

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment
Aqua & Terra Conference Rooms
1800 Washington Blvd.
Baltimore, Maryland 21230

Meeting Minutes
October 19, 2005
1:00 p.m. to 4:30 p.m.
Mr. Robert Warfield, Chair

Welcome/Introduction:

- Committee members and other attendees introduced themselves.
- Mr. Warfield 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 August 31, 2005 meeting.
- All of the handouts from the meeting will go up on the web.

Discussion

Presentation #1: Update on ENR implementation and upcoming events - Bob Summers:

- Dr. Summers explained the status of the Enhanced Nutrient Removal (ENR) upgrades. Only one change in status from the previous meeting as one facility has initiated the planning for ENR upgrade and we now have a total of 30 facilities in planning.
- MDE participated in a web-cast for the Engineering News Record, which is an engineering trade journal. This was broadcast from Los Angeles, California. It is part of a national meeting of engineering firms involved in many fields of work including wastewater treatment technology.

Presentation #2: Update on Onsite Sewage Disposal Systems – Education/outreach, BAT Protocol and RFP - John Boris:

- Mr. Boris provided an update on activities to establish a protocol for Best Available Technology (BAT) verification.
- The Attorney General's Office has advised that MDE has the authority to establish technology verification protocol.

- Only proven technologies with some field-testing would be eligible for funding. This may include, but it will not be limited to those technologies evaluated and certified by NSF. Experimental systems will not be accepted.
- The next step in this process is to develop a Request for Proposal (RFP). Our goal is to present a draft RFP to the committee during the December meeting, and have the final ready to go before January 2006.
- Mr. Boris also presented some educational/outreach materials that are currently being used by MDE and others. Including, training workshops, brochures, and a videotape.
- Mr. Boris presented the proposed pre-application for financial assistance. The committee provided some comments on the proposed pre-application, which will be incorporated in the final version.
- The committee had a lengthy discussion regarding how to better target septic system upgrades. With the limitation of funds, upgrades should be targeted where most impact is achieved. Also, cost sharing was proposed in order to increase the impact of the limited funds. Operation and maintenance requirements may make the grant less attractive.

Presentation #3: Update on Fees Collected to Date – Thad Russell:

- There is no significant change from the previous meeting. Second Quarter collection was ~\$12.5 million, bring the total collections to date to ~\$20.1 million (~\$19.3 million for sewer fund, and ~\$0.8 million for septic).
- The Comptroller's Office has distributed most of the collected fund with ~\$18.89M has been distributed to MDE sewer account, ~\$0.48M to MDE septic account, ~\$0.32M to MDA cover crops account, and ~\$80,000 for administrative cost recovery.
- The committee noticed that there is a significant difference between the administrative fee claimed by the billing authorities and the fee paid. Mr. Russell said that this difference is mainly due to the fee being capped to up 5% of the collected amount. However, this issue may be resolved in the future because many authorities have relatively high initial cost, which is expected to stabilize. Also, these initial costs can be recovered retroactively in future billing cycles.

Presentation #4: Update on Cover Crops Program – Doug Scott, Maryland Department of Agriculture:

- Mr. Scott provided a summary of cover crops signup for this year. To date, 205,359 acres has been approved, which is an over 80% increase from last year. Historically, 60% of the approved acreage is actually implemented.

Presentation #5: Presenting and discussing the first draft of January 2006 Interim Progress Report - Bob Summers:

- Section 1605.2 of Chapter 9 of Environment Article requires that beginning January 2006, and every year thereafter, the Bay Restoration Fund (BRF) Advisory Committee must provide an update to the Governor and the General Assembly on the implementation of the BRF program, and report on its findings and recommendations.
- Dr. Summers presented the draft report and executive summary and asked for the committee's comments.
- The committee provided some comments on the executive summary, which will be revised accordingly and emailed back to the committee members for further review before the next meeting in December.
- The committee will complete its final review of the report during its meeting in December in order for the report to be finalized before January 2006.

Future Meeting

The tenth meeting will be held on December 7, 2005 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).

Adjournment

Chairman Warfield and Dr. Summers thanked the members of the Advisory Committee and all guests for their participation.

Materials Distributed at the Meeting

- Minutes of the August 31, 2005 meeting
- Meeting Agenda
- ENR Status Update
- 2006 Legislative Update Draft Report
- BRF Treasury Report (as of 10-11-2005)
- Attachment 1 - ENR Projected Schedule, Estimated Cost & Cashflow
- Attachment 2 - WWTP Fact Sheets
- Two-Year Cover Crop Summary
- Training for OSDS (Brochure)
- August 15, 2005 ENVIRO-MATTERS article (“Septic System Upgrade Plan is Underway”)
- October, 2005 e-mde article (“Bay Restoration Fund Collection is Underway”)
- Bay Restoration Fund – Onsite Sewage Disposal Systems (OSDS) Pre-Application for Financial Assistance

Attendance

Advisory Committee Members Attending:

Robert E. Warfield	Chairman
Robert M. Summers, Ph.D.	Maryland Dept. of the Environment
Bernie Marczyk	Policy Advisor to Governor Ehrlich
James L. Hearn	Washington Suburban Sanitary Commission
Leland D. Spencer, M..D.	Maryland Assoc. of Co Health Officers Health Officer for Kent & Caroline County
William Bryan Icenhower, M.D.	St. Mary's Co. Health Dept.
Veronica L. Chenowith	Harford County Council
Douglas Scott	Maryland Dept. of Agriculture
Karen Harris Oertel	W.H. Harris Seafood
Lawrence Fogelson	for James T. Noonan (Maryland Dept. of Planning)
Charles Evans	Dept. of Natural Resources
Jean Aiosa	for Thomas Stoner, Chesapeake Bay Foundation

Committee Members Absent:

William P. Ball, Ph.D.	Johns Hopkins University
David Bancroft	Executive Director, Alliance for Chesapeake Bay
Valentina Fomenko	Dept. of Budget & Management
Mayor Kevin Dayhoff	City of Westminster
Delegate Barbara Frush	Maryland House of Delegates
Senator Paula C. Hollinger	Maryland Senate
Gregory Murray	Washington County

Others in Attendance:

Linda Hanifin Bonner	Maryland Water Quality Board
Krista McKim	
Thad Russell	Comptroller's Office

Maryland Dept. of the Environment (MDE) Attendees:

Steve Pattison	Walid Saffouri
John Boris	Eric Dougherty
Renee Matthews	Marilyn Overt
Richard McIntire	