

# **BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment  
Aqua/Aeris Conference Rooms (MDE Lobby Area)  
1800 Washington Boulevard  
Baltimore, Maryland 21230  
March 10, 2016**

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## **Meeting Minutes**

### **Welcome/Introduction**

- The meeting was opened by Ms. Julie Pippel of Washington County, on behalf of Mr. Greg Murray, Chairman of the Bay Restoration Fund Advisory Committee and Administrator for Washington County.
- Ms. Pippel welcomed the committee members and other attendees.

### **Review of Meeting Minutes**

- Previous meeting minutes from the December 16, 2015 meeting were handed out to the committee members for their review and comment. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Ms. Pippel asked if anyone had any comments, questions, constructive criticism. Hearing none, they will stand as presented.
- As a separate issue, Mr. Hearn asked about the status of the BRF Advisory Committee annual report. Mr. Saffouri responded that it is being reviewed by the Governor's Office before final submittal to the appropriate legislative committees.

### **Discussion**

#### **I. Update on Major WWTPs ENR Implementation**

- Mr. Saffouri referenced the Wastewater Treatment Plants ENR Upgrade Status handout. To date there are 41 facilities in operation, 22 under construction, 3 in design, and 1 in planning, for a total of 67 facilities. Mr. Saffouri stated that there are two changes from the previous meeting, MCI started construction, and Hampstead started the design phase.

- Mr. Saffouri indicated that we have a few projects stuck at 98% or 99% complete. However, some of these plants may move to completion status in April as they demonstrate their ENR performance as part of the O&M grant application process.

## **II. Update on Minor WWTPs ENR Upgrades**

- Mr. Saffouri indicated that we added Smith Island to the list, and we now have a total of 15 minor facilities interested in upgrading to ENR. There is no change in the status of the other plants on the list. Oxford, Betterton and Galena may start construction before the Committee's next meeting in June.
- Mr. Boussein asked whether all the 15 facilities will be receiving BRF funding. Mr. Saffouri answered yes, and in addition, they will be getting State BNR grants.

## **III. Update on Cover Crops**

- Mr. Astle provided the update on the cover crop activities. He indicated that we had another record year and planted close to 501,000 acres. Final count is pending confirmation of compliance.
- Mr. Boussein asked if it is possible for MDA to provide a breakdown of acreage planted by the type of crops. Also, Mr. Boussein also asked how the funds from different sources (BRF, Chesapeake Bay Trust Fund, and other programs) are distributed toward cover crop activities. Mr. Astle agreed to provide this information at the next meeting.

## **IV. Update on Onsite Sewage Disposal System (OSDS)**

- Mr. Prager announced that two additional manufacturers have successfully completed the field verification, and their systems have been accepted by MDE as BATs. Maryland now has a total of seven BAT systems eligible to receive BRF funding.
- Mr. Prager provided a handout with the number of BAT installations sorted by Counties, and locations in Critical versus Non-Critical areas. To date, 10,473 BAT upgrades have been completed.
- Mr. Boussein indicated that more information was requested to be on the above handout such as septic abandonment and connection to public sewer. Mr. Prager indicated that the requested information is not readily available and MDE will be working on it.

## **V. Update on BRF Fee Collection and Budget**

- Mr. Saffouri started with the presentation of the Comptroller's Report for the BRF Fee from the program's inception through the end of February 29, 2016. The last two pages of the report include the second installment in January of \$41.4 million for a Total FY 2016 of \$78.6 million from the wastewater fund. On the septic side, FY 2016 total to date is \$22.9 million, with \$13.7 million allocated to MDE septic program and \$9.2 million to MDA cover crops.
- Mr. Khuman added that the \$41 million in January on the wastewater side is about \$13 million higher than usual. The extra amount is from Baltimore City. We don't have all the details on what exactly has happened during this billing period, but we believe that this could be old BRF money not submitted to the Comptroller earlier due to a math error. We will have more information on this by the next meeting.

## **VI. Proposed Amendment to the BRF Regulations**

- Mr. Khuman updated the committee on the proposed amendment to make the regulations consistent with the two changes at the last legislative session. No adverse comments have been received and the package has been sent down to Annapolis for final notice.
- Mr. Khuman thanked the committee members for their help and for providing the internal comment before the amendment was finalized and published.

## **VII. Legislative Update:**

- Mr. Khuman and Mr. Prager discussed House Bill 90, which would allow extending BRF grants for low income homes for the operation and maintenance of the BAT system beyond the currently allowed grants for five years. A grant extension for three years can be requested after the original five years and can subsequently be extended every three years if the homeowner continues to be eligible. MDE expects this bill to pass.
- Mr. Khuman also discussed House Bill 325, which was a Department initiative to allow BRF to be used to purchase nutrient credit. The bill was withdrawn due to lack of support during this session. Mr. Khuman and Secretary Grumbles agreed that this idea is not going away and the Department will continue its efforts to reintroduce it in future sessions.
- Mr. Hearn asked about the status of the 20% State Match. Mr. Khuman stated that it is still pending, but MDE is hopeful that all parties understand its importance. For every one dollar allocated by the State we would get five federal dollars.

**Next meeting and other administrative issues to be discussed with the committee**

The next meeting will take place on Thursday, June 9<sup>th</sup>.

**Materials Distributed at the Meeting**

- Meeting Agenda
- Previous Meeting Minutes
- Wastewater Treatment Plants ENR Upgrade Status
- Program-to-Date BRF Fee Collection Report

**Attendance**

**Advisory Committee Members or Designees Attending:**

Ben Grumbles, Secretary, MDE  
Julie Pippel for Greg Murray, Washington County, Chairman  
J.L. Hearn, WSSC  
Peter Bouxsein, Chesapeake Bay Foundation  
Cheryl Lewis, MML  
Kevin Barnada, Health Department  
Norm Astle, Maryland Department of Agriculture  
Angela Butler, Maryland Department of Planning  
John Leocha, Maryland Department of Planning  
Chris Murphy, Anne Arundel County DPW  
Walid Saffouri, MDE  
Jag Khuman, MDE  
Susan Gore, Department of Budget and Management

**Others in Attendance:**

Mary Vitale, Hazen and Sawyer

**Maryland Department of the Environment (MDE) Attendees:**

Heather Hepburn  
Jay Prager  
Cheryl Reilly  
Rajiv Chawla  
Teresa Wong  
Matt Breitenother  
Marya Levelev  
Joshua Flatley  
Heather Barthel