

BAY RESTORATION FUND ADVISORY COMMITTEE

**Maryland Department of the Environment
Aqua/Aeris Conference Rooms (MDE Lobby Area)
1800 Washington Boulevard
Baltimore, Maryland 21230
September 8, 2016**

Meeting Minutes

Welcome/Introduction

- The meeting was opened by Ms. Julie Pippel of Washington County, on behalf of Mr. Greg Murray, Chairman of the Bay Restoration Fund Advisory Committee and Administrator for Washington County.
- Ms. Pippel welcomed the committee members and other attendees.

Review of Meeting Minutes

- Previous meeting minutes from the June 9, 2016 meeting were handed out to the committee members for their review and comment. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Ms. Pippel asked if anyone had any comments, questions, constructive criticism. Hearing none, they will stand as presented.

Discussion

I. Update on Major WWTPs ENR Implementation

- Mr. Saffouri referenced the Wastewater Treatment Plants ENR Upgrade Status handout. To date there are 49 facilities in operation, 14 under construction, 3 in design, and 1 in planning, for a total of 67 facilities. Mr. Saffouri stated that Western Branch and Taneytown are now in ENR operation.
- Seven other facilities have progressed to above 90% construction completion and they are next in line to be completed.

- Conococheague is ready to start construction and will be holding a groundbreaking ceremony. MDE will inform the committee members of specific time and date as soon as we find out from Washington County. Ms. Pippel stated that everyone is welcome to attend.

II. Update on Minor WWTPs ENR Upgrades

- Mr. Saffouri stated that there has been no change in status for any of the minor facilities since the last meeting.
- Mr. Bouxsein asked whether Goldsboro will be connected to Greensboro immediately after the upgrade. Mr. Saffouri answered yes as the collection system and conveyance are being constructed concurrently with the treatment plant upgrade. Mr. Khuman added that the actual house connections may occur up to a year after construction is done.

III. Update on Cover Crops

- Mr. Astle provided the update on the cover crop activities. He indicated that we had another record year with the sign up of 691,000 acres. The actual planting will depend on the weather conditions.
- Mr. Bouxsein asked how much the cost per acre planted. Mr. Astle responded that the cost varies depending on the type of cover crops, but the average roughly is about \$48 to \$50 per acre.
- Mr. Astle added that MDA attempts to reduce the allowable cost per acre to match the projected income from both Bay Restoration Fund and the Chesapeake Bay Trust Fund. This practice has not impacted the level of participation in the program.

IV. Update on Onsite Sewage Disposal System (OSDS)

- Mr. Khuman advised the committee of the proposed amendment to the regulations. The current regulations require BAT to be used for any new onsite system installed in the Critical Areas or any watershed of a nitrogen impaired body of water (practically anywhere in Maryland). The proposed amended regulations will require BAT only in the Critical Areas. The amended regulations will be published soon, at which time they will be available for public review and comments.
- Mr. Khuman stated that upon finalizing the amended regulations, the committee may want to consider whether or not the current BRF allocations should be changed for the counties that do not have any Critical Areas.

- Mr. Boussein asked whether a failing septic system in non-critical area is required to use BAT. Mr. Khuman responded that it can receive BRF funding through the County annual allocation, but without funding BAT would not be required.
- Many non-members (including Mr. Harrison, President of Maryland Onsite Wastewater Professionals Association) who were attending the meeting, expressed their concerns about the proposed amendment to the regulations and the possibility that a failing septic system outside the critical area may not be funded. Many of these failing systems are adjacent to a stream, and many serve low income families who cannot afford the correction without assistance. In addition, in most cases providing public sewer is not feasible.
- Also, concerns were expressed regarding some community systems in Maryland that currently have no feasible solution other than pump-and-haul. Some BAT systems can treat to very low concentrations in BOD, TSS and nitrogen that should allow these communities to have a direct stream discharge.
- Concerns were also raised regarding the economical impact on septic installers, most of whom are small businesses. Even though the overall number of the funded BAT systems will not change Statewide as only the locations of installations may be distributed differently, there will still be a significant economical impact on these small businesses because new development outside the critical areas will no longer be required to use BAT.
- Mr. Khuman reminded all attendees that there will be ample of opportunities for public comments when the amended regulations are published.
- Mr. Flatley provided a handout showing total BAT installations as of 9/1/2016 for each county, categorized by funded and not funded, and within and outside the Critical Areas.
- Mr. Boussein asked what the cost per pound reduced from BATs? Mr. Khuman responded that it is about \$60 per pound, including O&M cost over 5 years. Mr. Khuman added that at the next meeting MDE will provide another report focusing only on funded BATs in FY 2016.

V. Update on BRF Fee Collection and Budget

- Mr. Khuman presented the Comptroller's report for July 31, 2016. The report consisted of fee collections from each county and Baltimore City since the program's inception to date, and the resulting distribution to MDE and MDA.

- Mr. Khuman provided more detailed information on the fund distribution, which included full Fiscal Year (FY) 2016. As predicted in the last meeting, FY 2016 is close to \$13.5 million more than usual under Line 1 (Wastewater Fund) due to Baltimore City's one-time adjustment. The total FY 2016 revenue for Line 1 is approximately \$124.3 million. Line 1 is expected to go back to the usual \$110 million range in the next fiscal years. Septic Fund (Line 2) FY 2016 total is approximately \$28.8 million, which is higher than what we originally expected after the fee increase.
- Mr. Khuman mentioned that the Septic Fund annual revenue, when divided by \$60 per year per septic, yields more septic systems than the State's original estimate. Ms. Butler stated that MDP is working with the Chesapeake Bay Program and the Counties in order to get a more accurate count of septic systems in the State.
- Mr. Hearn asked whether reconciling these numbers is required by a budget language. Mr. Khuman responded that he did not believe there is any requirement in the budget legislation, but Department of Budget analysis has raised this issue.

VI. Proposed Integrated Project Priority System (IPPS) to Address Extended Use Issue

- Mr. Khuman presented the proposed priority system and provided comparison with the current system. The concern is that the current system may not allow enough sewer connection of septic, and stormwater projects to be selected for funding under the BRF extended use.
- The proposed system will significantly reduce the rating points for compliance and increase the points for the cost efficiency, which would allow sewer connection projects to be rated and ranked closely with sewer rehabilitation projects and give them better chance of being selected. However, the proposed system may not offer as much improvement to the stormwater projects chances because most stormwater projects have higher cost per pound of nitrogen reduced (low efficiency).
- The proposed Integrated Project Priority System (IPPS) will be available shortly for public review and comments. Also, a public hearing will be held before the system is submitted to EPA for its final review and approval. MDE will keep the committee posted of the progress.
- Mr. Leocha asked whether more weight would be given to septic systems connection when they are closer to the public sewer. Mr. Khuman responded that more weight would be given to lower capital cost, which automatically allow these projects to be rated higher.
- Mr. Khuman advised the committee that there is a good possibility of trading policy being introduced at the next legislative session.

VII. Next Meeting:

Ms. Pippel reminded the committee of the next meeting, which has already been set on December 1, 2016.

Materials Distributed at the Meeting

- Meeting Agenda
- Previous Meeting Minutes
- Wastewater Treatment Plants ENR Upgrade Status
- Program-to-Date BRF Fee Collection Report (Comptroller Report)
- BAT Installations as of 09/01/2016
- Integrated Project Priority System (IPPS)

Attendance

Advisory Committee Members or Designees Attending:

Julie Pippel for Greg Murray, Washington County

Walid Saffouri, MDE

Jag Khuman, MDE

J.L. Hearn, WSSC

Peter Bouxsein, Chesapeake Bay Foundation

John Leocha, Maryland Department of Planning

Angela Butler, Maryland Department of Planning

Norm Astle, Maryland Department of Agriculture

Fiona Burns, Department of Budget and Management

Chris Murphy, Anne Arundel County DPW

Cheryl Lewis, MML/Town of Oxford

Gabe Cohee, Maryland Department of Natural Resources

Others in Attendance:

Kevin Nash, RK&K
Joe Sowinski, Hazen and Sawyer
Matt Edwards, CSL Excavating
Matt Geckle, Back River Pre-Cast
Amy Hart, Howard County
George Schooler, Legacy Septic
Larry Earney, Infiltrator Water
Don Jones, Bay Area Environmental
Dewayne Jones, Jones Pump Service
John Short, Towers Concrete Products
Scott Hetrick, Norweco, Inc.
Mike Sample, Sample Excavating
Nancy Mayer, Mayer Brothers
Rob Sell, McCrone
Eddie Harrison, Harrison Contracting
Reed Johnson, Orenco Systems

Maryland Department of the Environment (MDE) Attendees:

Rajiv Chawla
Cheryl Reilly
Teresa Wong
Sunita Boyle
Matt Breitenother
Heather Hepburn
Heather Barthel
Susan Iaconangelo
Marya Levelev
Joshua Flatley
Janice Outen
Linda Pryor-Polinski