

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Aqua and Terra Conference Rooms

1800 Washington Blvd.

Baltimore, Maryland 21230

December 17, 2014

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

Meeting Minutes

Welcome/Introduction

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

Review of Minutes

- Previous meeting minutes from the September 4, 2014 meeting were handed out to the committee members for their review and comment. An electronic copy of the meeting minutes was also emailed to the committee members prior to the meeting.
- There were no comments on the meeting minutes. The comment period will be kept open for about a week. After that time, the approved minutes and handouts from the meeting will be posted on MDE's website.

Discussion

I. Update on Onsite Sewage Disposal Systems (OSDS)

- Mr. Khuman provided the update on the Onsite Sewage Disposal Systems (OSDS). The handouts provide the septic fund activity for Fiscal Year (aka Grant Year) 2014. \$16.2 million disbursed for BATs, drainfields, holding tanks, sewer connections in the PFA, and sewer connections outside the PFA. \$1.9 million that was reversed, which means that about \$18 million of total grant funds were awarded in Fiscal Year (FY) 2014. This amount consisted of the \$15 million initial award, and from the prior year (FY 2013) the money that were not used and returned back to the fund as reversions.
- In previous years, about 20 percent of the monies were not used, in FY 2014 that percentage is down to about 11 percent. There appears to be a ramping up of the program activities. The trend line is good, and the 11 percent unspent will be added to the amount awarded in FY 2015. It is hoped that in future years, the unspent amount can stay below 5 percent and about 95 percent can be spent.

- The table shows the year as a snapshot of how many septic system BATs were installed, how many tanks were installed, the number of drainfields, and the number of sewer connections inside and outside of the PFA (required by House Bill 11 of 2014).

II. Septic Installations Update

- Mr. Prager presented the update on Septics Installations. Since July 1st (this does not include most of November and all of December) there have been about 500 BAT installations. Historically, the months with the largest number of installations are usually May and June. This year, if anything, we are at a pace to surpass previous years and return less unexpended grants to the fund.
- The local health departments have been calling to request more money and expressing a need. The need was always there, but the counties are just getting better at finding it. MDE did an additional disbursement of funds, based on several factors. MDE looked at how much each county returned last year and how many systems are in the county and developed a formula used to determine the amount of additional funds. The most any county could get was an additional \$100,000, but some counties clearly got less.
- Mr. Prager stated he would be surprised if the reversion percentage for FY 2015 isn't in the single digits. The counties really know now how to spend all the money available to them. In addition, the counties are able to manage and complete more upgrades because House Bill 12 of 2014 allows for 10 percent of the Bay Restoration Funds collected from the septic system users to be disbursed to the counties for the administration of implementing the program. That amount is \$1.5 million.
- Prince George's County has been an exception and its BRF septic installations program has not resulted in any installation for the past six years. Ms. Barthel asked why did this happen? Mr. Prager answered that it is possibly due to the County's lawyers wanting to review each agreement for disbursement of funds by the State to the County independently, even if it is boiler plate language.
- To disburse the funds allowed under House Bill 12 of 2014, the counties were divided into three sizes; small, medium, and large as shown on the last page of the handouts. Then, three levels of implementation were established to disburse the money, based on several factors; the number of BAT installations in the last two years, the number of septic systems in the county, and the cumulative number of BAT installations. For example, Prince George's County, which by all means would be considered a large county, under this scenario with only 25 cumulative installations, is considered a small county and received the lowest possible disbursement. Whereas, smaller counties, for instance, Somerset County, might be considered small in terms of number of septic systems in the county. However, with 700 installations, it is considered large in terms of number of installations, and it received the largest possible disbursement.
- The regulation included provisions for operation and maintenance (O&M) and overseeing O&M of all existing systems. Hence, the counties were rated large, medium and small also based on the number of cumulative installations.

- As for the three levels of implementation that were established, Level one is basically the minimum and the counties are expected to do level one with or without the agreement and funding. Level two has to do with the tracking of the O&M, and Level three has to do with assuming responsibility to assure that the O&M actually takes place. Nine of the counties went for everything, level three. A couple only took level two, and a couple of the counties took only level one.
- Mr. Khuman stated that MDE is going to the Board of Public Works on January 7, 2015 to award the \$1.06 million. The award is based on the counties who opted for level one, levels one and two, and levels one two and three. The goal is that the maximum the grant award in any given year without exceeding \$1.5 million per year. Eventually, within two or three years, we hope that every county will do everything and ask for the maximum amount available.
- Mr. Boussein asked what is the last sheet, titled BAT Installation? Mr. Prager answered that it is the cumulative number of BAT installations from 2005 to present. To date there are over 7,000 installations. The total includes some BATs not funded by BRF. Mr. Khuman asked if MDE has data for BATs just done with BRF money. The answer was yes. Mr. Boussein asked if a chart similar to the FY 2014 Detail of BRF County Grant Disbursement spreadsheet could be done for cumulative numbers. The response was there may be annual BATs data, but it will not be as detailed for the drainfields.
- It was projected that after the regulations were passed requiring BAT for all new construction, about 2000 BATs per year would be installed. Last year 1,211 installations were funded, and it is estimated that in 2015 close to 1, 500 BATs will be installed and then probably 2000 next year.
- A question was raised regarding the status of the database. Mr. Prager stated that MDE is making good progress but, it has been a struggle. Currently, MDE has two databases that include the entire BAT installations, the old one and the new one. The goal is making sure that the new database is comprehensive and adequate, and then work on getting a web based interface so that vendor information and O&M data can be input directly into the new database.
- Mr. Boussein asked if there were any new hires. The response was two since the last meeting. They are working with the MDE Information Technology staff looking for problems with the databases, and they are also doing field work looking at previously installed BATs. What they are finding is that the vendors have been doing what they are supposed to be doing and keeping up with the O&M, but they are not reporting all the information.

III. Update on Major and Minor WWTPs ENR Implementation

- Mr. Saffouri referenced the Wastewater Treatment Plants ENR Upgrade Status handout. Starting with the Major plants, the facility status comparison between the previous meeting and today's meeting was noted. To date there are 35 facilities in operation, 22 under construction, 8 in design, and two in planning for a total of 67 facilities. There are no facilities that have completed construction and no additional facilities going to design from the last meeting. Winebrenner and Taneytown just started construction. Mr. Saffouri called attention to the percentage complete for

each plant under construction and noted that many of them are over 90 percent and should be complete soon.

- Mr. Saffouri then referenced the second spreadsheet on the handout. This spreadsheet was created for the Minor facilities. There are two facilities already in operation, three in construction, and four in design. The two plants in operation, Boonsboro and Worton, used different funds, other than BRF, for their upgrade. There are some facilities, Solomons Island and Chesapeake City that are considering applying for the program. The ENR agreement was sent to Rock Hall to sign. MDE is planning to attend Rock Hall's next council meeting, because the Town has some questions about the agreement.

IV. Update on Cover Crops Activities

- Mr. Astle provided the update on the cover crop activities. This year, the planting of cover crops is running behind due to the crops coming off late this spring, they were planted late last spring. The planting date was extended from November 5th to November 14th to gain more planted acres. There may be fewer acres planted than last year, but that will not be known until all the numbers are in. To date, the districts have not submitted all of the claims. This year there were 1,800 applications and about 1,600 claims are expected. So far, about a third has been received. This means it will be about the first part of January before the numbers are input into the system.

V. Update on Update on BRF Fee Collection and Budget

- Ms. Pippel informed the Committee that Mr. Khuman had to leave for another meeting. Ms. Pippel noted that the Update on BRF Fee Collection and Budget is included in the handouts and any questions may be directed by email to Mr. Khuman.

VI. Annual Legislative Report

- Mr. Saffouri presented an update on the annual legislative report. The full draft report was emailed to all Committee members, and it includes both the MDA and MDE updates, and fixes in the body of the report due to comments by Mr. Hearn. To save paper, the handout just includes the Executive Summary. In addition, comments were received from Mr. Boussein to add a couple of items to the Executive Summary under Accomplishments. One comment suggested adding text concerning the expectation of completion of the major facilities.
- A second comment was in regard to what exactly will be done with the minor plants. Is the BRF going to be available to all the minor plants, or will it be available to only the five plants that the Water Implementation Plan requires? The answer is it will be available to all the minor plants, especially after 2018, when major plants are completed or at least fully funded. The suggestion, therefore, is to add some description of exactly how the Committee expects to deal with the minor WWTP facilities. The third comment is that the summary needs to mention how many of the septic systems have been upgraded. Probably, bullets will be added giving the number of septic systems that were upgraded and funded by BRF.

- The suggested sentences or updates will be added to the report, and then it may be sent to the Committee, by early next week for any additional comments. After a couple of days, it will be sent to the MDE Secretary for review.

Next Meeting

The next meeting will take place on March 12, a Thursday.

Materials Distributed at the Meeting

- Meeting Agenda
- Previous Meeting Minutes (September 4, 2014)
- Wastewater Treatment Plants ENR Upgrade Status (December 17, 2014)
- Bay Restoration Fund Advisory Committee Draft Annual Status Report January 2015
- Program-to-Date BRF Fee Collection Report (through October 31, 2014)
- BRF Fee Collection Reports (through October 31, 2014)
- BRF Fee Distribution Report (through October 31, 2014)
- BRF County Septic Grant Disbursements, Grant Year 2014
- Best Available Technology (BAT) Installations, Cumulative Since 2005

Attendance

Advisory Committee Members or Designees Attending:

Julie Pippel, Washington County, Alternate Chairperson
 James L. Hearn, Washington Suburban Sanitary Commission
 Norman Astle, Maryland Department of Agriculture
 Angela Butler, Maryland Department of Planning
 Fiona Burns, Department of Budget and Management
 Peter Bouxsein, Chesapeake Bay Foundation
 Walid Saffouri, Maryland Department of the Environment
 Jag Khuman, Maryland Department of the Environment
 Chris Murphy, Anne Arundel County DPW (representing Maryland Association of Counties)

Others in Attendance:

Kevin Nash, RK&K

Maryland Dept. of the Environment (MDE) Attendees:

Jay Prager	Michael Kanowitz	Teresa Wong
Bill Skibinski	Brian Cooper	Sunita Boyle
Joe Bratchie	Josh Flatley	Dan Laird
Rajiv Chawla	Heather Barthel	Teresa Wong
Marya Levelev	Janice Outen	