

## **BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment  
Aqua/Aeris Conference Rooms (MDE Lobby Area)  
1800 Washington Boulevard  
Baltimore, Maryland 21230  
January 25, 2018**

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### **Meeting Minutes**

#### **Welcome/Introduction**

- The meeting was opened by Mr. Greg Murray, Chairman of the Bay Restoration Fund Advisory Committee.
- Mr. Murray welcomed the committee members and other attendees.

#### **Review of Meeting Minutes**

- Previous meeting minutes from the September 14, 2017 meeting were handed out to the committee members for their review and comments. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Mr. Murray asked if anyone had any questions, comments, or a motion to approve. The minutes were approved.

#### **Discussion**

##### **I. Update on Major and Minor WWTPs ENR Implementation:**

- Mr. Saffouri referenced the Wastewater Treatment Plants ENR Upgrade Status handout. To date there are 56 major facilities in operation, 8 under construction, 2 in design, and 1 in planning, for a total of 67 major facilities. Back River, Mayo, and Chesapeake Beach have completed the ENR upgrade and they are now in operation.
- Mr. Saffouri provided an update on minor WWTPs. There are a few status updates for minor facilities. Deep Creek Lake is no longer interested in ENR upgrade. Elk Neck State Park in Cecil County signed the funding agreement and was added to the list of minor WWTPs upgrade. Harbour View, also in Cecil County, signed the agreement. We did not have the chance to add

Harbour View to the list, but it will be added before the next meeting. In addition, Trappe in Talbot County, and Mystic Harbour in Worcester County are considering the ENR upgrade option. Garrett County is considering upgrading Oakland WWTP to a regional facility with ENR treatment, and decommissioning Trout Run and pumping its flows to Oakland.

- Mr. Murray asked about the capacity of Oakland. Mr. Saffouri responded that he does not remember, but agreed to provide the list of all targeted minor facilities with their capacities at the next meeting.
- Mr. Bouxsein asked for further clarification about Back River completion and how they are able to meet ENR when other construction is still ongoing. Mr. Saffouri responded that with the completed part, Back River will be able to achieve ENR at the current average flow (approximately 130 MGD). The remaining upgrade will ultimately be needed at the plant design capacity (180 MGD) and to handle the additional flows from the sewer overflow reductions project. However, this will not occur until the Headworks project is completed. Mr. Bouxsein asked about when the Headworks project will be completed. Mr. Saffouri responded that construction for that project has just started and it may be completed in three years. By then the full ENR facilities will be completed and ready to receive the additional flows.
- Mr. Bouxsein asked about the status of Patapsco upgrade. Mr. Saffouri responded that the City and the contractor are in dispute mainly over the quality control of some items, which prevented testing and start up of the new equipment and unit processes. The City recently issued an emergency contract to allow another contractor to correct the items in question. This may allow the City to complete the project by mid-2018 and be in ENR operation by the end of 2018.
- Mr. Bouxsein asked about the status of Frederick and Leonardtown. Mr. Saffouri responded that they are experiencing the usual construction delays and we don't expect to have major issues similar to Patapsco.
- Ms. Lewis asked whether we know how many minor plants will be upgraded. Mr. Saffouri reminded the committee that minor plants are being upgraded on voluntary basis and only if the upgrade is cost effective. There are over 300 minor WWTPs, but only 60 of them were determined to be cost effective to be upgraded. Mr. Saffouri will provide the full list of minor WWTPs that can be upgraded at the next meeting.
- Mr. Murray asked whether the reason Deep Creek is no longer interested in funding because they want to keep the loading from the upgrade. Mr. Saffouri responded that it does not matter for them because they don't discharge to Chesapeake Bay Watershed. Ms. Levelev added that the

trading policy would allow them to trade some of the loading even with the funding. Mr. Ball asked for confirmation that it does not matter if they discharge to the Chesapeake Bay Watershed or not, they would still be eligible for funding. Mr. Saffouri confirmed yes they are eligible for funding because they are paying the BRF fee.

## **II. BRFAC Annual Report (January 2018):**

- Mr. Saffouri asked the committee for any comments on the report before it is submitted for final review. An electronic copy of the report was previously e-mailed to the committee members prior to the meeting.
- Ms. Butler briefed the committee on MDP portion of the report and advised them of some minor changes made after the report was emailed to the members.
- Mr. Boussein advised that there may be some inconsistencies between the number of upgraded facilities in the lists provided by MDE and MDP in the report. Mr. Saffouri explained that this is possibly due to the two-year lag between the two lists. MDP evaluates the upgraded facilities up to years after the upgrades are completed. Hence, some recently upgraded facilities on MDE's list may not be included in MDP's analysis. In addition, MDP is required to evaluate only the facilities that received BRF funding. MDE and MDP will double check the lists in the report.
- Mr. Boussein suggested that the committee should request the publication of the two previous reports. The years 2016 and 2017 reports have not yet been published. After further committee discussions, Mr. Murray suggested that we should first make an unofficial request before going further and write the Governor's office.

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

- Mr. Astle provided an update on cover crops program. He stated that they had some issues with the GIS mapping during the fall certifications. The issue was later resolved working with the University of Towson and the system appears to be working well at this time.
- The numbers of fall certified acres are currently not available. Mr. Astle will share the numbers with the committee as soon as they become available. Mr. Ball asked whether this related to the GIS mapping issue. Mr. Astle responded no, the numbers are known, but they have not yet been published and made available to the public.
- Mr. Cohee asked whether the maps are available to the public. Mr. Astle responded no, they are available only for internal use.

- Mr. Murray asked about the total budget this year for cover crops. Mr. Astle responded that it was about \$22.6 million, \$11.2 million was from DNR Chesapeake Bay Trust Fund, and \$11.4 million came from the Bay Restoration Fund.
- Mr. Bouxsein asked whether funding was enough. Mr. Astle responded yes, especially after we cut out the commodity cover crops.

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

- Ms. Dietz updated the committee on Septic grant awards and provided a handout summarizing FY2017 grant disbursements to the Counties. Approximately, 1,088 homes benefited from the fund through this fiscal year, which is slightly lower than last year (FY2016). We may be able to have a better picture of the trend in FY2018 to see whether this number will remain at this level, go back up, or go down further. This could be a normal variation.
- Mr. Bouxsein asked about how much money was turned back unused. Ms. Dietz responded that we don't have this information at this time.

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

- Ms. Dietz updated the committee on the BRF fee collection using the Comptroller's report for December 31, 2017. Ms. Dietz advised the committee that first quarter for FY 2018 revenues appear to be consistent with last year revenues. The Wastewater Fund (Line 1) revenue is close to \$39.5 million. The Septic Fund (Line 2) is also on target with approximately \$16.7 million to date.
- Ms. Dietz also mentioned that the capital budget was released with \$70 million of projects under the BRF-Wastewater fund, which include upgrades of minor WWTPs, septic to sewer connections, sewer rehabilitation and SSO/CSO projects. Also, there is one BAT upgrade for shared community septic system.
- Mr. Bouxsein asked whether this \$70 million is available for capital projects after paying the bond obligations. Ms. Dietz confirmed that this is true.

#### **VI. Update on Clean Water Commerce Act Regulations:**

- Mr. Saffouri updated the committee on the Clean Water Commerce Act Regulations. The proposed regulations were submitted and they will be published shortly in the Maryland Register. Concurrently, we are working with the Office of Attorney General, DBM and DGS, to figure out

how to proceed with the solicitation and procurement process to purchase nutrient and sediment reductions once the regulations are adopted.

- Mr. Boussein asked whether there is an interest in the program. Mr. Saffouri responded that we have been getting some questions from a group interested in connecting septic to public sewer.
- Mr. Ball asked about how the reporting and verification will be handled. Mr. Saffouri responded that reporting and verification will be part of the payment process and they will depend on how they are addressed in each contract.
- Mr. Boussein stated that it appears that it is not likely that we will have any contracts by July 1, so what will happen to the \$4 million authorized in FY 2018, would we be able to roll the funds over to FY2019. Mr. Saffouri responded no, the \$4 million will just go back to capital projects.
- Mr. Buglass commented on the proposed regulations and expressed his concerns that setting the base year at 2016 to calculate the reductions from the ENR upgraded WWTP will make it difficult for these WWTPs to participate in the program. For example some plants achieved as low as 2.5 mg/l TN in 2016 and it will be difficult to achieve below that and have any load reduction to sell. Mr. Saffouri advised that the law requires reductions to be generated after July 1, 2017, and 2016 is the calendar year before that date. That's why it was set as the base year.
- Mr. Buglass added that the other concern is using the delivery factor in calculating the load reduction, which will discourage facilities located in areas with low delivery factor from participation. Mr. Saffouri agreed and advised that we are including the delivery factor in the calculations because the law requires that our calculations be consistent with the Chesapeake Bay model, which includes the delivery factors.
- Mr. Ball pointed out that this appears to be inconsistent with the funding rule, which allows funding to facilities such as Deep Creek Lake outside the Chesapeake Bay Watershed. Mr. Saffouri responded yes, the law allows funding for the upgrade of facilities outside the Bay Watershed, but it does not allow the purchase of nutrient reduction from these facilities.
- Ms. Trescott requested that a legislative update be included in the next meeting agenda. Mr. Murray agreed, it was too early to have it at this meeting, but it will be more suitable to be included at the next meeting in March.

## **VII. Next Meeting:**

Mr. Murray reminded the committee that the next meeting will be on March 15<sup>th</sup>. Also the other scheduled meetings for 2018:

June 14<sup>th</sup>  
September 13<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 (Comptroller Report)
- BRF Annual Report (Executive Summary)
- Details of BRF County Septic Grant Disbursements (GY 2017)

### **Attendance**

#### **Advisory Committee Members or Designees Attending:**

Greg Murray, Committee Chairman  
Walid Saffouri, Maryland Department of the Environment  
Elaine Dietz, Maryland Department of the Environment  
Norman Astle, Maryland Department of Agriculture  
Peter Bouxsein, Chesapeake Bay Foundation  
Angela Butler, Maryland Department of Planning  
Fiona Burns, Department of Budget and Management  
Christopher Murphy, Anne Arundel County DPW  
Sara Lou Trescott, Washington County Health Department  
Bob Buglass, Washington Suburban Sanitary District  
Bill Ball, Johns Hopkins University  
Julie Mackert, Conference of Environmental Health Directory  
Cheryl Lewis, Town of Oxford (MML)  
Gabe Cohee, Department of Natural Resources

#### **Others in Attendance:**

John Dinkle, DBD LLC  
Mary Vitale, Hazen and Sawyer  
Julie Pippel, Environmental Consultant  
Dan Divito, Washington County  
Mark Bradshaw, Washington County

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

Sunita Boyle  
Teresa Wong  
Marya Levelev  
Cheryl Reilly  
Robin Pellicano