning”.

On pages 1 and 2, strike beginning with the first “the” in line 16 on page 1 down through “(v)” in line 2 on page 2, inclusive.

On page 2, in line 2, strike “two” and substitute “three”; in the same line, strike “from water privileged communities” and substitute “who represent a waterfront community, one of each”; in line 3, strike “or” and substitute “and”; in line 4, after “Harbor” insert “, appointed by the Governor”; in line 5, strike “Governor” and substitute “majority of the members of the Task Force”; strike beginning with the colon in line 7 down through “(1)” in line 8; strike beginning with the semicolon in line 8 down through “budget” in line 10; in line 14, strike “The” and substitute “Using the procedures and policies governing the Dredged Material Management Program under the Maryland Port Administration, the”; in line 15, strike “discuss” and substitute “study”; in line 17, after “programs” insert “to meet the long-term dredged material placement needs of the State”; strike beginning with “the” in line 18 down through “(iv)” in line 22; in lines 24 and 26, strike “(v)” and “(vi)”, respectively, and substitute “(iii)” and “(iv)”, respectively; and strike in their entirety lines 28 and 29.

On page 3, in lines 1, 3, 4, and 5, strike “1.”, “2.”, “3.”, and “4.”, respectively, and substitute “(v)”, “(vi)”, “(vii)”, and “(viii)”, respectively; after line 6, insert:

“(ix) economic impacts of confined aquatic disposal;”;

in line 7, strike “5.” and substitute “(x)”; in the same line, after “impacts” insert “of confined aquatic disposal”; in the same line, strike “and”; strike line 8 in its entirety; in line 9, strike “(viii)” and substitute “(xi)”; in line 10, after the semicolon, insert “and

“(xii) any other factors the Task Force deems necessary; and”;

strike beginning with “whether” in line 11 down through “necessary” in line 23 and substitute “using confined aquatic disposal as a strategy for meeting the long-term dredged material placement needs of the State”; in line 24, after “shall” insert “submit a”; in the same line, after “report” insert “of”; in line 25, after “to” insert “the Executive Committee created under § 5–1104.2 of the Environment Article.”; and in line 26, strike “the Governor,”.