

Maryland Sustainable Growth Commission Meeting

March 1, 2011/9:00 a.m. to Noon

**Banneker-Douglass Museum
Annapolis, Maryland**

Meeting Summary

Members: Jon Laria, Earl Adams, David Carey, Kelly Cartales, Diane Chasse, Cheryl Cort, Sandy Coyman, John Dillman, Alan Girard, David Goshorn, Richard Hall, Frank Hertsch, Brigid Kenney, Gerrit Knaap, Stephen Lafferty, Pat Langenfelder, David Lever, Thomas Liebel, Robb Merritt, Dru Schmidt-Perkins, Ray Skinner, Duane Yoder

Attendees: Rich Altman, Jennifer Bevan-Dangel, Earl Bradley, Jamie Bridges, Mollie Byran, David Costello, Candace Donoho, David Duree, Kurt Fuchs, Carol Gilbert, Jay Hellman, Dale Jones, Les Knapp, Tom Leigh, Katie Maloney, Erik Michelsen, Vanessa Orlando, Tom Osborne, Jay Sakai, Dale Sams, Dan Smith, Dawn Stoltzfus, Angela Suara, Tom Zolper

MDP Staff: Chuck Boyd, John Coleman, Amanda Conn, Peter Conrad, Rich Josephson, Jenny King, John Leocha, Shannon Marino, Andy Ratner, Pat Russell, David Whitaker

Welcome

The Chair, Jon Laria began the meeting at 9:15 a.m. and appreciated everyone's time for coming to the meeting today. Mr. Laria noted that this meeting will not include a formal agenda and will be more of a discussion on legislation. A couple of things were noted – Mr. Laria said he spoke with the leadership and principal staff of the workgroups and appreciated their cooperation. He would like the workgroup Chairs to move as quickly as possible and be ready to give their reports at next Growth Commission meeting scheduled for March 28th.

Mr. Laria stated that Senator Pinsky could not make today's meeting, so Delegate Stephen Lafferty will be speaking on House Bill 1107. He felt that this Bill is good for smart growth, and made it clear that no vote would be taken today. He then introduced Delegate Lafferty, noting that the Delegate was appointed to the Commission by the Speaker on behalf of the Environmental Matters Committee.

HB1107 Discussion

Delegate Lafferty noted that the issues addressed in the bill are not new. There has been other septic legislation in the past and since he was first elected in 2006. Other factors related to environmental protection include the Watershed Implementation Plan (WIP) under the direction of the Environmental Protection Agency (EPA), which requires us to be a lot more stringent. He stressed the need to change our strategy for nitrogen removal because it cannot continue to be done the way it always has been. He

noted that the Task Force on the Future for Growth and Development had worked on indicator issues. HB 1107 is a vehicle to begin looking at the issues. He noted that it was not intended to have farmers feel that they have to sell their land and stressed that we need to live without sprawling. He discussed the grandfather provision noting that there are a lot of units in the pipeline, for example Howard County has 800 units approved that could be built with a septic system.

Delegate Lafferty added that we need to find other strategies as it relates to smart growth. He said another piece in the bill increases the State tax exemption. He has been meeting with people from the Eastern Shore for this move ahead. He said that hopefully this bill will generate a lot of productive conversation, including how we will further address Priority Funding Areas (PFA).

Delegate Lafferty said he welcomes suggestions to strengthen the bill and recognizes all of the various pressure angles.

Some of the comments and suggestions included:

Mr. Yoder felt that HB 1107 does not make distinction for the Western Maryland area.

Ms. Langenfelder discussed four-lot subdivisions with the remainder in perpetuity. Fifty years from now we don't know what farming will look like- how do we address future uses on the remainder that requires water – bathrooms or use water in the production of what was grown on the farm.

Mr. Hertsch discussed the bill and wondered if it was a land use measure or an environmental measure to address the nitrogen issue. He felt that fertilizer was the elephant in the room and should be focused on. He asked if the advanced systems should be restricted. Mr. Hertsch talked about the economics of the bill and wondered if it was consistent with smart growth.

Secretary Hall then presented a power point presentation on making progress toward a healthier Chesapeake Bay and the affects of nitrogen.

Public Comment

Katie Maloney, Maloney & Associates, said there are major changes on lots. Bills only address new installations and will not give the results that you want. There are major changes in the way septic systems are situated. She said they differ from those that were installed 20 years ago. Shared facilities are an option; cost is around \$1 million to install, and \$20,000 annually to maintain per unit.

With regards to WIP Phase II – by 2013, new units have to offset their pollution loading. She noted that septics are a part of this.

John Kortecamp, Homebuilders Association of Maryland, felt that Ms. Maloney hit on his points. He noted that you cannot treat all farms the same. He further discussed that the science may not be the best and that an impact analysis should be conducted.

Dave Duree, President of the Maryland Onsite Wastewater Association, said we need to look at how to make this a better bill. He felt that the bill needs a lot more flushing out, particularly with the implementation part of it. He stated that shared systems are cost prohibitive. He said a letter was sent to Delegate Lafferty, Environmental Matters requesting a meeting.

Tom Leigh felt there is room for some compromise, particularly toward the planning side.

Mr. Yoder said that 60 percent of Garrett County permits are on septics.

Mr. Liebel said there is a reduction of nitrogen and breakdown of sources. A lot of attention has been given to single legislation which is important, but we need to look at it as an aggregate of the larger problem. He said slower steps will help to reach the goal.

Jay Sakai said with regards to urban stormwater, there is a lot of money at local level retrofitting.

Mr. Hertsch asked Mr. Sakai if 100% of the septic systems in Maryland end up in the Bay? Mr. Sakai responded that no it was about 40-50%.

Ms. Kenney said we are over budget. Need to be thinking about how to allow growth to occur with a smaller budget.

Mr. Lever said we need to look at our language for waste water disposal. What are we going to do about existing application?

Mr. Dillman asked what the rush was for? He felt that smart growth was not the answer to the problem.

Mr. Coyman asked MDP and MDE - how are you going to deal with existing septic tanks? Ms. Kenney responded that MDE is looking at some cost comparisons, and MDE is aware of the issues of sewer systems

Mr. Laria thanked everyone for coming to the meeting.

The meeting adjourned at 11:32 a.m.