

# **BAY RESTORATION FUND ADVISORY COMMITTEE**

Maryland Department of the Environment  
Aqua & Terra Conference Rooms  
1800 Washington Blvd.  
Baltimore, Maryland 21230

Meeting Minutes  
June 15, 2005  
1:00 p.m. to 4:30 p.m.  
*Mr. Robert Warfield, Chair*

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## **Welcome**

- Mr. Warfield welcomed the committee and other attendees and thanked the committee members for their work on this important program.

## **Review of Minutes**

- Minutes from the March 24, 2005 meeting were approved.
- All of the handouts from the meeting will go up on the web.

## **Discussion**

### **Presentation #1: Update on ENR implementation and upcoming events - Bob Summers:**

- There are now 5 projects under construction, 11 under design, and 28 in planning.
- There have been some events – On Tuesday, June 7<sup>th</sup>, the Governor attended Harford County announcement and signing ceremony of ENR Cooperative Agreement to initiate the planning for Sod Run and Joppatowne facilities.
- On Friday, May 20<sup>th</sup>, another signing ceremony was held for Indian Head.
- Crisfield groundbreaking has been scheduled for July 29<sup>th</sup>, which we anticipate to be attended by the Lieutenant Governor. MDE is trying to schedule Celanese ENR upgrade dedication in August.
- We have previously discussed the Chesapeake Bay Foundation petition to require EPA and the states to include specific nutrient limits in the discharge permits for all wastewater treatment plants.
- Under the enhanced nutrient removal strategy, all the major facilities in the State are expected to achieve and maintain a loading cap, which is calculated based on 4 milligrams per liter (mg/l) total nitrogen, and 0.3 mg/l total phosphorus.

- Beginning with the adoption of the new water quality standards for the Bay, those loading limits will be placed into the permits for the 66 major facilities, which we are being funded through the Bay Restoration Fund. Currently, the permits have nutrient annual goals, and we are changing the goals to annual load limits.
- As an Update to the federal facilities objection to pay the BRF fee, MDE has not received the federal facilities response to the previously sent AG's letter. However, we have been discussing this issue with the Navy and the other DoD branches. They have said that they want to participate, but they want to find a way to make this participation feasible without setting precedence for the other states. DoD will continue working with MDE to reach a solution to this issue.

**Discussion #2: Overview of the MDA cover crop program implementation - Doug Scott:**

- The cover crop program has been established and derived following a survey that had been conducted by the Schaffer Center. MDA has had approximately 20% return on the survey – 600 farmers responded out of 3,000 solicited.
- The sign-up for this program has been initiated on June 13<sup>th</sup> and it will continue until July 15<sup>th</sup>.
- As part of program streamlining in preparation to BRF, MDA has increased the allowable acreage caps from 250 to 500 acres. Also, MDA is considering the possibility of providing grants halfway through the funding cycle.
- MDA is also considering allowing farmers to plant and harvest grain under the cover crop program. This may be allowed in the next funding cycle.
- MDA is anticipating a total annual budget of about \$4.8 million through the Bay Restoration Fund. At \$40 per acre, this would allow for 120,000 acres to be cover cropped.

**Discussion #3: Update on the Best Available Technology (BAT) Workgroup – Jay Prager & Committee Members:**

- BAT Workgroup met with the University of Maryland, and they're interested in partnering with MDE to assist in identifying and assessing available technologies. They said that they could also assist us with researching other jurisdictions.
- Also, BAT Workgroup is currently working with the Maryland Center for Environmental Training (MCET) to develop courses on operating systems, so that we have qualified operators. MCET has contacted Delaware Tech, who is doing similar work.
- BAT Workgroup wants to develop a Request for Proposal (RFP) inviting the participation of county health departments, local jurisdictions, and other government units. And at this time, we want to restrict participation to local government units.
- Priority should be given to projects that are part of a comprehensive watershed plan such as Anne Arundel County who is looking at targeting certain sub-watershed as part of that effort. Also, the Corsica River Project is another example.
- On July 7<sup>th</sup> there will be a BAT Workgroup meeting from 1:00 to 4:00 p.m.

#### **Discussion #4: Update on Fees Collected to Date – Thad Russell & Committee Members:**

- Thad Russell from Comptroller's Office provided an update on the fees collected as of June 15, 2005. ~\$7,400,000 has been collected to date.
- The Comptroller's Office is initiating audits for some of the users who might be reporting less than what MDE's records show as their average daily flow. Some changes may occur in submitting the fee once they are aware that they are subject to audit.

#### **Discussion #5: Discussing the Contents of January 2006 Interim Report – Bob Summers & Committee Members:**

- An outline for the January 2006 report was provided for discussion. The committee reviewed and discussed the proposed outline and suggested additional items to be added to the report.
- MDE will revise the report outline as suggested by the committee and resubmit it during the next committee meeting.

#### **Future Meeting**

The eighth meeting will be held on August 31, 2005 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).

#### **Adjournment**

Dr. Summers thanked the members of the Advisory Committee and all guests for their participation.

#### **Materials Distributed at the Meeting**

- Minutes of the April 28, 2005 meeting
- Meeting Agenda
- Legislative Updates
- ENR Status Updates

## **Attendance**

### **Advisory Committee Members Attending:**

Robert E. Warfield	Chairman
Robert M. Summers, Ph.D.	Maryland Dept. of the Environment
James T. Noonan	Maryland Dept. of Planning
Bernie Marczyk	Policy Advisor to Governor Ehrlich
William P. Ball, Ph.D.	Johns Hopkins University
Veronica L. Chenowith	Harford County Council
James L. Hearn	Washington Suburban Sanitary Commission
Leland D. Spencer, M.D.	Maryland Assoc. of Co Health Officers Health Officer for Kent & Caroline County
Karen Harris Oertel	W.H. Harris Seafood

### **Committee Members Absent:**

Gregory B. Murray	Director, Washington Co. Dept. of Water Quality
William Bryan Icenhower, M.D.	St. Mary's Co. Health Dept.
David Bancroft	Executive Director, Alliance for Chesapeake Bay
Mayor Kevin Dayhoff	Mayor of Westminster
Represented by Michael Ensor	
Charles Evans	Dept. of Natural Resources
Represented by Ron Guns	
Senator Paula C. Hollinger	Maryland Senate
Represented by Ryane Necessary	
Ron Crites	Dept. of Budget & Management
Delegate Barbara Frush	Maryland House of Delegates
E. Keith Menchey	Maryland Dept. of Agriculture
Represented by Doug Scott	
Thomas H. Stoner	Trustee of the Chesapeake Bay Foundation
Represented by Kim Coble	

### **Others in Attendance:**

Ron Hartman	Anne Arundel County
Bonnie Kranzer	Consultant
Thad Russell	Dep. Director Revenue Adm.
Beverly G. Warfield	PG County
Charles Zeleski	Carroll County Health Dept.
Julie Pippel	Washington County
Amanda Mock	Dept. Legislative Services
Heather Hamilton	MD Chamber

### **Maryland Dept. of the Environment (MDE) Attendees:**

Walid Saffouri  
Mehdi Majedi  
Jay Prager  
Renee Matthews  
Andrew Sawyers