

## **BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment  
Aqua/Aeris Conference Rooms (MDE Lobby Area)  
1800 Washington Boulevard  
Baltimore, Maryland 21230  
April 11, 2019**

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### **Meeting Minutes**

#### **Welcome/Introduction**

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

#### **Review of Meeting Minutes**

- Previous meeting minutes from the January 10, 2019 meeting were handed out to the committee members for their review and comments. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Mr. Murray asked if anyone had any questions, comments, or a motion to approve. The minutes were approved.

#### **Discussion**

##### **I. Update on Major and Minor WWTPs ENR Implementation:**

- Mr. Saffouri referenced the Wastewater Treatment Plants (WWTP) ENR Upgrade Status handout. To date there are 63 major facilities in operation, 3 under construction, and 1 in planning, for a total of 67 major facilities. MCI, Conococheague, Freedom District, and Frederick are in ENR operation. Patapsco is substantially completed and is currently optimizing the ENR operation. Westminster started construction in January.
- Mr. Saffouri provided an update on minor WWTPs. Since the last meeting, Cheltenham signed the funding agreement and started planning, and Preston started construction.

- Mr. Murray asked which one of the major facilities is still in planning. Mr. Saffouri responded Princess Anne in Somerset County is still in planning, but it may be determined that it does not need an upgrade to achieve ENR. Mr. Murray added that almost completing the upgrade of major WWTPs is a significant achievement to be proud of. We still have a way to go to close the gap in the other sectors.

## **II. Update on Clean Water Commerce Act (CWCA):**

- Mr. Saffouri provided an update on the CWCA. The first project to be approved under this program is included on the April 24<sup>th</sup> Board of Public Works Agenda. The project involves stream restoration at a Tributary of Winters Run in Harford County. We are requesting the Board approval for \$4.4 million in grants to be paid in annual installments to HGS, LLC (a RES company) over 10 to 20 years depending on the annual rate of reductions.
- Mr. Saffouri added that MDE received 5 proposals as a result of FY 2020 solicitation. Three proposals were from wastewater treatment plants to further optimize the operation to achieve beyond ENR. The fourth proposal was Tributary of Winters Run stream restoration project above, resubmitted by RES in case we couldn't go to the Board before July 1<sup>st</sup> for FY 2019 money. The fifth proposal was for reductions achieved from a shellfish operation and was submitted by Blue Oyster Environmental, LLC. MDE is currently evaluating the proposals and will be making the selection soon.
- Mr. Murray stated that it will be difficult to sustain the reductions below ENR level at the treatment plants especially when the flows start approaching the design capacities. Mr. Saffouri agreed.
- Mr. Murphy asked for more information about Tributary to Winters Run Stream Restoration project, which is on the April 24<sup>th</sup> Board agenda. Ms. Reilly responded that the Board agenda will be available online on Friday (on April 12<sup>th</sup>).

## **III. Follow-up On Committee Questions From the Last Meeting:**

- Mr. Saffouri provided answers to three questions raised at the last committee meeting:
  - Q1. Can BRF-Septic program provide funding for septic outreach activities?
  - A1. Yes, the law allows funding for outreach activities related to the septic program. Funds would be coming from MDE BRF-Septic operational budget.
  - Q2. Can BRF-Septic program provide funding for research studies?
  - A2. No, the law allows only for studies related to specific capital projects construction such as project feasibility studies.

Q3. Can MDE provide a breakdown of BRF-Wastewater budget allocation?  
A3. Mr. Saffouri pointed to Attachment I of the annual report, which provides in detail the breakdown of funds used for each category since the inception of the program to present. Also, projections of the same are provided until the year 2025.

- Mr. Murray asked that what if the feasibility study (in A2 above) does not lead to a capital project. Mr. Saffouri responded that the purpose of the feasibility study is to determine whether or not a project is feasible and cost effective. If after the feasibility study MDE or the owner decides that the project is not feasible or it is too expensive, then the project will not proceed. MDE would not attempt to recover the grant money from the owner. Mr. Murphy added that as long as there was the intent to have a capital project from the feasibility study, it can be funded. Mr. Saffouri agreed.
- Ms. Trescott asked for clarification on how BRF can fund outreach activities. Mr. Saffouri responded that the committee can recommend them to MDE. After further discussion, the committee concluded that the development of low cost brochures and handouts would be sufficient. Ms. Outen added that it would be useful for the environmental health directors to have an informational packet to hand out to homeowners. Mr. Sowinski stated that the environmental health director may have their own informational materials also, so we need to make sure that the messages are consistent. Ms. Outen informed the committee that MDE has already started working on some brochures. Drafts will be shared with the committee when they are ready.
- Mr. Murphy asked why Attachment I (in A3 above) of the annual report projects that the interest payment will double to \$2 million in 2023. Mr. Saffouri responded that we were anticipating issuing bonds in 2022, which would have to be paid off by 2030 before the BRF fee is reduced back to \$30 a year. However, since all major plants are now fully funded, we don't think that this bond issuance is necessary.

#### **IV. Update on Cover Crops Activities:**

- Mr. Astle provided an update on the Cover Crops Program. MDA is currently completing the spring certifications. To date \$100,000 has been paid to farmers as part of the spring certifications. In addition, approximately 15,000 acres have enrolled in the new biomass program. MDA is working with Towson University to incorporate the biomass program into the cover crop software program.
- Mr. Murray asked whether the public has access to review the program such as cover crop percentages and other information that the software provides. Mr. Astle responded that the public does not have direct access to the program information. However, there are many reports and interactive maps available to the public on MDA website.

**V. Update on Onsite Sewage Disposal Systems (OSDS):**

- Ms. Dietz updated the committee on the Onsite Sewage Disposal System (OSDS) funding in FY 2019. Ms. Dietz provided a handout showing that between July 1, 2018 and March 31, 2019, 314 BAT upgrades and 45 sewer connections have been funded.
- Ms. Dietz added that Kent and Wicomico Counties did not have any BAT installations in the last report, but they have added some installations in the last quarter. Under the sewer connection side, Anne Arundel, Carroll, Queen Anne's, and Wicomico added some sewer connections for the first time this year. We hope that the progress will continue throughout the year.

**VI. Update on BRF Fee Collection and Budget:**

- Ms. Dietz updated the committee on the BRF fee collection using the Comptroller's report through January 31, 2019. Ms. Dietz advised the committee that the report shows the revenues of the first and second quarters of FY 2019. During this quarter, the Wastewater Fund (Line 1) had an additional \$26.8 million. The program grand total for Wastewater is about \$1.15 billion. Under the Septic Fund (Line 2), approximately \$4 million were added to MDE-Septic, and \$2.7 million to MDA-Cover Crops. This brings their grand totals since the start of the program to \$166.6 million for MDE-Septic and \$119.8 million for MDA-Cover Crops.
- Mr. Sowinski asked that in addition to the BRF-Septic allocations that go to the counties to be used toward BAT and septic connections, how the additional funds from BRF-Wastewater are being used for the same purpose. Ms. Dietz responded that BRF-Septic allocations continue to be distributed to the counties without any changes. BRF-Wastewater funds are being used for larger septic connection and BAT projects through MDE regular project solicitation and priority system process. BRF-Wastewater program has an annual budget of \$70 million and can accommodate larger projects, while BRF-Septic (only \$15 million annual budget) will continue to fund small BAT and septic connections through the county health departments.
- Ms. Outen added that septic connection cost is capped at \$20,000 per home, so if the septic connection cost is higher, other fund source such as SRF loan would have to cover the difference.

**VII. Mr. Murray reminded the Committee members that the next meeting will be on July 18<sup>th</sup>, which will be his last meeting because he is resigning as the Chairman of the committee.**

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

- Meeting Agenda
- Previous Meeting Minutes
- Wastewater Treatment Plants ENR Upgrade Status
- Program-to-Date BRF Fee Collection Report (Comptroller Report)
- BRF Septic Program Funded Installations
- Attachment I of the Draft Annual Report (January 2019)

### **Attendance**

#### **Advisory Committee Members or Designees Attending:**

Greg Murray, BRF Advisory Committee Chairman  
Walid Saffouri, Maryland Department of the Environment  
Elaine Dietz, Maryland Department of the Environment  
Bob Buglass, Washington Suburban Sanitary District  
Sara Trescott, Environmental Health Directors  
Gabe Cohee, Department of Natural Resources  
Norman Astle, Maryland Department of Agriculture  
Shelly Aprill, Maryland Department of Planning  
Cheryl Lewis, Town of Oxford (MML)  
Julie Mackert, Harford County Health Department  
Chris Murphy, Anne Arundel County DPW  
Suzan Gore, Department of Budget and Management

#### **Others in Attendance:**

Mary Vitale, Hazen and Sawyer  
Joe Sowinski, HDR  
Julie Pippel, Lanco-Pennland  
Andrew Gray, Department of Legislative Services  
Mark Hoffman, Chesapeake Bay Commission  
Ellen Mussman, Maryland Department of Planning  
Teresa Wong, Mott MacDonald

#### **Maryland Department of the Environment (MDE) Attendees:**

Sunita Boyle	Janice Outen
Cheryl Reilly	Suzanne Dorsey
Greg Busch	Amo Laud
Michael Roberts	Sara Albrecht
Travis Sterner	Nat Woodrow