

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Aqua & Aeris Conference Room

1800 Washington Blvd.

Baltimore, Maryland 21230

December 12, 2006

1:00 p.m. to 2:30 p.m.

Mr. Robert Warfield, Chair

Meeting Minutes

Welcome/Introduction:

- Dr. Summers welcomed the committee and other attendees.
- Dr. Summers chaired the meeting, as Mr. Warfield, Advisory Committee Chairman was unable to attend the meeting. Due to the upcoming Christmas and New Year holidays and a short meeting agenda, few Committee members attended the meeting.

Review of Minutes

- Previous meeting minutes from the November 20, 2006 meeting were handed out to the committee members for their review. Committee members were asked to provide any comments on the proposed minutes to MDE within a week.
- The minutes and handouts from the meeting will be posted on MDE's website once comments are incorporated.

Discussion

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

- Dr. Summers presented the status of the Enhanced Nutrient Removal (ENR) upgrades. There was no change in the ENR implementation status of the 66 major wastewater treatment facilities since the last meeting. ENR upgrades of these 66 facilities are proceeding. There are two facilities (Celanese and Hurlock) in operation, 10 are under construction, 12 are in design, 23 are in planning, and 19 are in pre-planning.
- A Memorandum of Understanding (MOU), which included tentative nutrient planning limits and ENR implementation schedules for Anne Arundel County's seven wastewater treatment plants, was signed between MDE and Anne Arundel County at an event held in Anne Arundel County. The report in the newspaper erroneously

stated that MDE was funding 100 percent of the upgrade costs estimated to be \$111 million. Dr. Summers explained to the committee that there were no commitments to dollar amounts in that MOU or any other commitments made by MDE to fund 100 percent of the upgrade costs of these treatment plants.

- Dr. Summers discussed the article, which appeared in the newspaper regarding Cecil County's future inability to develop in smart growth areas, since its treatment facilities are approaching their capped design capacities that were approved and became effective as of April 30, 2003 when ENR strategy was released. The article stated that this will cause sprawl development to occur in Cecil County and is therefore anti-smart growth. In response, the committee members wanted to see an innovative state-wide approach being taken to address this issue, rather than letting future development occur on traditional septic systems, which would undermine the efforts of the Bay Restoration Fund (BRF) program.

II. BRF Annual Status Report – Bob Summers & Committee Members

- The following reports were distributed to all committee members present as well as others in attendance:
BRF Annual Status Report
Administrative Costs Incurred by Local Governments Status Report
Report of On-Site Sewage Disposal System Education Outreach & Update Program on Implementation

The 2006 Annual BRF Status Report summarized all the Bay Restoration Fund activities over the past year. There were no formal comments submitted by the committee members on the Draft Report presented at the last meeting. Mr. Hearn, a committee member commented at the meeting that the report needed to address the fact that ENR funds were not being used to fund new growth that had not been included under the approved design capacities of the 66 major wastewater treatment plants. The Environmental Matters Committee had raised this concern previously, and therefore it needed to be addressed in the report.

- Mr. Khuman presented a quick overview of the Status Report regarding the Administrative Costs Incurred by Local Governments. Mr. Bancroft, a committee member commented that the report show the split of Bay Restoration fees WSSC collects from both Montgomery and Prince George's Counties separately. Currently all fees WSSC collects are shown under Prince George's County, since WSSC office is located in Prince George's County. Mr. Khuman agreed to reflect this in the Administrative Costs Report.

III. Bay Restoration Fund Onsite Sewage Disposal Systems (OSDS) Update – Jay

Prager

- Mr. Prager informed the committee that the Board of Public Works approved the Bay Restoration Funds to upgrade the septic systems in ten counties. There were no issues raised by the Board regarding the upgrades of these septic systems. The next step will be to implement the actual upgrade of these systems.
- Mr. Prager informed the committee that the next focus should be on larger groundwater discharge systems, as well as, outreaching property owners with septic systems located adjacent to tidal waters. Shellfish shoreline survey teams, as well as, distribution of brochures and educational videos to associations and property owners were being used to inform the public of this effort.
- Mr. Prager informed the committee that a letter was sent from the Governor's office to the Secretary of US Dept of Agriculture and to the US Treasury, asking them to certify, that the tax code will have no effect on individuals who receive BRF grant funding for upgrade of their septic systems. Their certification is expected.
- Mr. Hearn, a committee member asked if the cost to the counties as well as the cost of the five-year maintenance for the on-site disposal systems (OSDS) are covered by the eight percent administrative fee. Mr. Prager stated that the five-year maintenance cost for the OSDS was not covered by the eight percent administrative fee and was an additional cost that was included as part of the BRF grant to upgrade these systems.
- Mr. Prager informed the committee that manufacturers of on-site disposal systems are being asked to submit a sampling procedure protocol that they would want followed to get the best results for their unit. This will place the responsibility on the manufacturers for the proper performance and evaluation of their systems.
- Mr. Prager informed the committee that progress was being made on the GIS database that would identify the number of septic systems in a watershed and in Maryland. MDE is working with all parties including Towson University, and Salisbury University in setting up this database.

Future Meeting

- The sixteenth meeting will be held on February 21, 2007 @ 1:00 p.m. in the Aqua & Aeris Conference Rooms – Lunch for members @ 12:00 (noon).

Materials Distributed at the Meeting

- Meeting Agenda
- 14th Meeting Minutes (November 20, 2006)
- Update on ENR Implementation
- Draft 2007 BRF Annual Status Report

- Administrative Cost Incurred by Local Governments
- Report on Implementation of On-Site Sewage Disposal System Education Outreach and Update Program

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

Others in Attendance:

Jen Aiosa	Chesapeake Bay Foundation
Stewart Smith	

Maryland Dept. of the Environment (MDE) Attendees:

Jag Khuman
Jay Prager
John Boris
Shawn Abeywickrama
George Keller
Mary Dela Dewa