



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor  
Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

APR 10 2019

Mr. Tom Devilbiss, Deputy Director  
Department of Land Use, Planning, and Development  
Carroll County Government  
225 North Center Street  
Westminster MD 21157-5194

Dear Mr. Devilbiss:

This letter acknowledges the Maryland Department of the Environment's (Department) receipt, on December 18, 2018, of Carroll County's 2018 Financial Assurance Plan (FAP) and 2018 Watershed Protection and Restoration Program (WPRP) Annual Report as required by the Annotated Code of Maryland.

Chapter 124 of the Acts of the General Assembly of 2015 requires the Department to make a determination regarding the sufficiency of funding in each FAP filed with the Department. The first FAP, filed in 2016 by the County, was found to demonstrate sufficient funding for the 2-year period immediately following the filing date of the FAP. The second and subsequent FAP, is sufficient if it demonstrates that the County has the dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the FAP, 100% of the projected costs of compliance with the impervious surface restoration plan (ISRP) requirements of the County's National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit.

After reviewing Carroll County's 2018 FAP, the Department has determined that the County has demonstrated that it has sufficient funding in its FAP. The Department has provided more detailed comments in an attachment for the County's information and use. The County's next WPRP Annual Report will be due in coordination with its next MS4 Annual Report, and its FAP will be due in coordination with the 2020 MS4 Annual Report.

The Department recognizes the substantial effort required in developing these FAPs and WPRP Annual Reports, and looks forward to working with Carroll County on this very important environmental program for improving local water resources and Chesapeake Bay. If you have any questions regarding this review, please contact me at 410-537-3567 or Jennifer M. Smith at 410-537-3561, or [jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov).

Sincerely,

D. Lee Currey  
Director, Water and Science Administration

cc: Jennifer M. Smith, P.E., Program Manager, Sediment, Stormwater and Dam Safety Program  
Gale Engles, Chief, Bureau of Resource Management, Carroll County

Attachment

**Maryland Department of the Environment’s (MDE) Review of  
Carroll County’s 2018 Financial Assurance Plan (FAP)**

Plan Condition	MDE Assessment and Recommendations
<p>Demonstration of Sufficient Funding</p>	<ul style="list-style-type: none"> <li>• Annotated Code of Maryland ENV § 4-202.1(j) requires Phase I Municipal Separate Storm Sewer System (MS4) permitted jurisdictions to submit the Financial Assurance Plan (FAP) every 2 years on the anniversary of the date of issuance of its permit. Carroll County submitted the FAP to the Maryland Department of the Environment (MDE) on December 18, 2018.</li> <li>• The FAP was introduced to the Board of County Commissioners of Carroll County (County) on November 8, 2018. A public hearing was held on November 29, 2018 and the County approved the FAP on the same day; a copy of the minutes was submitted with the FAP.</li> <li>• The County’s MS4 permit expires on December 28, 2019, approximately the middle of fiscal year (FY) 2020. The FAP demonstrates sufficient funding for 99.8% of the projected Impervious Surface Restoration Plan (ISRP) costs for the next two-year period (i.e., FY2019 to FY2020).</li> </ul>
<p>Actions to Meet Permit Requirements   (“All Actions” worksheet)</p>	<ul style="list-style-type: none"> <li>• The plan included an Executive Summary and all required information in the MDE suggested table format. As requested, the County reported BMPs under construction or planned in the “All Actions” worksheet.</li> <li>• The County’s FAP reports that its impervious acre requirement, also known as the ISRP baseline, is 1,614 acres. However, in 2017 MDE approved a Treatment Requirement of 2,032 acres.</li> <li>• The County reported completing 1,635 acres of restoration in the Specific Actions worksheet, and projected to complete a total of 2,467 acres of restoration by the end of the permit term (i.e., December 28, 2019). This is 435 acres more than the MDE approved requirement of 2,032 acres.</li> <li>• This projected permit term total includes 832 acres of restoration from FY2019 to FY2020. These projections include both planned BMPs and BMPs under construction.</li> <li>• While not required, Carroll County did provide projections for FY2021 to FY2023, projecting to complete a total of 2,829 acres by FY2023.</li> <li>• The majority of best management practices (BMPs) listed are approved in MDE’s Guidance or by the Chesapeake Bay Program (CBP) and were realistic to perform in the time allotted.</li> <li>• For FY2019 to FY2020, the County projects to obtain treatment credit for 27 acres of grass buffer easements and 6 acres of forest buffer easements. MDE has not approved the use of forest and grass buffers easements for restoration credit. As stated in MDE’s previous FAP review, until more monitoring data or justification can be provided for the use of this BMP, the County should explore all currently approved stormwater BMP options for meeting the ISRP requirement.</li> <li>• The County projects to complete one dry pond (BMP code “XDPD”) in FY2022 that will provide a total ISRP treatment of 52 acres. MDE does not accept impervious acres treated by dry ponds because they provide little if</li> </ul>

## MDE’s Review of Carroll County’s 2018 FAP

Plan Condition	MDE Assessment and Recommendations
<p>Actions to Meet Permit Requirements (Cont.)</p>	<p>any water quality treatment; this BMP should be removed from the County’s ISRP.</p> <ul style="list-style-type: none"> <li>Carroll County has not proposed using nutrient trading to meet restoration goals.</li> </ul>
<p>Annual and Projected Costs (“All Actions” and “ISRP Cost” worksheet)</p>	<ul style="list-style-type: none"> <li>In the “All Actions” table, only grass buffer easements and forest buffer easements, which are acquired through the development process, had no associated costs.</li> <li>Over the next two years (FY2019 to FY2020), the total cost per acre for projected restoration (excluding \$0 BMPs) is approximately \$24,506 (average cost per acre = \$22,515). This is an increase from the total and average cost per acre for completed projects (\$23,850 and \$55,845, respectively). The permit term (FY2015-FY2020) total cost per acre for completed and projected restoration efforts (excluding \$0 BMPs) is approximately \$24,168 (average cost per acre = \$51,300). The total cost per acre increases to \$24,878 (average cost per acre = \$49,367) when restoration costs for FY2015 to FY2023 are considered.</li> <li>In the “ISRP Cost” table, costs were reported for all required fiscal years and all formulas were used correctly.</li> </ul>
<p>Annual and Projected Revenues (“ISRP Revenue” worksheet)</p>	<ul style="list-style-type: none"> <li>Revenues were reported for all required fiscal years and all formulas were used correctly.</li> <li>Carroll County’s current permit expires on December 28, 2019 (i.e., the middle of FY2020). Accordingly, half of FY2020 is a projection beyond the permit term.</li> <li>The County reported that revenue for FY2019 (\$5,407,270) is less than costs toward the ISRP (\$5,472,380). However, for FY2020, the revenue (\$5,990,984) is marginally more than the annual costs (\$5,945,876). The combined revenues (\$11,398,254) is approximately \$20,000 less than (or 99.8% of) the combined annual costs (\$11,418,256).</li> </ul>
<p>Funding Sources (“Fund Sources” worksheet)</p>	<ul style="list-style-type: none"> <li>Funds were reported for all required fiscal years and all formulas were used correctly.</li> <li>Sources of funds for the next two years include: <ul style="list-style-type: none"> <li>General Obligation Bonds = \$5.7M</li> <li>Property Tax = \$4.8M</li> <li>Municipalities = \$0.9M</li> <li>Interest = \$0.02M</li> <li>Total Funding Sources = \$11.4M</li> </ul> </li> <li>For the next two fiscal years, the County projected that the majority of the annual funds for meeting permit requirements would be from general obligation bonds (50%) and from property taxes (42%).</li> <li>The County is reported using \$18,165,633 in general obligation bonds through the end of FY2018 (i.e., the majority of the permit term).</li> </ul>

**MDE’s Review of Carroll County’s 2018 FAP**

Plan Condition	MDE Assessment and Recommendations
<p>Specific Actions and Expenditures from Previous Fiscal Years</p> <p>(“Spec Actions” worksheet)</p>	<ul style="list-style-type: none"> <li>• Actions and expenditures were reported for all required fiscal years and all formulas were used correctly.</li> <li>• The County has reported actions that reflect restoration efforts completed between the expiration of its previous permit term and the end of FY2018. The County has also reported actions for the first half of FY2019. This total completed restoration is 1,634.8 acres.</li> <li>• The County reported FY2018 treatment credit for 165 acres of grass buffer easements and 204 acres forest buffer easements (or a total of 369 acres). As mentioned above, MDE has not approved the use of forest and grass buffer easements for restoration credit. Until more monitoring data or justification can be provided for the use of this BMP, the County should explore all currently approved stormwater BMP options for meeting the ISRP requirement.</li> <li>• The County is also claiming 144 acres of restoration credit for BMPs implemented during the previous permit term that ended in July 2010. Some of these BMPs are an outfall stabilization project (completed in 2006), an infiltration trench (completed in 2007), and sand filters (constructed in 2008 and 2009). The County’s 2018 MS4 annual report states that a previous permit requirement of implementing 10% restoration was completed in 2005 and that activity following that year may be claimed as restoration. The Department requests clarification on the County’s use of these BMPs for restoration credit.</li> </ul> <p>If excluding these 144 acres of restoration from previous permit term BMPs, the County’s total completed and projected permit term restoration decreases from 2,467 acres to 2,323 acres (or 291 acres greater than the MDE approved baseline treatment requirement).</p>