

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment
Aqua/Aeris Conference Rooms (MDE Lobby Area)
1800 Washington Boulevard
Baltimore, Maryland 21230
March 12, 2015
1:00 p.m. to 4:00 p.m.

Meeting Summary

Welcome/Introduction

- The meeting was opened by Mr. Greg Murray, Chairman of the Bay Restoration Fund Advisory Committee and Administrator for Washington County.
- Mr. Murray welcomed the committee members and other attendees

Review of Meeting Minutes

- Previous meeting minutes from the December 17, 2014 meeting were handed out to the committee members for their review and comment. An electronic copy of the meeting minutes was also e-mailed 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 meeting minutes and handouts from the meeting will be posted on MDE's website.

Discussion

I. Update on Major WWTPs ENR Implementation

- Mr. Saffouri referenced the Wastewater Treatment Plants ENR Upgrade Status handout. To date there are 37 facilities in operation, 20 under construction, 8 in design, and 2 in planning, for a total of 67 facilities. There are 2 new facilities that have completed construction and are ENR operational, La Plata and Sod Run. As a result, there are 2 less facilities under construction. There is no change in the number of facilities under planning and design from last meeting. Mr. Saffouri pointed out that due to the holidays and poor weather, the construction completion percentages did not change much from the last meeting. Mr. Saffouri also indicated that a couple of facilities should be operational soon. He also indicated that Aberdeen will be completed soon.

- Mr. Bouxsein asked if all major wastewater treatment plants will be in construction at set times by the end of fiscal year 2017. Mr. Saffouri responded, yes most likely by 2017 they should all be in construction or completed. At least two plants will still be under construction at the end of fiscal 2017, Princess Anne, and Hampstead. Mr. Saffouri added that Princess Anne is already designed to do summertime ENR, and that MDE has asked the consultant engineer to do an evaluation on what it will take to get the plant to do year round ENR. Mr. Saffouri added that Hampstead just started planning and could still be under construction in 2017.
- Mr. Bouxsein asked if all majors will be done by 2018 or 2019. Mr. Saffouri indicated, probably yes. Mr. Khuman added that they will be more than offset by the minors that are going to be completed by 2017.

II. Update on Minor WWTPs ENR Upgrades

- Mr. Saffouri referenced the Minor Wastewater Treatment Plant spreadsheet, and indicated that we're adding Hancock to the list. An agreement was sent to them. It is yet to be signed. Not sure if the town is going to pursue ENR or not. Mr. Saffouri indicated that there are 11 facilities that have signed agreements and are in planning, design or construction.
- Mr. Bouxsein asked how many plants will have signed agreements by the end of 2017. Mr. Khuman responded that of the list of 60, maybe half of the list will be in some stage of ENR.
- Mr. Murray asked will there be BNR grants for the minors. Mr. Khuman responded that if the facility is upgrading to ENR, BNR portion of the project will get 50% and ENR will get 100% grant. It will be a combination BNR and ENR grant money. BNR money comes out of State General Obligation Bonds. Mr. Khuman added that DBM is projecting \$10 million a year for minors in BNR money. This year there is \$22 million due to the majors, including Back River.

III. Update on Cover Crops

- Ms. Marose provided the update on the cover crop activities. There are approximately 475,600 acres of cover crops this year; 421,000 acres of traditional, and 54,600 acres of commodity. The amount of money available from the Bay Restoration Fund and the 2010 Trust Fund was enough to cover all expenditures this year. The limiting factor was the amount of applications for funding. Mr. Murray asked how this compared to last year. Ms. Marose responded that this year was larger than last year and was a record for cover crops program.

IV. Update on Onsite Sewage Disposal System (OSDS)

- Mr. Khuman indicated that there are no major updates. MDE is already getting ready for the fiscal 2016 grant awards to the local governments. The money should be ready by July 1 to continue the BAT programs.
- Mr. Flatley provided an update on the online database. The database is being implemented very slowly to avoid system overload or corruption. Only two counties will be brought in at a time and then one vendor at a time. The database is currently available online and they are ready to start bringing people in.
- Mr. Khuman asked Mr. Flatley to explain what the database was all about. Mr. Flatley indicated that there are about 7,000 BAT residential units currently in the ground in Maryland, and MDE is receiving paper copy service reports, as per the regulation that passed two years ago that indicates each system must be maintained for the perpetuity of the system. The database is a management system network, to allow vendors, system providers, and installers, counties, appointing authorities, approving authorities, and homeowners, access to be able to view and update this information to ultimately eliminate the paper submittals. Mr. Bouxsein asked if a chart of expenditures under the septic program could be produced on a regular basis. Mr. Flatley responded that a chart could easily be produced on a regular basis. Mr. Khuman requested that the chart be sent to Mr. Saffouri and he could e-mail it to the committee members. Mr. Flatley indicated that there are currently 7 field verified vendors, and 7 field verified technologies. There are about 8 or 9 more technologies undergoing field verification. Mr. Murray asked if there was any training available to homeowners to maintain their own systems. Mr. Flatley responded that there is an MDE approved course and manufacturer specific courses for homeowners.
- Mr. Khuman asked about enforcement and follow up with homeowners once the system is up and running. Mr. Flatley indicated that under HB12, the counties have requested money to be able to administer the operations and maintenance and enforcement for these units. Mr. Khuman asked Mr. Barnaba if Harford County was going to eventually start doing enforcement actions. Mr. Barnaba responded that for the current fiscal year Harford County was only going to do inspections in order to make sure property owners are keeping operation and maintenance up to date. No actual enforcement will be taken during this fiscal year.
- Mr. Murphy asked if the database is online or if there was a sample that we could look at to make sure we're collecting the right information. He added that he wanted to make sure that the database is capturing the correct data. Mr. Flatley responded that once the data testing is done, everyone will have access to it. Mr. Flatley indicated that he would

provide a list of fields that are going to be used to collect information within the database for the committee members to review. Mr. Khuman asked if all of the local health departments have seen the fields. Mr. Flatley responded that he has reached out to the health departments and they have at least an idea of what the opening screen looks like. Mr. Flatley added that when they start to bring the counties in, he expects that he will be spending a day or two to get them proficient with the system before they start using it.

- Ms. Lewis asked if both the county and state would have two separate databases of the same information. Mr. Flatley answered certain counties are using different tracking systems. MDE is building the system so to bring in some of that information in the future. He also indicated that the Bay Restoration Fund septic information would all be on one database with different security clearance. Mr. Murphy indicated that they will continue to maintain their own database because there is information that is important to them that is not included on the state system.

V. Update on BRF Fee Collection and Budget

- Mr. Khuman presented the fee distribution data from the fee program's inception through the end of October 2014 given on the last two pages of the handout from the Comptroller's office. The total fund distribution to date is as follows: approximately \$654.6 million to MDE Line 1 (Sewer Fund), \$93.3 million to MDE Line 2 (Septic Fund), and \$70.9 million to MDA Line 2 (Cover Crop Fund).
- Mr. Khuman noted that the latest deposits from January are missing. Therefore, the numbers are a little outdated. However, the revenues are right on target, very close to last year. The sewer aggregate numbers are only 3.0% lower than last year. Septics are on track. Last year \$110 million came in. This year we will end up with \$108 million on wastewater side and \$27-\$28 million on septics.
- All major WWTPs are funded through fiscal 2016. Fiscal 2017 applications received January 2015, currently are under review for rating and ranking. Priority list will be available in May. Fiscal 2018 will be minors, sewers, septics, and stormwater. Mr. Saffouri mentioned that next cycle of applications will be for Fiscal 2018 and will include money for stormwater funding, and the applicants should be made aware of this.

VI. HB 156 (BRF for CSO and Sewer Rehab)

- Mr. Khuman presented an update on HB 156: 87-1/2% grant will be paid through the BRF wastewater fund to include sewer infrastructure, CSOs, pumping stations, etc... Ranking of these projects will be lower than the major and minor wastewater treatment

plants. Public health and water quality benefit projects, septic, sewer extensions, or rehab, and stormwater projects are all together in the ranking system.

- Currently the details of HB 156 are being finalized between the House and Senate.

VII. Other Updates on Legislative Session

- Mr. Khuman asked Mr. Murray if he wanted to speak about SB 863. Mr. Murray asked what was the latest policy and philosophy on nutrient trading. Ms. Levelev responded that there are two phases of trading: point source to point source, point source to nonpoint source. Currently, there is no trading between point source and nonpoint source. The Department of Agriculture is developing the nonpoint source criteria. All of the point sources were capped in 2004 or 2005 during the development of the point source strategy. EPA is currently developing a technical memorandum on how the state should calculate credits. Currently, point source management is implemented and monitored through NPDES permits. Any new credits or expansion requires an offset by way of an upgrade at the WWTP. Ms. Levelev continued in adding, you cannot trade to meet ENR. We have BRF funding to upgrade. Stormwater credit trading is not allowed because it does nothing to address stormwater flow.
- Mr. Khuman indicated the HB 1043 has been withdrawn for now. This is the bill that says you can't require homeowners to put BAT septic systems outside of the critical areas.

Next meeting and other administrative issues to be discussed with the committee

The next meeting will be scheduled in June.

Materials Distributed at the Meeting

- Meeting Agenda
- Previous Meeting Minutes (December 17, 2014)
- Wastewater Treatment Plants ENR Upgrade Status (March 12, 2015)
- HB 0156
- Amendment to HB 0156
- Program-to-Date BRF Fee Collection Report (through October 31, 2014)
- BRF Year-to-Date Collection Report (through October 12, 2014)
- BRF Quarter-to-Date Collection Report (through October 12, 2014)
- BRF Fee Distribution Report (through October 12, 2014)

Attendance

Advisory Committee Members or Designees Attending:

Mr. Greg Murray, Washington County, Chairman
Mr. Walid Saffouri, MDE
Mr. Jag Khuman, MDE
Ms. Cheryl Lewis, MML/Town of Oxford
Mr. J.L. Hearn, WSSC
Mr. Peter Bouxsein, Chesapeake Bay Foundation
Mr. John Leocha, Maryland Department of Planning
Ms. Betty Marose, Maryland Department of Agriculture
Ms. Fiona Burns, Department of Budget and Management
Mr. Chris Murphy, Anne Arundel County DPW
Mr. Kevin Barnaba, Harford County Health Department

Others in Attendance:

Ms. Sarah Sprecher, Washington County Government
Ms. Mary Vitale, Hazen & Sawyer

Maryland Department of the Environment (MDE) Attendees:

Ms. Janice Outen	Mr. Mike Kanowitz	Ms. Cheryl Reilly
Ms. Teresa Wong	Ms. Sunita Boyle	Ms. Marya Levelev
Mr. Dan Laird	Mr. Joe Bratchie	Mr. Joshua Flatley
Mr. Rajiv Chawla	Ms. Debbie Thomas	