

**BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment**

**Aqua & Terra Conference Room**

**1800 Washington Blvd.**

**Baltimore, Maryland 21230**

**November 6, 2007**

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

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**Meeting Minutes**

**Welcome/Introduction:**

- Dr. Summers welcomed the committee and other attendees.

**Review of Minutes**

- The Committee will review the meeting minutes (September 20, 2007) and provide comments within a week.
- After the one-week comments period, the minutes and handouts from the meeting will be posted on MDE's website.

**Discussion**

**I. Update on ENR Implementation and Upcoming Events:**

- Dr. Summers provided an update on the status of the 66 plants targeted for ENR upgrade.
- To date, there are 7 facilities completed and in ENR operation. One facility (North East River, in Cecil County) has been added to this category since the last Committee meeting.
- A groundbreaking has been scheduled for Havre De Grace, Harford County on November 20, at 1:00 PM, which will be attended by the Lt. Governor.
- The Special Legislative session is underway and the Green Fund legislation is being discussed. This legislation proposes a fee on impervious surface at one cent per square foot. The fee is expected to generate approximately \$85 million to be used for Bay Restoration.

**II. BRF Fee Collection Update:**

- Mr. George Freyman of Comptroller's Office provided the program to date, year-to-date, and 2<sup>nd</sup> Quarter through September 28, 2007, fee collection amounts, which are approximately \$157 million, \$27 million, and \$13 million respectively.
- Mr. Freyman also provided total fund distribution to date: Approximately \$134 million to MDE Line 1 (Wastewater Fund), \$13 million to MDE Line 2 (Septic Fund), and \$9 million to MDA Line 2 (Cover Crop Fund).
- The Comptroller's Office investigated the unusually low amounts reported for Montgomery County Septic fee, and have found that the county has been entering the amounts on the wrong line. Comptroller's Office and the county will make the appropriate adjustment and the correct amounts will appear in the next report.
- The committee questioned why Baltimore City was paying a significant amount in Septic fee. Mr. Freyman will find out the reason and provide a response to the committee.
- A concern was raised during a legislative hearing that BRF fee collected is \$60 million, but it ought to be around \$100 million. The Comptroller's Office is currently comparing MDE records of wastewater flows versus what is being reported and collected and will take enforcement actions as needed.

### **III. Draft Annual Status Report (January 2008):**

- Dr. Summers presented the Draft Annual Status Report (January 2008) to the committee. Also, an electronic copy of the report will be emailed to the committee members.
- The committee members agreed to provide their comments on the report within two weeks in order to allow for the report to be finalized in December.
- The committee agreed that there should be no recommendation at this time regarding the fund shortfall because it is not expected to occur until 2012 and the estimates for many major plants have not been finalized.
- The committee suggested that the report should explain in more detail some of the reasons for the shortfall.

### **IV. MDE and MDP Discussions to Jointly Implement House Bill 893:**

- Mr. Walid Saffouri, of MDE, and Mr. Larry Fogelson, of MDP provided an update on the two agencies' joint efforts to implement House Bill 893.
- The bill requires an annual report by MDE and MDP describing the impact of ENR upgrades

on growth.

- MDE and MDP have begun discussing the report contents, and the methodology of collecting information.
- Some of the proposed methods include memorandum of understandings to obtain information from local jurisdictions, GIS system, and/or water and sewer plans.
- The committee was concerned about the reporting requirement and about how the information will be obtained. MDE and MDP will continue to work out the details on how meet the requirements of this new law.

**V. Onsite Sewage Disposal Systems (OSDS) update:**

- Mr. Shan Abeywickrama provided an update on the ongoing efforts to develop a GIS system for the OSDS program.
- The initial goal of this GIS system is to identify all the onsite systems in the state. Ultimately, the system will be used to track nutrient loads and building scenarios.
- Mr. Jay Prager provided an update on the onsite system upgrades. OSDS program will be focusing more on large onsite system because of the cost effectiveness of the upgrade when compared with smaller systems.
- Two large onsite systems are in the process of being upgraded. Also, other applications have been received and upgrades are on going in ten counties.

**VI. Update on Cover Crops Activities – Louise Lawrence and Michelle Esch, Maryland Department of Agriculture (MDA)**

- MDA has just initiated the fall certification process after which payments will be made based on the actual cover crops planting.
- MDA will have better numbers of actual acreage planted with cover crops and actual amounts paid toward the implementations at the next meeting.

**VII. Next Meeting:**

Next meeting will be scheduled on the second week of January.

## **Materials Distributed at the Meeting**

- Meeting Agenda
- House Bill 893
- First Draft - 2008 Legislative Update
- First Draft - 2008 Legislative Update Attachment 1
- Wastewater Treatment Plants ENR Upgrade Status (November 6, 2007)
- Program-to-Date BRF Fee Collection Report (through September 28, 2007)
- 2007 Tax Year Year-to-Date BRF Fee Collection Report (through September 28, 2007)
- 2007 Tax Year Second Quarter BRF Fee Collection Report (through September 28, 2007)
- BRF Fee Distribution Report (as of September 28, 2007)
- Bay Restoration Fund OSDS Grant Awards

## **Attendance**

### **Advisory Committee Members 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
Larry Fogelson	Maryland Department of Planning
Jen Aiosa	Chesapeake Bay Foundation
David Bancroft	Alliance for the Chesapeake Bay
Julie Pipple	Washington County
George Freyman	Comptroller of Maryland

### **Others in Attendance:**

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

Ta-Shon Yu	Ray Anderson
John Boris	Jay Prager
Bridgid Kenney	Elaine Dietz
Renee Matthews	Shawn Abeywickrama
Janice Outen	Jerry Warner
Eric Dougherty	Hilary Bell
Walid Saffouri	Marya Levelev