

BAY RESTORATION FUND ADVISORY COMMITTEE

**Maryland Department of the Environment
Aqua/Aeris Conference Rooms (MDE Lobby Area)
1800 Washington Boulevard
Baltimore, Maryland 21230
September 13, 2018**

Meeting Minutes

Welcome/Introduction

- The meeting was opened by Ms. Julie Pippel on behalf of Mr. Greg Murray, Chairman of the Bay Restoration Fund Advisory Committee, who could not attend this meeting.
- Ms. Pippel welcomed the committee members and other attendees.

Review of Meeting Minutes

- Previous meeting minutes from the June 14, 2018 meeting were handed out to the committee members for their review and comments. 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 questions, comments, or a motion to approve. The minutes were approved.

Discussion

I. Update on Major and Minor WWTPs ENR Implementation:

- Mr. Saffouri referenced the Wastewater Treatment Plants (WWTP) ENR Upgrade Status handout. Since the last meeting one additional WWTP has started with the ENR operation (Cox Creek). To date there are 59 major facilities in operation, 5 under construction, 2 in design, and 1 in planning, for a total of 67 major facilities.

- Mr. Saffouri provided an update on minor WWTPs. Since the last meeting, Grantsville has signed the funding agreement and was added to the list. In addition, Chesapeake City progressed to the design phase.
- Mr. Boussein asked about the source of funding to upgrade Southern Maryland Release Unit since it has not been funded by BRF. Mr. Saffouri responded that the upgrade was funded by the general State funding, the same source of funding as Eastern Correctional Facility.
- Ms. Pippel asked whether all the facilities listed in planning have signed the funding agreement. Mr. Saffouri responded yes they all have. Many facilities are currently considering the ENR upgrade, but they will not be added to the list until they sign the agreement.
- Ms. Butler asked for an explanation why the lists of upgraded plants are different in the annual report. Mr. Saffouri responded that MDE provides two lists in the report. The first list, under the section “Wastewater Treatment Plant Upgrade with Enhanced Nutrient Removal (ENR),” consists of all WWTPs upgraded to date. The second list, under the section “Chapter 257 (House Bill 893 of 2007) Implementation” lists only the plants upgraded during the prior calendar year or before as required by the legislation. Therefore, there is up to two years of gap in reporting between the two lists. The third list is provided subsequently by MDP with growth analysis for the WWTPs on the second list provided by MDE under House Bill 893.

II. Update on Clean Water Commerce Act Solicitation:

- Mr. Saffouri provided an update on the Clean Water Commerce Act solicitation for FY 2019 funding (\$6 million). Two proposals were received and being evaluated. MDE will email the committee the results and the prices upon the completion of the evaluations. Also, we are planning to have another solicitation in December for the \$10 million authorized in FY 2020.
- Ms. Lewis asked about who submitted the proposals. Mr. Saffouri responded that the proposals were received from OptiRTC, Inc. and HGS, LLC (a RES Company). OptiRTC is proposing to retrofit several ponds at various locations within the central region of Maryland. HGS is proposing a stream restoration project in Harford County.
- Mr. Boussein asked if it has been decided whether this program will be implemented as a grant or procurement. Mr. Saffouri responded that MDE, DGS and DBM attorneys believe that we should proceed with this as a grant program.

III. BRF Advisory Committee Annual Status Report:

- Mr. Saffouri advised the committee that he will be sending the draft report to MDP and MDA so they can update their portion of the report.
- Mr. Astle asked when the updates will be due. Mr. Saffouri responded by the end of November would be good.

IV. Update on Cover Crops Activities:

- Mr. Astle provided an update on cover crops program and the programmatic change allowing germination rate to be lower than 80% and as low as 65%. Due to the extreme weather conditions, the germination rates across the board have been lower than 65%. Based on the University of Maryland, the seed rate may need to be increased significantly to offset these conditions.
- Ms. Pippel asked that with the continuation of the unfavorable weather conditions, are you expecting more issues in getting the harvest off and getting the cover crops planted? Mr. Astle responded yes. The wet weather we had in the spring delayed the planting of the crops. Consequently, harvesting will also be delayed lessening the opportunity for new cover crops to be planted.
- Mr. Astle added that the signup this year is approximately 617,000 acres, which is slightly lower than last year's signup (approximately 636,000 acres).

V. Update on Onsite Sewage Disposal Systems (OSDS):

- Ms. Dietz advised the committee that she does not have any update because FY 2018 numbers have not yet been finalized.

VI. Update on BRF Fee Collection and Budget:

- Ms. Dietz updated the committee on the BRF fee collection using the Comptroller's report through July 31, 2018. Ms. Dietz advised the committee that the report provided the full FY 2018 revenues, which are almost the same as last fiscal year. During the fourth quarter, the Wastewater Fund (Line 1) had an additional \$28.4 million with total revenue close to \$115.3 million. The program grand total for Wastewater has reached the one billion mark. The Septic Fund (Line 2) is also on target with approximately \$1.4 million were added to MDE-Septic and \$0.91 million to MDA-Cover Crops during the fourth quarter. The total for Line 2 is approximately \$29.7 million for FY 2018.

- Mr. Boussein asked whether we can breakdown the Wastewater fund allocations for FY 2018 to show how much of the fund was toward retired bonds, how much toward the grant awards, etc. Mr. Saffouri responded that we can add this information to the annual report. Currently, the report has the grand totals since the program inception. We can add a section for the current fiscal year.
- Mr. Buglass asked whether it was necessary to sell bonds in FY 2018 to supplement the fee revenues. Mr. Saffouri responded that no bonds were sold in FY 2018 and all the grants were awarded from the collected fee revenues.
- Ms. Butler asked whether BRF-Septic reached the originally projected amount of \$20 million in FY 2018. Mr. Saffouri responded that this projection has been exceeded consistently every fiscal year since the fee increase.
- Ms. Trescott asked if MDE can provide an update on the implementation of House Bill 1765 (the Stewardship Plans). Mr. Saffouri responded that he will ask Ms. Naomi Howell of MDE On-Site System Division, to provide an update at the next meeting.

VII. Mr. Saffouri reminded the Committee members that the next meeting will be on January 10, 2019.

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)

Attendance

Advisory Committee Members or Designees Attending:

Julie Pippel, Environmental Consultant
Walid Saffouri, Maryland Department of the Environment
Elaine Dietz, Maryland Department of the Environment
Bob Buglass, Washington Suburban Sanitary District
Sara Trescott, Environmental Health Directors
Susan Gore, Department of Budget and Management
Gabe Cohee, Department of Natural Resources
Norman Astle, Maryland Department of Agriculture
Angela Butler, Maryland Department of Planning
Peter Bouxsein, Chesapeake Bay Foundation
Cheryl Lewis, Town of Oxford (MML)
John Dinkel, DBD, LLC

Others in Attendance:

Teresa Wong, Mott MacDonald
Steve Tarallo, Dewberry
Mark Hoffman, Chesapeake Bay Commission
Joe Sowinski, HDR
Bob Andryszak, RK&K
Kathleen Kennedy, Department of Legislative Services

Maryland Department of the Environment (MDE) Attendees:

Rajiv Chawla	Sunita Boyle
Steve Alfaro	Janice Outen
Sara Albrecht	Cheryl Reilly