

**BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment**

**Aqua & Aeris Conference Room**

**1800 Washington Blvd.**

**Baltimore, Maryland 21230**

**February 21, 2007**

**1:00 p.m. to 3:30 p.m.**

***Dr. Robert M. Summers, Acting Chair***

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**Meeting Minutes**

**Welcome/Introduction:**

- Dr. Summers welcomed the committee and other attendees.
- Dr. Summers advised the committee members that Mr. Warfield had resigned as the Advisory Committee Chairman due to pressing business interests that precluded his further participation. Dr. Summers will chair the meetings until a new committee chair is appointed by the Governor's office. There have also been several other committee members that have either resigned or are no longer serving on the Advisory Committee. Therefore a list of nominees to replace these former members is being forwarded to the Governor's office for selection of new committee members to represent local governments, businesses and environmental associations.

**Review of Minutes**

- Previous meeting minutes from the December 12, 2006 meeting were handed out to the committee members for their review and comments. No changes were suggested or made to the meeting minutes by the committee members.
- The minutes and handouts from the meeting will be posted on MDE's website.

**Discussion**

**I. Update on ENR Implementation and Upcoming Events – Bob Summers:**

- Dr. Summers presented the status of the Enhanced Nutrient Removal (ENR) upgrades. ENR upgrades of these 66 facilities are proceeding. There are two facilities (Celanese and Hurlock) in operation, 11 are under construction, 12 are in design, 23 are in planning, and 18 are in pre-planning. On January 3, 2007, The Board of Public Works approved BRF grants for the ENR upgrades of the following wastewater treatment facilities: Cumberland, Freedom District, Emmitsburg, Western Branch, Damascus and Leonardtown.

- Dr. Summers informed the committee that the new Governor has passed an executive order, which establishes an accountability process known as Bay Stat, for measuring and evaluating efforts to restore the Chesapeake Bay. The Bay Stat program will track and measure different water quality data as well as look at the status and costs of various programs that are being implemented to improve the health of the Chesapeake Bay. Some of the key indicators of implementation progress the Bay Stat will analyze are ENR upgrades of the sewage treatment plants, cover crops and other agricultural best management practices, restoration of stream buffers, wetlands, and other natural resources as well as acreages of land preserved. Maryland Departments of Environment, Natural Resources, Agriculture and Planning will jointly implement the Bay Stat program. Additional information on the implementation of the Bay Stat will be provided in the upcoming meetings.
- Dr. Summers and committee members discussed upcoming legislation and its affect on the Bay Restoration Fund Program. Dr. Summers advised the committee that MDE is opposed to House Bill (HB) 376 which would exempt users of onsite wastewater disposal system located in drainage basins outside the Bay watershed from having to pay the \$30 a year BRF fee. The committee members did not support HB 376 and will send a letter opposing this bill.
- Other upcoming legislation discussed was Senate Bill 812, which would allow the use of Bay Restoration Funds to connect certain areas on the Eastern shore currently served by septic systems to central sewer systems. Although this would help eliminate failing septic systems by connecting them to a sewage treatment plant, there was also concern that it could potentially cause sprawl to occur. Dr. Summers informed the committee that MDE has not yet taken position on this bill and asked for their input on this upcoming legislation.
- Dr. Summers and the committee members also discussed the proposed "Green Fund" bill. This bill would assess a fee on impervious surface for all new development in Maryland. Any impervious surface located outside of the priority funding areas (PFAs) would be charged \$2.00/sq-ft and areas located inside the PFAs would be charged \$0.25/sq-ft in order to encourage in-fill development. If passed, this legislation is expected to raise \$130 million a year in funds that would be dedicated to areas such as agricultural implementation, storm water grants, technical and planning assistance to local governments. Dr. Summers advised the committee that MDE plans to support this bill, since the Governor supports it.

## **II. Update on Fees Collected to Date – Jag Khuman**

- Mr. Khuman reported the distribution of Bay Restoration Fees through the end of January 2007. To date \$107 million have been transferred to MDE from sewer and water bills.

The total collected from septic fees to date is \$19 million. Of the \$19 million, \$7.6 has gone to MD Department of Agriculture for cover crops and \$11.5 million has gone to MDE for the upgrade of the septic systems. Mr. Khuman also reported that through January 31, 2007, \$72 million has been awarded to 27 ENR facilities and about \$6 million has been awarded for sewer rehabilitation projects.

### **III. Update on Cover Crops Program/ Fall Certification Results – Doug Scott**

- Mr. Scott reported the fall certification results for both the commodity cover crop and the traditional cover crop programs. Although 65,000 acres were approved for the commodity cover crop program, there was 101 percent implementation resulting in 66,000 certified acres. There were 225,000 acres approved for the traditional cover crop program, which had a 77% implementation resulting in 175,387 certified acres planted for the fall. The 77% implementation rate was higher than 75% (168,750 acres) expected for the traditional cover crop program. The implementation rates for both the commodity cover crop and traditional cover crop programs were higher than anticipated.

### **IV. Bay Restoration Fund Onsite Sewage Disposal Systems (OSDS) Update – Jay Prager**

- Mr. Prager updated the committee on the development of the GIS database that would identify the number of septic systems and their location in a watershed and in Maryland. MDE is in the process of negotiating and executing two contracts (memorandums of understanding), one with Salisbury University for the collection of data and development of database and the other with Towson University for web-based application user-friendly interface.
- Mr. Prager reported on the implementation efforts of ten counties that were awarded nine million dollars in Bay Restoration Funds by the Board of Public Works to upgrade septic systems in their jurisdictions. While some counties such as Wicomico have made good progress, others like Kent County have yet to get started.
- Mr. Prager informed the committee on the procedures developed for homeowners to apply directly to MDE for grants to upgrade their on-site disposal systems, if they are not located in a county that received regional grant awards for septic system upgrades. Applicants will be prioritized. Immediate priority will be given to a homeowner with a failing septic system located in a critical area. The system to be installed will have to be from an approved list, and the contractor that installs the system will have to be approved by the manufacturer of that system. This will place the responsibility on the manufacturers for the proper installation and performance of their systems. The septic system upgrade will also include a five-year operation and maintenance contract to be paid for by the grant.

## **Future Meeting**

- The seventeenth meeting will be held on April 18, 2007 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).

## **Materials Distributed at the Meeting**

- Meeting Agenda
- 15<sup>th</sup> Meeting Minutes (December 12, 2006)
- Wastewater Treatment Plant ENR Update Status (February 21, 2007)
- Program-to-Date BRF Fee Collection Report (through January 31, 2007)
- 2006 Tax Year-to-Date BRF Fee Collection Report (through January 31, 2007)
- 2006 Tax Year Fourth Quarter BRF Fee Collection Report (through January 31, 2007)
- BRF Fee Distribution Report (as of January 31, 2007)
- Maryland Department of Agriculture Update

## **Attendance**

### **Advisory Committee Members Attending:**

Robert M. Summers, Ph.D.	Maryland Department of the Environment
David Bancroft	Alliance for the Chesapeake Bay
James L. Hearn	Washington Suburban Sanitary Commission
Charles Evans, Jr.	Maryland Department of Natural Resources
William P. Ball	John Hopkins University
Karen Harris Oertel	W.H. Harris Seafood
Douglas Scott	Maryland Department of Agriculture
Julie Pippel for Gregory B. Murray	Washington County Department of Water Quality

### **Others in Attendance:**

Sonia Oton	Hazen and Sawyer
Hilary Bell	OPB
Sarah Broadwell	RK&K
Robert Waller	Straughan Environmental Service

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

Jag Khuman  
Andrew Sawyers  
Jay Prager  
John Boris  
Shawn Abeywickrama  
Mary Dela Dewa  
Eric Dougherty  
Ta-Shon Yu  
Rajiv Chawla  
Elaine Dietz  
Tsung-Pin Chen