

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Aqua & Terra Conference Room

1800 Washington Blvd.

Baltimore, Maryland 21230

April 9, 2008

1:00 p.m. to 4:00 p.m.

Meeting Minutes Summary

Welcome/Introduction:

- Dr. Summers welcomed the committee and other attendees.

Review of Minutes

- Mr. Hearn requested to review the full transcript to ensure that the minutes of the previous meeting (February 20, 2008) have summarized all significant points of the discussion.
- MDE will email the full transcript and hold posting the minutes on MDE website for one week to allow for Mr. Hearn's review and comments.

Discussion

I. Update on ENR Implementation and Upcoming Events:

- Mr. Saffouri provided an update on the status of the 66 plants targeted for ENR upgrade.
- To date, there are 8 facilities completed and in ENR operation.
- Construction started at George's Creek Wastewater Treatment Plant.
- Five WSSC facilities are now in design.
- The following facilities may ready to schedule an event:
 1. Federalsburg – Ready for Groundbreaking
 2. George's Creek - Ready for Groundbreaking
 3. Kent Island – Ready for dedication (being confirmed with the County)
 4. Brunswick - Dedication in May
 5. Chestertown - Dedication in June
 6. Crisfield - Dedication in July

II. Update on Legislative Session:

- Dr. Summers provided a summary on the legislative session and status of the bills of interest to the committee.
- House Bill 734, to switch the onsite system upgrades and cover crops share of the fund, was voted unfavorable.
- Senate Bill 155, to allow Dorchester County to apply any unpaid BRF fees as liens against properties, was amended, and the session was concluded without a vote on the amended version.
- There was no action on Senate Bill 688, prohibiting foreclosures due to unpaid water and sewer bills. This bill may contradict Senate Bill 155.
- Senate Bill 382, to give Patuxent River facilities the priority in the BRF funding, did not move forward.
- House Bill 581, to authorize the use of BRF for connecting communities on septic to public sewer, passed with an amendment. As passed the Bill would enable those funds collected from onsite sewage disposal system (OSDS) users to be used pay to connect a failing OSDS to a new community system.
- The Chesapeake Bay 2010 Trust Fund passed with \$25 million per year toward the non-point source bay restoration efforts. The allocation of the fund among different uses is flexible and will be determined through the BayStat process.
- An amendment to the BRF law has passed requiring grant recipients to follow the Six Affirmative Steps to allow for fair share participation of the minority and women business enterprise in contracts funded by BRF.

III. BRF Fee Collection and Budget

- Mr. Freyman presented the program to date, year-to-date, and 4th Quarter through March 31, 2008, fee collection amounts, which are approximately \$200 million, \$70 million, and \$16 million respectively.
- The total fund distribution to date is as follows: Approximately \$165 million to MDE Line 1 (Wastewater Fund), \$20 million to MDE Line 2 (Septic Fund), and \$13 million to MDA Line 2 (Cover Crop Fund).
- In the previous meeting, the committee questioned why Baltimore City was paying a significant amount in Septic fee. The Comptroller's office found that there are many large businesses in Baltimore City are actually on septic.

IV. Update on Proposed Regulations For ENR Upgrades

- Mr. Sakai provided an update on the proposed regulations status. Copies of the regulations were sent to the 66 impacted facilities for review, and they were requested to provide their comments by the end of April.
- Mr. Saffouri explained some of the changes requested by some of the committee members, which were done before the document was sent for review.

V. Proposed Reporting for House Bill 893

- Mr. Saffouri provided an update on MDE and MDP efforts to meet the reporting requirements under House Bill 893.
- The data in the report will be derived from information provided by the ENR upgraded facilities and the GIS system available at MDP.
- The ENR upgraded facilities will provide the needed information through the application process for the BRF Operation and Maintenance grants.
- Ms. Aiosa suggested that some nutrient removal information should be included in the application.
- Dr. Ball suggested that we include number of existing septic systems we eliminated by the sewer connections.
- Mr. Hearn and Dr. Sawyers suggested that the breakdown of number of connections should be consistent with the facilities billing system (residential and non-residential).
- Ms. Butler presented MDP GIS system using Kent Island, a recently upgraded plant, as an example.

VI. Onsite Sewage Disposal Systems (OSDS) Update

- Mr. Prager provided an update on OSDS upgrades.
- Soil evaluation and percolation testing are underway at many sites in preparation for septic system installations.
- The BayStat was given an update on the OSDS program under the Bay Restoration Fund.
- While Preparing for the BayStat meeting, Mr. Prager discovered that better database and tracking system needs to be implemented within the OSDS program.
- The OSDS program requires each proprietary technology to provide performance data after

the upgrade for its first 12 systems for four consecutive quarters.

- The first batch of samples provides a wide variation of results. The effluent concentration for nitrogen has varied between 8 and 80 mg/l with an average of 32 mg/l. The goal is to achieve 50% reduction or 20 mg/l. The initial samples after the upgrade are not expected to achieve the goal because of the operation startup and fine-tuning the recently upgraded systems.
- Some concerns were raised during the legislative session and through the BayStat process regarding the current rate of expenditure. As a recently initiated program, we expect OSDS expenditures to break even with revenues by the end of calendar year 2008, and expenditures are expected to exceed revenues by the end of calendar year 2009 to start using the current fund surplus.

VII. Update on Cover Crops Activities

- Ms. Lawrence of Maryland Department of Agriculture updated the committee on cover crops planting during the year 2007.
- Approximately 300,000 acres were certified, of which 200,000 acres were possibly planted. Currently, contracts and payments are being finalized for the actual activities.
- The Chesapeake Bay 2010 Trust fund is expected to double the budget of the cover crops activities for the next season to possible \$17 or \$18 million.

VIII. Next Meeting:

Next meeting will be scheduled in June.

Materials Distributed at the Meeting:

- Meeting Agenda
- Previous Meeting Minutes (February 20, 2008)
- Proposed BRF Regulations
- Wastewater Treatment Plants ENR Upgrade Status (April 9, 2008)
- Program-to-Date BRF Fee Collection Report (through March 31, 2008)
- 2007 Tax Year Year-to-Date BRF Fee Collection Report (through March 31, 2008)
- 2007 Tax Year Fourth Quarter BRF Fee Collection Report (through March 31, 2008)
- BRF Fee Distribution Report (as of March 31, 2008)

- BRF Grant Application for ENR Operation and Maintenance (O&M) Form

Attendance

Advisory Committee Members or Designees Attending:

Robert M. Summers	Maryland Department of the Environment
Jay Sakai	Maryland Department of the Environment
James L. Hearn	Washington Suburban Sanitary Commission
Michele Esch	Maryland Department of Agriculture
Louise Laurence	Maryland Department of Agriculture
William P. Ball	Johns Hopkins University
Larry Fogelson	Maryland Department of Planning
Karen Harris Oertel	W.S. Harris Seafood
Jenn Aiosa	Chesapeake Bay Foundation
George Freyman	Comptroller's Office
Mayor Don Bradley	Town of Hurlock

Others in Attendance:

Angela Butler	Maryland Department of Planning
Rebecca Kugel	Howard County Bureau of Utilities
Andrew D. Gray	Department of Legislative Services
Theresa Burton	Hazen & Sawyer
Dave Brownlee	Environmental Planning
Sarah Broadwell	RK&K
Daniel Miles	Graduate Student, UMBC

Maryland Dept. of the Environment (MDE) Attendees:

Ta-Shon Yu	Ray Anderson	John Boris
Jay Prager	Jerry Warner	Andrew Sawyers
Renee Matthews	Steven Krieg	Hilary Bell
Walid Saffouri	Marya Levelev	Janice Outen