

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Aqua & Aeris Conference Room

1800 Washington Blvd.

Baltimore, Maryland 21230

February 23, 2006

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

Mr. Robert Warfield, Chair

Meeting Minutes

Welcome/Introduction:

- Committee members and other attendees introduced themselves.
- Mr. Warfield and Dr. Summers welcomed the committee and other attendees and thanked the committee members for their work on this important program.

Review of Minutes

- The committee approved the minutes from the December 5, 2005 meeting.
- Handouts from the meeting will be posted on MDE's website.

Discussion

I. Update on ENR implementation and upcoming events – Bob Summers:

- Dr. Summers explained the status of the Enhanced Nutrient Removal (ENR) upgrades. To date, one facility has been placed in operation, 7 are under construction, 11 are in design, and 29 facilities have initiated planning.
- The Governor attended the Chestertown groundbreaking on February 9, 2006. It was conducted on a very short notice, and the Advisory Committee members were invited through email.
- MDE is trying to arrange a groundbreaking for Indian Head in Charles County, which is expected to go to construction in March. MDE will advise the committee members as soon as the exact date and time become available.
- The Governor has pledged to be at all groundbreakings for the 66 plants over the next four years.

II. Legislative Update and Annual Status Report (January 2006) Submittal – Bob Summers and Committee Members:

- Dr. Summers presented the final version of the committee’s Legislative Update and Annual Status Report (January 2006), which was submitted to the Governor, the Senate Education, Health, and Environmental Affairs Committee, and the House Environmental Matters Committee.
- So far, the proposed BNR budget has not been cut. However, the SRF loan program, which also impacts the ENR upgrades, continues to be cut by the federal government. It has been cut by almost 50% over the past two years.
- Two bills have been proposed in an attempt to eliminate the BRF fee for septic users. One is to completely eliminate the fee for almost all septic users. The other bill would allow the counties to choose between not participating in the septic BRF fee and be ineligible for grants, or participate and be eligible for BRF grants for septic system upgrades.
- A third bill regarding septic systems is being proposed to expand the grant eligibility to include repair and replacement of failing septic systems. Currently, BRF allows only for upgrades attributable to nitrogen removal.
- Also, two bills are being considered that would impact facilities in the Patuxent watershed. One bill would make the upgrade of facilities in the Patuxent watershed, including some minor facilities currently not targeted by BRF, higher priority than other facilities in Maryland. The other bill proposes more stringent nutrient limits on these facilities than others in Maryland.

III. Clarification on “Approved Design Capacity” for ENR Upgrades Draft Policy – Bob Summers and Committee Members:

- Dr. Summers presented a document titled “Approved Design Capacity,” which was submitted to the Senate Education, Health, and Environmental Affairs Committee as part of a hearing conducted by the committee.
- This document provides clarification and documentation of Maryland Department of the Environment’s definition of “Approved Design Capacity” for the purposes of funding of wastewater treatment plant upgrades under the Bay Restoration Fund (BRF).

- Design capacity for significant facilities must meet both of the following two conditions: (1) A discharge permit was issued based on the plant capacity, or a letter was issued by MDE to the jurisdiction with design effluent limits based on the new capacity as of April 30, 2003. (2) Planned capacity was either consistent with the MDE-approved County Water and Sewer Plan as of April 30, 2003, or shown in the locally-adopted Water and Sewer Plan Update or Amendment to the County Water and Sewer Plan, which were under review by MDE as of April 30, 2003.
- This policy has generated mixed reactions among legislators. Some believe that the facilities should be allowed less, and other legislators feel that more flows should be allowed for grant participation. There is no legislative action proposed regarding this policy.

IV. Update on Fees Collected to Date – Jag Khuman & Committee Members:

- As a follow up to a request by the Committee during the December 5, 2005 meeting, Mr. Khuman provided examples of wastewater treatment plant revenue based on the residential and non-residential proportions. Based on data obtained from Anne Arundel County, Baltimore City and Washington Suburban Sanitary Commission (WSSC), 75% of the revenue is from residential users and 25% from non-residential.
- Mr. Khuman reported on the Bay Restoration fee distribution for Fiscal-Year 2006 through January 31, 2006. To date, the Comptroller has transferred ~\$44 million to MDE for wastewater treatment plant upgrades, and ~\$4 million for septic systems. For the same reporting period, MDA has received ~\$2.6 million. With one quarter remaining in this fiscal year, revenues may reach \$57 million.

V. Update on Cover Crops Program – Michelle Esch, Maryland Department of Agriculture:

- Ms. Esch provided an update on the Cover Crops Program. MDA has received applications for a total of 205,000 acres. Of which, 135,000 acres have been planted. To date, approximately \$1 million has been expended toward these activities.
- MDA is concerned about the potential fund shortfall as the total grants needed to plant the 135,000 acres is ~\$5 million. However, the anticipated available funds are \$4.54 million (\$3 million from BRF + \$1.54 million in State grants).

VI. Onsite Sewage Disposal Systems Update – Jay Prager & Committee Members:

- Mr. Prager presented the final draft of the Onsite Sewage Disposal Systems (OSDS) Request for Proposal, which would allow local governments to create their own OSDS grant programs including receiving and prioritizing grant applications from individual homeowners, and then submit the selected applications to MDE in a block grant format.

- Mr. Prager presented a video on upgrading septic systems with Best Available Technology (BAT) for nitrogen removal. Also, Mr. Prager presented the OSDS brochure and grant pre-application for the committee's review and comments.
- The final draft of the BAT Verification Program Flowchart was also presented and discussed by Mr. Prager.

Future Meeting

- The twelfth meeting will be held on April 27, 2006 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).

Materials Distributed at the Meeting

- Meeting Agenda
- 10th Meeting Minutes (December 5, 2006)
- Update on ENR Implementation & Upcoming Events
- Legislative Update Annual Status Report (January 2006)
- Approved Design Capacity for ENR Upgrades
- Update on Fees Collected and Distributed
- OSDS – Draft Request For Proposals
- OSDS Brochure
- OSDS Pre-application Form
- OSDS BAT Verification Program Flowchart

Attendance

Advisory Committee Members Attending:

Robert E. Warfield	Chairman
Robert M. Summers, Ph.D.	Maryland Department of the Environment
William P. Ball, Ph.D.	Johns Hopkins University
James L. Hearn	Washington Suburban Sanitary Commission
Michele Esch for Douglas Scott	Maryland Department of Agriculture
Gregory B. Murray	Washington County Department of Water Quality
Thomas H. Stoner	Trustee of the Chesapeake Bay Foundation
Ronald Guns	Maryland Department of Natural Resources
William Bryan, M.D.	St. Mary's County Health Department
Leland Spencer, M.D.	Kent County Health Department

Others in Attendance:

Beverly Warfield	Prince George's County DER
Deborah M. G. Weller	Bayland Consultants
Ron Hartman	Anne Arundel County
Kerri Biatkowski	Johns Hopkins University
T. Kubinec	SMCHD
Dee Spencer	Kent County
Jennifer Ansa	Chesapeake Bay Foundation
Conner Sheets	Capital News Service

Maryland Dept. of the Environment (MDE) Attendees:

Jag Khuman	Walid Saffouri
Jay Prager	Eric Dougherty
Renee Matthews	Richard McIntire
George Keller	John Boris
Cheryl Reily	Tom French
Terri Wilson	Sue Allen
Mary Dela DeWa	Andrew Sawyers
Steve Pattison	