

BAY RESTORATION FUND ADVISORY COMMITTEE

**Maryland Department of the Environment
Aqua/Aeris Conference Rooms (MDE Lobby Area)
1800 Washington Boulevard
Baltimore, Maryland 21230
October 10, 2019**

Meeting Minutes

Welcome/Introduction

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

Review of Meeting Minutes

- Previous meeting minutes from the July 18, 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. Murphy asked if anyone had any questions, comments, or a motion to approve. Mr. Astle pointed out a possible discrepancy on the 3rd page of the minutes. The discrepancy will be corrected before the minutes are posted on the web. The minutes were approved with the correction.

Discussion

I. Update on Major and Minor WWTPs ENR Implementation:

- Mr. Saffouri advised that there has been no change in status in the upgrade of major wastewater treatment plants since the last meeting because most of them have been completed or in construction. Planning for Princess Anne WWTP is underway. Hampstead and Westminster are progressing with the construction. Construction at Patapsco is substantially complete and the plant is being optimized for ENR operation.

- Mr. Saffouri provided an update on minor WWTPs, which appear to be picking up speed. Two additional facilities have signed the funding agreement: Vienna (in planning), and Port Deposit (in design). Also, design has started for Lewistown.
- Mr. Murphy asked whether we can add the flow and pound reduction for the minor plants so we can understand the magnitude in comparison to the majors. Mr. Saffouri agreed to include this information at the next meeting.
- Mr. Buglass asked whether the cost of upgrades for minor plants can also be added. Mr. Saffouri responded that we can add the amounts included in the Annual Report. Mr. Saffouri added that it is required by the law that the upgrade of any minor plant be cost effective. MDE strategy to address this requirement has been to fund planning and design at 100% to allow MDE to stop the funding process if at any time, during the planning and design, it is determined that the upgrade is not cost effective.
- Ms. Lewis asked if we have ever not fund a project because it is not cost effective. Mr. Saffouri responded that the upgrade of Accident WWTP was determined to be not cost effective after completing the engineering report and the town was told that the upgrade cannot be funded by BRF. Ms. Lewis asked whether the upgrade was not cost effective because the WWTP location with respect to the Bay. Mr. Saffouri responded that the location was not a factor because after upgrading the major WWTPs that discharge to the Chesapeake Bay, the funding has become available to all other WWTPs.
- Mr. Murphy asked whether there is any update on the Clean Water Commerce Act. Mr. Saffouri responded that MDE is currently working with Anne Arundel and Howard Counties to finalize the funding agreements.

II. Update on Cover Crops Activities:

- Mr. Astle provided an update on the Cover Crops Program. Sign-up this year was conducted between June and July. Approximately 650,000 acres were signed up for cover crops, and to date 164,421 acres have been planted. Approximately 68,000 of the planted acres were done through aerial application. This was the first year incentive payments became available for the aerial applications.
- Mr. Murphy asked about the effectiveness of the aerial application. Mr. Astle responded that depending on the weather condition and proper timing of the application, aerial application can be as effective as the conventional seeding. Allowing areal application is an option to increase participation in the program.

- Ms. Lewis asked whether or not the farmers would still get paid if the cover crop planting is partially or totally failed. Mr. Astle responded that the farmers will still get paid because their contracts with MDA are not performance based.

III. Update on Onsite Sewage Disposal Systems (OSDS):

- Mr. Roberts updated the committee on the Onsite Sewage Disposal System (OSDS) funding in FY19. Mr. Roberts provided a handout showing that 799 BAT upgrades and 182 sewer connections were funded in FY19. This is a significant increase over the last report, which had 495 BAT upgrades and 125 sewer connections.
- Mr. Roberts also reported that large grant amounts (totaling \$5 million) were not used by the counties and had to be reverted. WQFA has contacted all the counties and asked them to identify additional projects that can use the reverted grants before the end of the fiscal year.
- Mr. Murphy asked if there is a deadline the counties need to respond by. Mr. Roberts responded that the funding requests need to be submitted by November 1st.
- Mr. Roberts advised the committee about the difficulties we are having with small businesses grant applications. The electronic format for small business registration on the state procurement website is down, and the Governor's Office is being contacted to confirm each small business applicant. This process is important because small businesses receive 75% grants instead of the 50% offered to all other for-profit businesses.
- Mr. Murphy asked whether the BAT installation contracts cover 5 years of maintenance. Mr. Roberts responded that only 2 years are covered. Ms. Howell added that funds are provided to the counties to ensure that the systems continue to be maintained and they remain in compliance. The funding goal is to maintain above 80% compliance. To date, this goal has been achieved by 22 counties.

IV. Update on BRF Fee Collection and Budget:

- Mr. Roberts updated the committee on the BRF fee collection using the Comptroller's report through July 31, 2019. Mr. Roberts advised the committee that the report shows the fourth quarter and the total revenues for FY19. The Wastewater Fund (Line 1) had an additional \$21.8 million in the fourth quarter bringing us to a total \$107 million in FY19. This is about \$8 million less than the revenues in FY17 and FY18. Under the Septic Fund (Line 2), approximately \$1.35 million were added to MDE-Septic in the fourth quarter totaling \$16.9 million in FY19, and \$0.90 million to MDA-Cover Crops totaling \$11.2 million in FY19. Septic fund is also lower than previous years.

V. Annual Report:

- Mr. Saffouri advised the committee that MDA, MDP and MDE have started drafting their portions of the BRF Advisory Committee Annual Status Report. The draft report will be sent to the committee members for their review and comments. The report mostly summarizes the committee discussions throughout the year; hence, the committee should be familiar with the issues to be discussed in the report.

VI. Mr. Murphy reminded the Committee members that the next meeting will be held on January 16th.

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

Attendance

Advisory Committee Members or Designees Attending:

Chris Murphy, BRF Advisory Committee Acting Chairman
Michael Roberts, Maryland Department of the Environment
Walid Saffouri, Maryland Department of the Environment
Bob Buglass, Washington Suburban Sanitary District
Gabe Cohee, Department of Natural Resources
Norman Astle, Maryland Department of Agriculture
Ellen Mussman, Maryland Department of Planning
Tom Jones, Department of Budget and Management
Sara L. Tresscott, Conference of Local Environmental Health Directors
John Dinkel, DBD LLC
Cheryl Lewis, MML/Town of Oxford

Others in Attendance:

Julie Pippel, Lanco-Pennland
Andrew Gray, Department of Legislative Services
Kelly Dufy, RK&K
Chris Endryas, RK&K
Ziwei He, HDR, Inc.
Teresa Wong, Mutt MacDonald

Maryland Department of the Environment (MDE) Attendees:

Sara Albrecht	Travis Sterner
Rajiv Chawla	Elaine Dietz
Nony Howell	Nat Woodrow
Greg Busch	Mehdi Majedi
Heather Barthel	