

BAY RESTORATION FUND ADVISORY COMMITTEE

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

Meeting Minutes
December 5, 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 October 19,2005 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. Two changes in status from the previous meeting as one facility has initiated the planning for ENR upgrade and one has initiated the design. We now have a total of 11 facilities under design.
- MDE has published the draft permit for the City of Brunswick, which would be the first permit that includes the nutrient loading limits.
- As another update, MDE will brief the House Environmental Matters Committee on the implementation of the Bay Restoration fund during their annual retreat, which will be held in Cambridge on Thursday, December 8, 2005.
- Delegate Edwards, who represents Garrett and Allegany Counties, has asked MDE to participate in a public informational meeting to discuss Bay Restoration Fund fee for septic systems.
- Kim Coble, of Chesapeake Bay Foundation and also a member of the Advisory Committee, has written an article in the Salisbury Times discussing the importance of the onsite system disposal portion of the Bay Restoration Fund.

Presentation #2: Update on Fees Collected to Date – Thad Russell:

- Mr. Thad Russell, of the Comptroller's Office, reported on the fee collected through November 30, 2005. Third Quarter collection was ~\$20.78 million, bringing the total collections to date to ~\$40.92 million (~\$38.46 million for sewer fund, and ~\$2.45 million for septic fund).
- The Comptroller's Office has distributed most of the collected fund with ~\$37.80M has been distributed to MDE sewer account, ~\$1.48M to MDE septic account, and ~\$0.99M to MDA cover crops account.
- It was noted that the administrative expense (claimed and paid) is much less than the 5% allowable by the law. This is an important fact for any future discussion regarding the allowable administrative cost for collecting the fee.
- **(MDE ACTION ITEM):** The committee asked if the Comptroller's Office or MDE could provide a breakdown of fee collected from residential and non-residential users. Given that this data is not readily available, MDE will provide a sample of 3 or more major billing authorities.

Presentation #3: Presenting and discussing the revised draft of January 2006 Interim Progress Report - Bob Summers:

- Dr. Summers presented to the committee the revised draft of the Bay Restoration Fund Advisory Committee Annual Status Report (January 2006) to the Governor, the Senate Education, Health, and Environmental Affairs Committee, and the House Environmental Matters Committee.
- The committee members previously reviewed the presented report and it has been revised based on their comments.
- The committee discussed the report and provided additional comments. Also, Dr. Summers asked the committee members to submit any additional comments or suggestion by December 15 through email in order to allow the report to be finalized before January 2006.

Presentation #4: Update on Cover Crops Program – Michelle Esch, Maryland Department of Agriculture.

- Ms. Esch provided an update on Cover Crops Program. MDA is in the process of receiving fall certifications. Certifications are submitted by the farmers to a local Soil Conservation District (SCD), who assist farmers in completing the certifications and forward the documents to MDA. The SCD local offices have until December 15 to submit all needed documents and data to MDA for the fall certifications.
- To date, approximately 400 completed certifications has been receive and processed by MDA for a total of ~65,000 acres.

Presentation #5: Onsite Sewage Disposal Systems – Draft Request for Proposals, OSDS Upgrade Brochure, pre-application form – Jay Prager:

- Mr. Prager presented to the committee the revised draft of the Request for Proposal (RFP), which would allow MDE to have agreements with local governments to delegate some of MDE's grant administration functions to local authorities and to allow for local governments to be the main point of contact for the homeowners.
- The committee members and other interested persons and groups previously reviewed the presented RFP, and it has been revised based on their comments.
- The committee discussed the RFP and provided additional comments. Also, Mr. Prager asked the committee members to submit any additional comments or suggestion by email and/or during the next committee meeting. In addition, MDE would like to send the draft RFP to local officials for their review and comments possibly in January 2006.
- The committee also discussed issues involving the operation and maintenance needed after the systems are upgraded. The main issue is how MDE will ensure proper operation and maintenance by the homeowner after the system is upgraded and the grant is closed. Amending the regulations to require this can be one viable option.
- Mr. Prager also discussed some outreach efforts being considered by MDE. Organizing workshops for local official is one of the efforts being considered. Also, MDE is considering the option of modifying the current septic system video, titled "Uncovering the Mystery in Your Backyard," to include nutrient removal; versus creating a new video to solely serve this purpose. As another outreach item, Mr. Prager presented a brochure for the committee members' review and discussion.

Future Meeting

- The eleventh meeting will be held on February 23, 2006 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).
- 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
- Minutes of the October 19, 2005 meeting
- Bay Restoration Fund Advisory Committee Annual Status Report - January 2006 (Draft Report)
- Wastewater Treatment Plants ENR Upgrade Status (December 5, 2005)
- BRF Fee Collection Report (November 30, 2005)
- BRF Onsite Sewage Disposal Systems Draft Request for Proposals
- Training for Onsite Sewage Disposal (Brochure)

Attendance

Advisory Committee Members Attending:

Robert E. Warfield	Chairman
Robert M. Summers, Ph.D.	Maryland Dept. of the Environment
William P. Ball, Ph.D.	Johns Hopkins University
David B. Bancroft	Alliance for the Chesapeake Bay
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
Bernie Marczyk	Governor's Office

Committee Members Absent:

Vernonica L. Chenowith	Harford County/MACO
Kim Coble	Chesapeake Bay Foundation
Valentina Fomenko	Maryland Department of Budget & Management
Mayor Kevin Dayhoff	City of Westminster
Ronald Guns	Maryland Department of Natural Resources
Delegate Barbara Frush	Maryland House of Delegates
Senator Paula C. Hollinger	Maryland Senate
William Bryan Icenhower, M.D.	St. Mary's County Health Department
James T. Noonan	Maryland Department of Planning
Karen Harris Oertel	W.H. Harris Seafood
Leland D. Spencer, M.D.	Ken County Health Department

Others in Attendance:

Alex Duran	NAHB
Bonnie Kranzer	Western Solutions
Peter Thompson	KCI/ACEC
Sonia Oton	Hazen and Sawyer
Beverly Warfield	Prince George's County DER
Amanda Mock	Department of Legislative Services
Linda Hanifin Bonner	Maryland Onsite Profession Association
Julie Pippel	Washington County Department of Water Quality
Deborah M. G. Weller	Bayland Consultants
Ron Hartman	Anne Arundel County
Thad Russell	Comptroller of Maryland

Maryland Dept. of the Environment (MDE) Attendees:

Jag Khuman	Walid Saffouri
Jay Prager	Eric Dougherty
Renee Matthews	Julie Oberg
Richard McIntire	Marty Davis