



# Maryland

Department of  
the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

JAN - 2 2020

Joseph P. Gill, Director  
Department of the Environment  
Prince George's County  
1801 McCormick Drive  
Largo, MD 20774

Dear Mr. Gill:

This letter acknowledges the Maryland Department of the Environment's (the Department) receipt of Prince George's 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. The Department received the WPRP report on December 31, 2018 and the final FAP on August 5, 2019. This FAP submission includes information on the cost of compliance with the impervious surface restoration plan (ISRP) requirements outlined in the County's National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit.

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, was found to demonstrate sufficient funding for the 2-year period immediately following that submittal. The second FAP is required to show adequate funding for the next 2-year period by demonstrating that the County has sufficient dedicated revenues, funds, or sources of funds to meet 100% of the projected 2-year cost to comply with the ISRP requirement outlined in the County's MS4 permit. The Department has determined that the County's 2018 FAP submittal provides the requisite documentation to demonstrate sufficient funding.

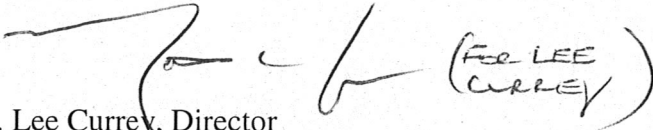
Annotated Code of Maryland ENV § 4-202.1(j) requires Phase I MS4 permitted jurisdictions to submit a FAP every 2 years on the anniversary date of the issuance of its permit. The County submitted the FAP to the Department on August 5, 2019. This was six months past the January 1, 2019 due date. Future submittals must be consistent with deadlines associated with State laws, or the County may be subject to a fine under State law.

The Department has provided additional review comments in an attachment for the County's information and use. Please provide a response to the Department's comments in subsequent FAPs and WPRP Annual Reports. The County's next WPRP Annual Report will be due in coordination with its next MS4 Annual Report; and the FAP will be due in coordination with its 2020 MS4 Annual Report.

Joseph P. Gill, Director  
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The Department recognizes the substantial effort required to create the FAP and WPRP Annual Report. The County is commended for its effort in developing and implementing this very important environmental program for improving local water resources and restoring the 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 by email at [jenniferm.smith@maryland.gov](mailto:jenniferm.smith@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to be "D. Lee Currey". To the right of the signature, the name "D. LEE CURREY" is printed in a simple, sans-serif font, enclosed in parentheses.

D. Lee Currey, Director  
Water and Science Administration

cc: Jennifer M. Smith, P.E., Program Manager, Sediment, Stormwater and Dam Safety Program

Attachment

**Maryland Department of the Environment’s (MDE) Review of  
Prince George’s 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 (i.e., January 2, 2014).</li> <li>• A public hearing was held on June 11, 2019. The County approved the FAP on July 9, 2019 and a copy of the County Resolution was submitted with the approved FAP.</li> <li>• Prince George’s County submitted a PDF of the approved FAP to MDE on August 5, 2019 which was six months past the January 2, 2019 due date. An official letter with the approved FAP was received on August 29, 2019. A Microsoft Excel version of the approved FAP was submitted on September 24, 2019. Future submittals must be consistent with deadlines associated with State laws. Otherwise the County may be subject to a fine under State law.</li> <li>• The County’s permit expired on January 1, 2019 (i.e., the middle of FY2019). The County’s FAP demonstrates sufficient funding for 100% of the projected impervious surface restoration plan (ISRP) costs for the next two years (i.e., FY2019-FY2020). Projected revenues total \$189,173,791 while the projected cost is \$189,143,135.</li> </ul>
<p>Actions to Meet Permit Requirements   (“All Actions” worksheet)</p>	<ul style="list-style-type: none"> <li>• Prince George’s County included an executive summary and all requested information in the requested format with the FAP. This summary indicates the actions required to meet permit conditions as required by the Annotated Code of Maryland, Environment Article § 4-202.1(j)(1)(i)1.</li> <li>• The County projected that 2,744 acres of restoration would be completed by the end of the permit term (i.e., January 1, 2019). This level of treatment is 45% of the County’s 6,105 acre ISRP requirement during the previous permit term (FY2014-FY2019).</li> <li>• While not required, the County did provide projections for future years through FY2023. The County projects completing 1,544 acres of restoration from FY2019-FY2020 and 6,614 acres by FY2023. These projections include both planned best management practices (BMPs) and BMPs under construction. If assuming all of these BMPs are completed, the County estimates that it would meet the current ISRP requirement in FY2023.</li> <li>• All BMPs listed are approved in MDE’s Guidance or by the Chesapeake Bay Program (CBP).</li> <li>• The FAP does not include plans to use nutrient trading to meet restoration goals.</li> <li>• The County reported credits for regenerative vacuum street sweeping for a total of 318 acres. This is not consistent with past annual reports that</li> </ul>

## MDE’s Review of Prince George’s County’s 2018 FAP

Plan Condition	MDE Assessment and Recommendations
	<p>stated that the County was not taking credit for this practice. The County should clarify this inconsistency and provide calculations for all street sweeping credits for MDE review.</p>
<p>Annual and Projected Costs   (“All Actions” and “ISRP Cost” worksheet)</p>	<ul style="list-style-type: none"> <li>• The County reported capital and operating costs for the past, current, and projected fiscal years as required.</li> <li>• In the “All Actions” worksheet, some BMPs have an implementation cost of zero dollars. The County should provide a brief comment explaining why these BMPs do not have an associated cost.</li> <li>• The projected “All Actions” cost for completed restoration efforts over the permit term (FY2014-FY2019) was approximately \$123,374,027 which would result in 2,744 acres of restoration. The average cost per acre for implementation over the permit term is \$44,961.</li> <li>• In the “ISRP Cost” worksheet, 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>• The County’s current permit expired on January 1, 2019 (i.e., the middle of FY2019). Accordingly, half of FY2019 and all of FY2020 are projections beyond the permit term.</li> <li>• Revenues for the ISRP have been reported for FY2018-FY2023 as required by Annotated Code of Maryland, Environment Article § 4-202.1(j)(1)(i)3.</li> <li>• The reported two-year (i.e., FY2019 and FY2020) revenue is \$189,173,791.</li> <li>• The County’s reported annual sources of funds for the next two years is 47% of the funds directed toward the ISRP, demonstrating that the County has sufficient funding to meet its impervious surface restoration requirement.</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 permit cycle include: <ul style="list-style-type: none"> <li>○ Stormwater Management (SWM) Enterprise Fund (5100) = \$150.7M</li> <li>○ SWM Bonds = \$144.7M</li> <li>○ WPR Fund (5200) Clean Water Act Fees = \$60.1M</li> <li>○ Other = \$35.0M</li> <li>○ State Funding = \$6.5M</li> <li>○ Grants = \$2.1M</li> <li>○ Total Funding Sources = \$399.1M</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 the SWM Enterprise Fund (38%) and SWM Bonds (36%). An additional 15% comes from WPR Fund Clean Water Act Fees. However, based on the percent of funds directed toward the ISRP, the County is not using the SWM</li> </ul>



**MDE’s Review of Prince George’s County’s 2018 FAP**

Plan Condition	MDE Assessment and Recommendations
<p>Funding Sources (Cont.)</p>	<p>Enterprise Fund or the WPR Fund Clean Water Act Fees to help pay for the cost of the ISRP.</p> <ul style="list-style-type: none"> <li>• The total funding sources over the five-year permit term of \$1,145,483,873 exceeds the projected amount of money needed to fund permit term ISRP cost (which is \$316,412,870). If using the percent of funds directed toward the ISRP, the ISRP funding sources over the five-year permit term equals \$720,877,093. However, the implementation timeline indicates that projects will not be completed until FY2023 (noted in the “All Actions” worksheet). This means that funding is not a limitation to restoration implementation and that completion of projects is due to other time delays.</li> </ul>
<p>Specific Actions and Expenditures from Previous Fiscal Years (“Spec Actions” worksheet)</p>	<ul style="list-style-type: none"> <li>• The County has reported actions that reflect restoration efforts completed by the end of FY2018.</li> <li>• The County did not report BMPs completed since the expiration of its previous permit term.</li> <li>• Actions and expenditures were reported for all required fiscal years and all formulas were used correctly. The total completed restoration as of FY2018 is 2,215.8 acres.</li> </ul>