

**Responsiveness Summary
for the
Federal Fiscal Year 2022 / State Fiscal Year 2024 Draft Documents**

This document provides details regarding comments received and actions taken by Maryland Water Infrastructure Financing Administration (MWIFA) in response to those comments, and any other changes/corrections made by MWIFA to the following draft documents that were available for a 30-day comment period in accordance with the requirements of the Federal Clean Water Act and the Safe Drinking Water Act:

Project Priority Lists (PPLs) show all applications received in ranked order from highest to lowest score. The two Draft FFY 2022/State FY 2024 PPLs were developed using applications received from potential borrowers through the solicitation efforts undertaken in December 2021 through January 2022 for both the WQRLF and the DWRLF. Projects were rated and ranked based on public health and water quality benefits, consistent with two EPA-approved Project Priority Systems. With the exception of nonpoint source projects, projects for which loan funds are ultimately provided must be consistent with Smart Growth, local land use plans, and County Water and Sewerage plans; additionally, drinking water systems must have the financial, managerial, and technical capacity to maintain Safe Drinking Water Act compliance.

- Draft FFY 2022/State FY 2024 Clean Water PPL
- Draft FFY 2022/State FY 2024 Drinking Water PPL

Water Quality Revolving Loan Fund (WQRLF) Intended Use Plan (IUP) Document and Table 1:

The Draft FFY 2022 WQRLF IUP described how the annual Federal capitalization grant, Bipartisan Infrastructure Law (BIL) Clean Water SRF Supplemental capitalization grant, matching State funds, and “recycled funds” (funds that return to the Revolving Loan Fund for new loans from loan repayments) will be used for the design and construction of water quality capital projects pursuant to Title Six of the Clean Water Act and the Bipartisan Infrastructure Law. A Federal capitalization grant of \$27.985 million has been allotted for the Maryland WQRLF, which must be matched by \$5.597 million (20%) in State funds. In addition, a BIL Clean Water SRF Supplemental capitalization grant of \$43.046 million has been allotted for the Maryland WQRLF, which must be matched by \$4.3046 million in State funds. Including other funds (such as loan repayments, investment earnings, and sale of revenue bonds), the total capital funding for projects was \$229,366,090. The Draft FFY 2022 WQRLF Table 1 listed the projects that ranked high enough for FFY 2022 WQRLF consideration.

- Draft FFY 2022 WQRLF IUP Document
- Draft FFY 2022 WQRLF IUP Table 1

Drinking Water Revolving Loan Fund (DWRLF) IUP Document and Table 1: The Draft FFY 2022 DWRLF IUP described how the annual Federal capitalization grant, Bipartisan Infrastructure Law (BIL) Drinking Water SRF Supplemental capitalization grant, matching State funds, and “recycled funds” (funds that return to the Revolving Loan Fund for new loans from loan repayments) will be used for the design and construction of drinking water capital projects to implement the requirements of the federal Safe Drinking Water Act. An FFY 22 federal

capitalization grant of \$12.837 million, which must be matched by \$2.5674million (20%) in State funds. In addition, a BIL Drinking Water SRF Supplemental capitalization grant of \$32.960 million has been allotted for the Maryland DWRLF, which must be matched by \$3.296 million in State funds. Including other funds (such as loan repayments, investment earnings, and sale of revenue bonds), the total capital funding for projects was \$76,755,836. The Draft FFY 2022 DWRLF Table 1 listed the projects that ranked high enough for FFY 2022 DWRLF consideration.

- Draft FFY 2022 DWRLF IUP Document
- Draft FFY 2022 DWRLF IUP Table 1

The aforementioned draft documents, notice of the 30-day public comment period, and instructions for submitting comments were sent out via email on June 30, 2022, to a contact list of over 1,000 individuals, including applicants who submitted an FY 2022/State FY 2024 Financial Assistance Application. Comments were received thru the close of business on July 30, 2022.

MWIFA did not hold a public hearing.

Comments Received

The Department received the following comments during the comment period:

- Kathryn Gratton, Washington County Circuit Rider asked the following question: Is there any feedback that can be provided on the applications for Smithsburg and Williamsport?

MWIFA Response: (This response assumes the question is in reference to the Draft Clean Water Intended Use Plan Table 1, and Drinking Water Intended Use Plan Table 1.) Not all the projects on each PPL are selected for funding; each Table 1 lists the projects that ranked high enough for FFY 2022 Revolving Loan Funding consideration.

In the case of the Smithsburg Water Street Sewer Line Replacement Project (Rank 87/10 points) and the Smithsburg Water Street Water Line Replacement (Rank 37/40 points), the same Project Purpose and Project Summary were provided for both projects, and the same project funding charts were used for both projects. Separate independent documentation should have been provided for each project, including separate funding charts for each project. In the case of the Sewer Line Replacement, no benefits were checked or claimed on pages 4 and 5 of the application, and no supporting documents were included, for which points are awarded in the scoring system. In addition, funding from another agency was shown on the budget sheet, but no confirming documentation was included from the State Highway Administration about co-funding the project.

Likewise in the case of the Williamsport Sewer Improvement Project Phase 1 (Rank 85/10 points), no benefits were checked or claimed on pages 4 and 5 of the application, and no supporting documents were included, for which points are awarded in the scoring system.

It is important to provide as much supporting documentation as possible with the application in order to enable the application reviewers to review and award as many points as possible to each project.

- Doug Myers at the Chesapeake Bay Foundation asked how far down the PPL list is likely to be funded this year.

MWIFA Response: The Draft IUP Table 1s (each for Clean Water and Drinking Water) previously provided by Jeff Fretwell in the email show how far down the PPLs funding is proposed to be provided for this year's submitted projects. In the case of CW, funding is proposed for projects ranked 1-47, and in the case of DW, funding is proposed for projects ranked 1-34. The projects are all listed on the CW and DW PPLs in ranked order.

- David Beard of the College of Southern Maryland indicated that the estimate for the cost of their project has increased.

MWIFA Response: The increased cost estimate was used to update both the PPL and IUP for funding of this project.

- George Hyde of the Cambridge Department of Public Works indicated that the estimate for the cost of their project has increased.

MWIFA Response: The increased cost estimate was used to update both the PPL and IUP for funding of this project.

- Erin McArdle of the Montgomery County Department of Parks inquired as to why the Montgomery County MS4 project was only funded at 50% of the amount requested.

MWIFA Response: This was a mistake on our part in entering the MDE requested funding amount incorrectly on the Project Priority List, and then that carried over to the IUP Table 1. We have corrected both documents and apologize for the error.

- Liz Connelly from Rauch Engineering asked whether towns/jurisdictions with highest rankings need to be doing anything now to prepare for their recommended funding.

MWIFA Response: There is nothing to do at this time. We will notify funding recipients of next steps in October after EPA has approved our grant application.

- Nancy Hausrath, Director of Utilities in the City of Hagerstown requested that Hagerstown Pump Station 13 and Pump Station 33 be removed from the draft PPL because they were ranked 88 and 89 and not considered for funding. She also requested the most recent SRF inserts for inclusion in the bid documents for projects that MDE will be funding.

MWIFA Response: MDE lists all applications for projects received for our funding cycle on the PPL, whether or not they are selected for funding. However, we did provide the latest SRF

inserts for inclusion in the bid documents for projects that MDE will be funding.

- James McKittrick from the American Forest Foundation thanked MDE for including a nonpoint source project loan guarantee in its Water Quality Revolving Loan Fund Intended Use plan, thereby utilizing its credit enhancement authority for the first time. In a separate response, Josh Kurtz from the Chesapeake Bay Foundation, Kim Coble from the Maryland League of Conservation Voters, Diana Younts from the Maryland Legislative Coalition Climate Justice Wing, and Michelle Dietz of The Nature Conservancy (Maryland-DC Chapter) expressed their joint enthusiastic support for MDE's acceptance of this project for funding. In a third response, The Nature Conservancy, Maryland/DC Chapter, provided further strong support for funding of this project.

MWIFA Response: MDE thanks the American Forest Foundation, the Chesapeake Bay Foundation, the Maryland League of Conservation Voters, the Maryland Legislative Coalition Climate Justice Wing, and The Nature Conservancy (Maryland-DC Chapter) for their support, but did not provide a response.

- Kenneth Bawer from the West Montgomery County Citizens Association provided objections to two separate projects:
 - (1) Overlea Drive Sewer Construction Project submitted by the Overlea Sewer Consortium to replace outdated/failing septic systems with a connection to a public sewer system. The Citizens Association contends that there are no failing septic systems in this area, and the project is unnecessary.

MWIFA Response: The letter from the West Montgomery County Citizens Association correctly indicates that this project is ineligible for loan funding and grant funding was not available for this project based on the state required hierarchy by which MDE is required to allocate grant funding for enhanced nutrient removal projects before other eligible projects. No response was provided to this objection.

- (2) Montgomery County/M-NCPPC, MS4 – Round 2 submitted by Montgomery County Department of Environmental Protection because it includes stream restorations, which it indicates are not “green”, do not address the root cause of stream bank erosion, and destroy flora and fauna habitat. Mr. Bawer was joined by Robert Portanova in objecting to the funding of stream restorations.

MWIFA Response: The letter from the West Montgomery County Citizens Association reiterates points that have been made by Mr. Robert Portanova in the past, and addressed by Matthew Rowe at MDE with Mr. Portanova, both in writing and via phone. Mr. Portanova has been made aware that MDE updated its stream restoration reviews to address some of the public concerns about tree loss and riparian area impacts. In some instances, MDE has also sent its Compliance staff out to investigate documentation Mr. Portanova has provided on potential violations with permitted stream restoration projects. Stream restoration projects are a Chesapeake Bay Program approved restoration practices that helps the State and local

jurisdictions meet their Chesapeake Bay Restoration goals. Mr. Rowe is MDE's point of contact for addressing such issues with Mr. Portanova. No further response was provided to either comment.

- Tim Cox from WSSC Water, and Seth Robertson and Jessica Leggett from Hazen and Sawyer separately suggested an additional Disadvantaged Community eligibility criteria for future solicitations. Projects physically located within and benefiting a census tract with a socioeconomic score greater than or equal to 70 on the MDE EJ Screening Tool should be added to the eligibility for DAC status.

MWIFA Response: MDE thanks Mr. Cox, Mr. Robertson, and Ms. Leggett for their comments, and will consider their suggestion for consideration of an additional Disadvantaged Community eligibility criterion for projects wholly within census tracts identified by the MDE EJ Screening Tool as specifically benefitting economic justice communities, which has been identified as a goal of MDE.

Changes Made Subsequent to the Public Comment Period

1. The WQRLF amount for the College of Southern Maryland WWTP Upgrade was increased by \$734,000 for the estimated increased cost of the project that is assumed will not be covered by the Bay Restoration Grant.
2. The WQRLF amount for the Trenton Street Sewage Pumping Station was increased by \$1,000,000 for the estimated increased cost of the project.
3. The WQRLF amount for the Montgomery County/M-NCPPC MS4 Round 2 project was increased by \$7,175,000 to fully fund this project.
4. An additional Disadvantaged Community (DAC) criterion will be considered for the emerging contaminants FFY2022 project solicitation.

Attachments

Comments received by email from Kathryn Gratton, Doug Myers, David Beard, George Hyde, Erin McArdle, Liz Connelly, Nancy Hausrath, James McKittrick, group comments from Josh Kurtz from the Chesapeake Bay Foundation, Kim Coble from the Maryland League of Conservation Voters, Diana Younts from the Maryland Legislative Coalition Climate Justice Wing, and Michelle Dietz of The Nature Conservancy (Maryland-DC Chapter), Michelle Dietz of the Nature Conservancy (Maryland-DC Chapter), Kenneth Bawer, Robert Portanova, Tim Cox, and Seth Robertson and Jessica Leggett.

Copies of all records pertaining to this public process are available at the offices of MDE, 1800 Washington Blvd., Baltimore, Maryland 21230. Inquiries may be made to Jeffrey Fretwell at Jeffrey.Fretwell@maryland.gov.



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

Kathryn Gratton <kgratton@mrdc.net>

Thu, Jun 30, 2022 at 6:27 PM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Hi Jeff,

Thank you for the ranking list. To better prepare is there any feedback that can be provided on the applications for Smithsburg & Williamsport?

Thanks,

Kathryn Gratton
Washington County Circuit Rider
Cell: (717) 729-1168







Please excuse any grammatical errors as I am responding to this email from my phone.

On Jun 30, 2022, at 4:21 PM, MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov> wrote:

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6 attachments

-  **Draft FFY2022-State FY2024 Water Quality PPL.pdf**
284K
-  **Draft FFY2022-State FY2024 Drinking Water PPL.pdf**
267K
-  **Draft FFY 2022 Water Quality Revolving Loan Fund IUP Table 1.pdf**
226K
-  **Draft FFY 2022 Drinking Water Revolving Loan Fund IUP Table 1.pdf**
212K
-  **Draft FFY 2022 Water Quality Revolving Loan Fund Intended Use Plan (IUP) Document.pdf**
904K
-  **Draft FFY 2022 Drinking Water Revolving Loan Fund Intended Use Plan (IUP) Document.pdf**
582K



Public Comment Period for Draft Funding Documents

MDE Water Quality Financing Administration Announcement -MDE-

Tue, Jul 19, 2022 at

<mde.wqfa_announcement@maryland.gov>

10:15 AM

To: Kathryn Gratton <kgratton@mrdc.net>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Ms. Kathryn Gratton,

Thank you for your inquiry. I understand that Jeff Fretwell may have contacted you directly about these projects.

Not all the projects on each PPL are selected for funding. Each Table 1 lists the projects that ranked high enough for FFY 2022 Revolving Loan Funding consideration.

In the case of the Smithsburg Water Street Sewer Line Replacement Project (Rank 87/10 points) and the Smithsburg Water Street Water Line Replacement (Rank 37/40 points), the same Project Purpose and Project Summary were provided for both projects, and the same project funding charts were used for both projects. Separate independent documentation should have been provided for each project, including separate funding charts for each project. In the case of the Sewer Line Replacement, no benefits were checked or claimed on pages 4 and 5 of the application, and no supporting documents were included, for which points are awarded in the scoring system. In addition, funding from another agency was shown on the budget sheet, but no confirming documentation was included from the State Highway Administration about co-funding the project.

Likewise in the case of the Williamsport Sewer Improvement Project Phase 1 (Rank 85/10 points), no benefits were checked or claimed on pages 4 and 5 of the application, and no supporting documents were included, for which points are awarded in the scoring system.

It is important to provide as much supporting documentation as possible with the application in order to enable the application reviewers to review and award as many points as possible to each project.

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7/19/22, 11:17 AM

State of Maryland Mail - Public Comment Period for Draft Funding Documents



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

Doug Myers <DMyers@cbf.org>

Fri, Jul 1, 2022 at 11:18 AM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Thanks for this Jeff. Do you have an idea based on available money how far down the PPL list is likely to be funded this year?

Doug

Doug Myers

Maryland Senior Scientist

6 Herndon Ave.

Annapolis, MD 21403

(443)-482-2168 Office

(206)-697-6266 Cell

dmyers@cbf.org





MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

MDE Water Quality Financing Administration Announcement -MDE-

Tue, Jul 19, 2022 at 8:20

<mde.wqfa_announcement@maryland.gov>

AM

To: Doug Myers <DMyers@cbf.org>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Mr. Myers,

Do not know if Jeff Fretwell previously replied to your question.

The Draft IUP Table 1s (each for Clean Water and Drinking Water) previously provided by Jeff Fretwell in the email show how far down the PPLs funding is proposed to be provided for this year's submitted projects. In the case of CW, funding is proposed for projects ranked 1-47, and in the case of DW, funding is proposed for projects ranked 1-34. The projects are all listed on the CW and DW PPLs in ranked order.

If we can provide any additional information, please let us know.

Thank you,
Richard T. Pencek, Sr.
Administrator III
Maryland Water Infrastructure Financing Administration
Maryland Department of the Environment
1800 Washington Boulevard, Suite 515
Baltimore, MD 21230
Phone: 443-854-4971
Fax: 410-537-3968
Richard.Pencek@maryland.gov

[Quoted text hidden]



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Fwd: College of Southern Maryland WWTP Upgrade to ENR: Update of Cost Estimate

Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Fri, Jul 8, 2022 at 1:31 PM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Need to adjust CSM project totals - both BRF grant and SRF loan based on these updated project costs. ECPP is reviewing currently.

----- Forwarded message -----

From: **David Beard** <1davidsb2@gmail.com>

Date: Fri, Jul 1, 2022 at 11:29 AM

Subject: College of Southern Maryland WWTP Upgrade to ENR: Update of Cost Estimate

To: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Good morning, Jeff,

Thank you for devoting your valuable time to our telephone conversation this morning. I found your comments and responses to CSM's concerns very helpful and reassuring.

As discussed, and as an update for the current project cost estimate, I have attached a scan of "Table 6.1 Engineer's Estimate of Probable Costs for Recommended Alternative" (Preliminary Engineering Report by RK&K). Total Project Costs = \$9,438,000.

It is the College's understanding that our adjusted project cost of \$9,438,000 will be considered for the full amount in our Grant/Loan application and we should receive correspondence in September regarding the final outcome.


With sincere appreciation,

David Beard

Capital Planning Consultant, College of Southern Maryland

443-454-4797

[Click here to complete a three question customer experience survey.](#)

 0000 CSM_RKK PER Final Cost Estimate WWTP-Table 6-1 PER_07-01-22.pdf
1054K

will be restored to grass to minimize the amount of new impervious areas. A modern stormwater management system will be provided.

The new Control Building will employ LEED practices to provide a sustainable building with a low life cycle cost and low environmental impact, although it is not anticipated that a LEED certification can be obtained due to the limited nature of a small process building.

The addition of solar panels could be used to reduce building utility loads (but the costs are not included in this PER).

6.5 TOTAL PROJECT COST ESTIMATE (ENGINEER'S OPINION)

WWTF ENR Upgrade:

TABLE 6-1
Engineer's Estimate of Probable Costs for Recommended Alternative
Alternative 1B: Kubota MBR

ITEM NO.	DESCRIPTION	ESTIMATED COST
1	INFLUENT PUMPING	\$101,000
2	INFLUENT SCREENING	\$444,000
3	KUBOTA MBR	\$3,729,000
4	UV DISINFECTION	\$166,000
5	CAUCASCADE AERATION	\$113,000
6	CONTROL BUILDING	\$798,000
7	EFFLUENT STRUCTURE	\$85,000
8	EQ MODIFICATIONS	\$249,000
9	Subtotal (Including contingency)	\$5,685,000
10		
11	YARD PIPING	\$114,000
12	DEMOLITION	\$400,000
13	ELECTRICAL	\$910,000
15	I&C	\$342,000
16	SITWORK	\$285,000
17	TOTAL	\$7,736,000
	Engineering, legal and administrative costs – 22%	\$1,702,000
	TOTAL PROJECT COSTS	\$9,438,000



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

George Hyde <ghyde@choosecambridge.com>

Tue, Jul 12, 2022 at 9:34 AM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>, Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Mr. Fretwell,

Good morning. We are very happy to see the City's Trenton Street Sewage Pumping Station Rehab project is included in the Draft FY 2022 IUP for the Water Quality Revolving Loan Fund. We have a follow-up question that I'm hoping you or someone else at MDE can help with. As we've completed additional preliminary engineering work on the project, it now appears that the construction costs will be approximately \$1 million higher than estimated at the time the funding application was submitted. We were wondering if there was a way to increase the requested funding amount? Can we apply for the gap funding during the next grant round? Any insight or assistance you could provide is much appreciated.

Sincerely,

George

George W. Hyde, P.E.
City Engineer
Dept. of Public Works
1025 Washington Street
Cambridge, MD 21613
ghyde@choosecambridge.com
410-228-1955



7/19/22, 11:25 AM

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MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>
To: George Hyde <ghyde@choosecambridge.com>
Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Tue, Jul 19, 2022 at
11:24 AM

Mr. Hyde,

Based on your response to the Draft Funding Documents, we have increased the estimated project cost and funding for the Trenton Street Sewage Pumping Station Rehab project by \$1,000,000.

Thank you,
Richard T. Pencek, Sr.
Administrator III
Maryland Water Infrastructure Financing Administration
Maryland Department of the Environment
1800 Washington Boulevard, Suite 515
Baltimore, MD 21230
Phone: 443-854-4971
Fax: 410-537-3968
Richard.Pencek@maryland.gov
[Quoted text hidden]

7/19/22, 11:26 AM

State of Maryland Mail - Montgomery county WQ SRF Loan IUP



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Montgomery county WQ SRF Loan IUP

4 messages

McArdle, Erin <Erin.McArdle@montgomeryparks.org>

Wed, Jul 13, 2022 at 5:19 PM

To: "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>

Hi –

This is not a public comment, but an inquiry related to our specific loan application. Our (Montgomery County's) loan application for Water Quality SRF funds was ranked #36 and funded at a level of \$7.175M. We had requested \$14.35M. Do you have any additional information on the reason for the program being only 50% funded? Would we be able to apply for the other 50% of the funding in a future loan cycle?

Thanks,



Erin McArdle, PE

Project Manager

Maryland - National Capital Park and Planning Commission

Montgomery County Department of Parks

Park Development Division

2425 Reedie Drive, 11th Floor, Wheaton, MD 20902

Tel: 301.650.4374 | www.montgomeryparks.org

MDE Water Quality Financing Administration Announcement -MDE-

Fri, Jul 15, 2022 at 4:49

<mde.wqfa_announcement@maryland.gov>

PM

To: "McArdle, Erin" <Erin.McArdle@montgomeryparks.org>

Cc: Richard Pencek -MDE- <richard.pencek@maryland.gov>, Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Erin,

This was a mistake on our part. For some reason we entered the MDE requested funding amount incorrectly on the Project Priority List and then that carried over the IUP Table 1. Would you like us to increase the funding amount to the full request? That would bring the total amount \$13,350,000 in loan and \$1,000,000 in loan forgiveness.

Thanks,

Jeff Fretwell

MDE

MDE Water Quality Financing Administration Announcement -MDE-

Fri, Jul 15, 2022 at 4:49

<mde.wqfa_announcement@maryland.gov>

PM

To: "McArdle, Erin" <Erin.McArdle@montgomeryparks.org>

Cc: Richard Pencek -MDE- <richard.pencek@maryland.gov>, Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Erin,

This was a mistake on our part. For some reason we entered the MDE requested funding amount incorrectly on the Project Priority List and then that carried over the IUP Table 1. Would you like us to increase the funding amount to the full request? That would bring the total amount \$13,350,000 in loan and \$1,000,000 in loan forgiveness.

Thanks,

Jeff Fretwell

MDE

7/18/22, 3:53 PM

State of Maryland Mail - Montgomery county WQ SRF Loan IUP

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McArdle, Erin <Erin.McArdle@montgomeryparks.org>

Mon, Jul 18, 2022 at 11:11 AM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Cc: Richard Pencek -MDE- <richard.pencek@maryland.gov>, Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>, "Frank, Andrew" <Andrew.Frank@montgomeryparks.org>, "Arnett, Joshua" <Joshua.Arnett@montgomeryparks.org>

Hi Jeff,

Excellent. Yes please do go ahead and increase the funding amount to the full request. Thanks for your help.

Erin

From: jeffrey.fretwell@maryland.gov <jeffrey.fretwell@maryland.gov> **On Behalf Of** MDE Water Quality Financing Administration Announcement -MDE-

Sent: Friday, July 15, 2022 4:50 PM

To: McArdle, Erin <Erin.McArdle@montgomeryparks.org>

Cc: Richard Pencek -MDE- <richard.pencek@maryland.gov>; Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Subject: Re: Montgomery county WQ SRF Loan IUP

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Mon, Jul 18, 2022 at 11:23 AM

To: "McArdle, Erin" <Erin.McArdle@montgomeryparks.org>

Cc: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>, Richard Pencek -MDE- <richard.pencek@maryland.gov>, "Frank, Andrew" <Andrew.Frank@montgomeryparks.org>, "Arnett, Joshua" <Joshua.Arnett@montgomeryparks.org>

Ok, will do - thanks Erin. And sorry about the confusion.

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7/19/22, 11:28 AM

State of Maryland Mail - Public Comment Period for Draft Funding Documents



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

Liz Connelly <liz@raucheng.com>

Thu, Jul 7, 2022 at 6:58 PM

To: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Hi Jeff--Anything the towns/jurisdictions with highest rankings need to be doing now to prepare, understanding that these are draft documents at this point?

Thanks for any guidance--

Liz


Liz Connelly

Business Development

Grants Manager

liz@raucheng.com

410-829-8970

 Google Maps - Maps from this email

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[Click here to complete a three question customer experience survey.](#)



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7/19/22, 11:28 AM

State of Maryland Mail - Public Comment Period for Draft Funding Documents



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Public Comment Period for Draft Funding Documents

Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Thu, Jul 7, 2022 at 10:35 PM

To: Liz Connelly <liz@raucheng.com>

Cc: MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Liz,

Thanks for the email. There is nothing to do at this time. We will notify funding recipients of next steps in October after EPA has approved our grant application. Let me know if you have any other questions.

Jeff

[Quoted text hidden]

[Quoted text hidden]

7/19/22, 11:29 AM

State of Maryland Mail - Maryland Draft Project Priority List for Federal FY2022 and State FY2024 - CLEAN WATER FUNDS



MDE Water Quality Financing Administration Announcement -MDE-
<mde.wqfa_announcement@maryland.gov>

Maryland Draft Project Priority List for Federal FY2022 and State FY2024 - CLEAN WATER FUNDS

9 messages

Nancy Hausrath <NHausrath@hagerstownmd.org> Fri, Jul 8, 2022 at 5:18 PM
To: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>, "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>
Cc: Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn <MHepburn@hagerstownmd.org>

Hi Jeff –

Can you please remove Hagerstown Pump Station 13 and Pump Station 33 from the Maryland Draft Project Priority List for Federal FY2022 and State FY2024 – Clean Water Funds List. These projects are ranked 88 and 89. These projects are not included on the Intended Use Plan (IUP) list for the projects that are ranked high enough for FFY 2022 Revolving Loan Funding consideration. The City plans to use ARPA Grant Funds for these projects as well as local funds (as needed).

Is MDE able to provide the most recent SRF inserts for Loans and Grants – I believe we need the Buy American, Davis Bacon, and Minority Participation inserts. If there are additional inserts required for Clean Water and/or Safe Water, can you provide those inserts as well.

Thank you Jeff,

Nancy

Nancy Hausrath

Director of Utilities

City of Hagerstown

425 E. Baltimore Street

Hagerstown, MD 21740

Phone: 301-739-8577 ext. 563

Email: nhausrath@hagerstownmd.org



Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Mon, Jul 11, 2022 at 9:39 AM

To: Nancy Hausrath <NHausrath@hagerstownmd.org>

Cc: "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn <MHepburn@hagerstownmd.org>, Walid Saffouri -MDE- <walid.saffouri@maryland.gov>, Richard Pencek -MDE- <richard.pencek@maryland.gov>

Nancy,

Your email has been received - thanks. Your comments are noted regarding Pump Stations 13 and 33.

Are you looking for the inserts for these projects? Or for other projects that have MDE funding associated with them? I want to make sure we get you the right insert documents. Buy American applies to certain projects, not all projects. Davis Bacon and M/WBE would apply. But ARPA has its own requirements, not SRF requirements.

Thanks,
Jeff

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[Click here to complete a three question customer experience survey.](#)

Nancy Hausrath <NHausrath@hagerstownmd.org>

Mon, Jul 11, 2022 at 9:46 AM

To: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Cc: "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn <MHepburn@hagerstownmd.org>, Walid Saffouri -MDE- <walid.saffouri@maryland.gov>, Richard Pencek -MDE- <richard.pencek@maryland.gov>

Thank you Jeff – can you send me the MDE SRF inserts.

Thanks again,

Nancy

Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>

Mon, Jul 11, 2022 at 9:56 AM

To: Nancy Hausrath <NHausrath@hagerstownmd.org>

Cc: "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn <MHepburn@hagerstownmd.org>, Walid Saffouri -MDE- <walid.saffouri@maryland.gov>, Richard Pencek -MDE- <richard.pencek@maryland.gov>, Bambi Turner -MDE- <bambi.turner1@maryland.gov>


There are different inserts depending on the funding. The new BIL \$ will have BABA information. Other projects won't. Can you confirm if you are looking for inserts for projects with BiL \$ or without BIL \$? I'm not sure the inserts for BIL are

completed yet. Attached are the normal SRF inserts without BABA. I've added Walid and Bambi to help with anything else you might need. Thanks!

[Quoted text hidden]

[Quoted text hidden]

2 attachments

 **SRF State Insert DW&WW-July 2022.pdf**
5434K

 **SRF State Insert NPS-July 2022.pdf**
5323K

Walid Saffouri -MDE- <walid.saffouri@maryland.gov>

Wed, Jul 13, 2022 at 11:10 AM

To: Nancy Hausrath <NHausrath@hagerstownmd.org>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>, "mde.wqfa_announcement@maryland.gov"

<mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn

<MHepburn@hagerstownmd.org>, Richard Pencek -MDE- <richard.pencek@maryland.gov>

We are working on the insert, which will include the BABA requirements. We will send it shortly.



Walid M. Saffouri, P.E.

Program Administrator

Engineering and Capital Projects Program

Maryland Department of the Environment

1800 Washington Boulevard

Baltimore, Maryland 21230

walid.saffouri@maryland.gov

410-537-3757 (O)

[Website](#) | [Facebook](#) | [Twitter](#)

On Mon, Jul 11, 2022 at 9:46 AM Nancy Hausrath <NHausrath@hagerstownmd.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

Walid Saffouri -MDE- <walid.saffouri@maryland.gov>

Tue, Jul 19, 2022 at 9:19 AM

To: Nancy Hausrath <NHausrath@hagerstownmd.org>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>, "mde.wqfa_announcement@maryland.gov"

<mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn

<MHepburn@hagerstownmd.org>, Richard Pencek -MDE- <richard.pencek@maryland.gov>, Rajiv Chawla -MDE-

<rajiv.chawla@maryland.gov>, Fredrick Omanyia -MDE- <fredrick.omanya@maryland.gov>

Hi Nancy,

I see in the draft IUP both of your projects have BIL money. So definitely BABA will be applicable to your projects. Attached are the new inserts with BABA requirements. Please note that the Edgemont Reservoir was selected as a nonpoint source (NPS) project.

Thanks

Walid




Walid M. Saffouri, P.E.
Program Administrator
Engineering and Capital Projects Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
walid.saffouri@maryland.gov
410-537-3757 (O)
[Website](#) | [Facebook](#) | [Twitter](#)

On Mon, Jul 11, 2022 at 9:46 AM Nancy Hausrath <NHausrath@hagerstownmd.org> wrote:


[Quoted text hidden]

[Quoted text hidden]

2 attachments

 **SRF State Insert BABA DW&WW - July 2022.pdf**

5501K

 **SRF State Insert BABA NPS-July 2022.pdf**

5344K

Nancy Hausrath <NHausrath@hagerstownmd.org>

Tue, Jul 19, 2022 at 9:34 AM

To: Walid Saffouri -MDE- <walid.saffouri@maryland.gov>

Cc: Jeffrey Fretwell -MDE- <jeffrey.fretwell@maryland.gov>, "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>, Scott Nicewarner <SNicewarner@hagerstownmd.org>, Michelle Hepburn <MHepburn@hagerstownmd.org>, Richard Pencek -MDE- <richard.pencek@maryland.gov>, Rajiv Chawla -MDE- <rajiv.chawla@maryland.gov>, Fredrick Omany -MDE- <fredrick.omanya@maryland.gov>

Thank you Walid...I appreciate the assistance!

Nancy

Nancy Hausrath

Director of Utilities

City of Hagerstown



July 1, 2022

Jeffrey K. Fretwell
Director, Maryland Water Infrastructure Financing Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

RE: Family Forest Impact Foundation - Family Forest Impact Program (Loan Guarantee) (CW0091/24)

Dear Mr. Fretwell:

The American Forest Foundation (AFF), on behalf of the Family Forest Impact Program, is writing to express its deep appreciation for the Maryland Department of Environment's incorporation of the Family Forest Impact Program's \$2.5 million loan guarantee in its Federal FY2022 & State FY2024 Maryland Water Quality Revolving Loan Fund Intended Use Plan.

The provision of a nonpoint source project loan guarantee from the State's Water Quality Revolving Loan Fund marks a historic moment in environmental stewardship and opens a new chapter for innovative, cost-effective financing in Maryland. Utilizing credit enhancement authority for green bonds and other similar instruments by public, private, and nonprofit entities for water quality outcomes enables marshalling of significant sums of private capital available at no additional cost to the taxpayer. This novel authority can also be used without lowering the program's loan capacity at the expense of traditional water infrastructure projects, as the guarantee product security is established as subordinate to the lending program.

As you are aware, the Family Forest Impact Program is pursuing the loan guarantee from the Water Quality Revolving Loan Fund to leverage private sector funds for the enrollment of over 17,000 acres of family forest land through AFF and The Nature Conservancy's Family Forest Carbon Program in order to restore riparian forest buffers and offset forest losses to development in Western Maryland. With full program financing secured at a later date, the expansion of the Family Forest Carbon Program to the rest of the state would improve the health and resilience of nearly 129,000 acres of family-owned forest land in our watersheds while bringing up to \$51 million of private sector funding to family landowners through payments and technical forestry assistance as well as mitigating as much as 3.6 million tons of measurable and verifiable carbon dioxide emissions.

We again offer our gratitude for the Department moving forward with the Family Forest Impact Program's loan guarantee in its Federal FY2022 & State FY2024 Intended Use Plan and are proud to be a part of the State's newest steps in innovative environmental financing. If you have any questions, please reach out to Christine Cadigan at ccadigan@forestfoundation.org.

Sincerely,

American Forest Foundation

American Forest Foundation
2000 M Street NW Suite 550, Washington, DC 20036
www.forestfoundation.org

July 29, 2022

Jeffrey K. Fretwell
Maryland Water Infrastructure Financing Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

RE: Family Forest Impact Foundation - Family Forest Impact Program (Loan Guarantee) (CW0091/24)

Dear Mr. Fretwell:

We the undersigned organizations are writing to express our enthusiastic support for the Maryland Department of Environment's acceptance of the Family Forest Impact Program's \$2.5 million loan guarantee in its Maryland Water Quality Revolving Loan Fund Intended Use Plan for Federal FY2022 & State FY2024.

The funding of a nonpoint project through Maryland's Water Quality Revolving Loan Fund that recognizes nature-based solutions to clean our waterways, sequester carbon and mitigate climate change marks a historic first in environmental stewardship. Providing innovative financial backing for green bonds, pay-for-performance, and other similar instruments enables the State to enhance and leverage private investors' participation in helping Maryland to meet our ambitious clean water and climate goals in a cost-effective manner. It is worth celebrating in particular that the Department's incorporation of this loan guarantee for natural infrastructure comes at no cost to the program's overall capacity and does not compete or exclude traditional gray infrastructure projects from assistance.

We thank the Department for the opportunity to provide public comment on this critical project and look forward to more such innovative financing for key environmental projects in the future.

Sincerely,

Josh Kurtz, Maryland Executive Director
Chesapeake Bay Foundation

Kim Coble, Executive Director
Maryland League of Conservation Voters

Diana Younts, Co-chair
Maryland Legislative Coalition Climate Justice Wing

Michelle Dietz, Director of Government Relations
The Nature Conservancy, Maryland-DC Chapter



The Nature Conservancy
Maryland/DC Chapter
425 Barlow Pl., Ste 100
Bethesda, MD 20814

tel (301) 897-8570
fax (301) 897-0858
nature.org

July 29, 2022

Jeffery K. Fretwell
Director, Maryland Water Infrastructure Financing Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Re: Family Forest Impact Foundation - Family Forest Impact Program (Loan Guarantee)
(CW0091/24)

Dear Mr. Fretwell:

The Nature Conservancy is writing to express our strong support for the Maryland Department of Environment incorporating the Family Forest Impact Program's \$2.5 million loan guarantee into its Federal FY2022 and State FY2024 Maryland Water Quality Revolving Loan Fund Intended Use Plan.

Maryland's Water Quality Revolving Loan Fund is key to achieving our state's clean water goals. Non-point source project loan guarantees will make this tool even more beneficial by enabling a wider range of projects in Maryland to qualify for loans backed by the State Revolving Loan Fund (SRF) guarantee facility, including innovative financing mechanisms and cost-effective nature-based solutions. These new credit enhancement opportunities will deliver clean water to Maryland's citizens and its ecosystems, as well as improve air quality, enhance wildlife habitat, and mitigate climate change. The Nature Conservancy is enthused to see that the State's Intended Use Plan includes credit enhancement authority for green bonds and other similar instruments by public, private, and nonprofit entities for water quality outcomes. This will allow for new private capital investment sources in Maryland clean water and forest carbon programs without increasing taxpayers' costs or disrupting the SRF program's traditional water infrastructure projects.

The Nature Conservancy and American Forest Foundation are piloting the Family Forest Carbon Program. The program allows small, family landowners to access carbon markets and provides financial incentives for these landowners to implement conservation practices that sequester carbon and protect clean water. Including the Family Forest Impact Program's \$2.5 million loan guarantee in the Intended Use Plan will allow for over 17,000 acres of forested lands to be enrolled in this program. Through this action, our organizations will also be able to scale up the Family Forest Carbon Program's impact in western Maryland, bringing in millions of dollars to rural families and communities, protecting water systems, and reducing Maryland's carbon footprint.

The Nature Conservancy thanks the Maryland Department of the Environment for the opportunity to provide public comment on this critical program. We look forward to continuing support for innovative financing to advance key environmental projects in the future.

Sincerely,
The Nature Conservancy

8/4/22, 1:43 PM

State of Maryland Mail - Comment on Eligibility Criteria for Disadvantaged Communities (Reference: FY 22 Water Quality and Drink...



MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Comment on Eligibility Criteria for Disadvantaged Communities (Reference: FY 22 Water Quality and Drinking Water IUPs)

Cox, Timothy E <Timothy.Cox@wssowater.com>
To: "mde.wqfa_announcement@maryland.gov" <mde.wqfa_announcement@maryland.gov>
Cc: "Carolina-Powell, Letitia" <Letitia.Carolina-Powell@wssowater.com>, "Halloran, Brian" <Brian.Halloran@wssowater.com>

Fri, Jul 29, 2022 at 2:22 PM

Dear Sir/Madam:

WSSC Water would like to request that MDE consider an additional DAC eligibility criterion that would qualify census tracts with a score of 70 or greater on the MDE EJ screening tool as DACs. The EJ screening tool provides an opportunity to prioritize improved service to areas whose disadvantage would not be apparent using current criteria that operate at the municipality or county level.

If you have any questions or would like to discuss this comment, please let us know.

Best wishes,



Tim Cox, PhD
Senior Strategic Financial Management Advisor
Finance Department
301.206.6765
timothy.cox@wssowater.com



Hazen and Sawyer
4011 Westchase Boulevard, Suite 500
Raleigh, NC 27607 • 919.833.7152

July 29, 2022

Mr. Jeffrey Fretwell, Director
Water Quality Financing Administration
1800 Washington Blvd.
Baltimore, MD 21230

Re: Water Quality Financing Administration Public Comment Period for Draft Funding Documents 6/30/22 – 7/30/22

Dear Mr. Fretwell:

Hazen and Sawyer appreciates the opportunity to provide public comment on Maryland Department of the Environment (MDE) Water Quality Financing Administration's Draft Intended Use Plans. Please see the comment below:

- Comment: We request MDE considers adding an additional Disadvantaged Community eligibility criteria in the Water Quality Revolving Loan Fund and Drinking Water Revolving Loan Fund Intended Use Plans. The additional consideration requested is to include the following criteria: Project physically located and benefits a census tract with a socioeconomic score greater than or equal to 70 on the MDE EJ Screening Tool. The MDE EJ Screening Tool uses criteria (i.e. percent minority, linguistic isolation, unemployment, etc.) that provides a more granular and consistent approach when determining disadvantaged communities.

Again, Hazen and Sawyer thanks the Water Quality Financing Administration for the opportunity to provide comments on the Draft Intended Use Plans.

Please do not hesitate to reach out for additional questions or clarification on the comment above.

Seth Robertson
Associate Vice President
brobertson@hazenandsawyer.com

Jessica Leggett
Associate
jleggett@hazenandsawyer.com

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

July 28, 2022

TO: Mr. Jeffrey Fretwell (jeffrey.fretwell@maryland.gov), mde.wqfa_announcement@maryland.gov

SUBJECT: Deny funding for OVERLEA DRIVE SEWER CONSTRUCTION PROJECT (Rank 22) project on Maryland DRAFT Project Priority List for Federal FY2022 & State FY2024, Clean Water Funds (State Revolving Loan/ State Grant)¹

Project Title: OVERLEA DRIVE SEWER CONSTRUCTION PROJECT

Rank: 22

Project Description, PROBLEM: OUTDATED/FAILING SEPTIC SYSTEMS THAT CANNOT BE REPLACED DUE TO SITE CONDITIONS POSE ENVIRONMENTAL AND HEALTH THREAT

Applicant Name/County: MARY YAKAITIS, OVERLEA SEWER CONSORTIUM, Montgomery County

Dear: Mr. Fretwell:

The West Montgomery County Citizen Association (WMCCA) strongly objects to funding this project with public monies (either state or federal) either as a grant or a loan to this group composed of individual private homeowners, none of whom have a failed septic system. It does not meet the requirements of the Water Quality Revolving Loan Fund Program because it has nothing to do with improving water quality or public health and is not a "green" project. To the contrary, it will promote and enable increased build out, density, and impervious surfaces in a recognized environmentally sensitive area.

You wrote in your note on 7/22/2022 that this project will not be getting funding:

"The project ranked high enough to receive funding, but did not want a loan, and we do not have grant funding available for it based on the state required hierarchy by which we have to allocate grant funding (wastewater treatment plant upgrades to enhanced nutrient removal must receive grant funding before other eligible projects). So the draft Intended Use Plan shows no funding for the project."

However, we feel the need to provide our input to hopefully head off future public funding for this project via the Water Quality Revolving Loan Fund Program.

The document "MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION, WATER QUALITY REVOLVING LOAN FUND PROGRAM, FEDERAL FISCAL YEAR 2022, DRAFT INTENDED USE PLAN, June 30, 2022² states, "The State of Maryland is committed to using the capitalization grant funds ("capitalization

¹ <https://drive.google.com/file/d/115eAD62LKwK-M0IbW5WmfVdPFi7zKoTz/view>

² <https://drive.google.com/file/d/1Twuly43qiuNaNfuU2CtSQOu3NT2Qe7vR/view>

grants”) for which we are applying to provide funding for water quality improvements from point and nonpoint source capital projects, including eligible “green” projects that will further the water quality and public health objectives of the CWA.” However, the OVERLEA DRIVE SEWER CONSTRUCTION PROJECT will do nothing to improve water quality or public health and is certainly not a “green” project.

As discussed below, we strongly reject the claim made in the Project Description: OUTDATED/FAILING SEPTIC SYSTEMS THAT CANNOT BE REPLACED DUE TO SITE CONDITIONS POSE ENVIRONMENTAL AND HEALTH THREAT. The applicant has continued to misrepresent the facts on the ground. There are currently no failing septic systems in this area and therefore there are no environmental or health threats. This was verified by DEP during their “South Overlea Drive Septic System Survey”³. There have been no failures after the South Overlea Drive Septic System Survey up to the present time. Furthermore, if in the future there was a rare case of issues with a system and it is determined that they are not due to improper maintenance or usage, etc. they can be repaired or replaced, as homeowners on Overlea have done successfully in the past. To claim that Overlea Drive, with no septic system failures, represents an environmental and health threat and should be connected to the WSSC public sewer system is preposterous. It should be noted that the WSSC sewer system has a long history of sewage spills and overflows. In 2021, WSSC sewer lines overflowed 8.7 million gallons of raw sewage⁴.

The County’s Water and Sewer Plan establishes policies that emphasize the use of on-site septic systems in lower-density areas and places them outside the County’s planned sewer envelope. This long-standing, established policy, promotes smart growth and keeps certain areas low density for the purpose of protecting our watersheds and forested areas. By refusing to extend sewer to such areas like Overlea Drive, except in very limited circumstances, the County is acting in a manner consistent with State law and basic concepts of environmental protection.

The Glen Hills area, where Overlea Drive is located, is an environmentally sensitive area crisscrossed by multiple wetlands and tributaries of the Watts Branch and Piney Branch streams. Approximately one third falls within the Piney Branch Special Protection Area. As such, and to ensure protection of its unique environmental resources, it has been designated a low-density area (RE-1 zoning) within the Potomac Subregion Master Plan. Consistent with the Subregion Master Plan and the County’s Water and Sewer Plan, it is outside the County’s planned sewer envelope and has been very successfully developed on septic. Pursuant to the Maryland Sustainable Growth and Agricultural Act of 2012, the County proposed and the Maryland Department of Planning approved its designation as Growth Tier III – Large Lot Developments and “Rural Villages” on septic.

Overlea Drive is entirely within the Glen Hills area and is quintessentially Glen Hills. It contains large lots with wetlands and ponds, and the majority of lots abut the Watts Branch stream or its tributaries. Some lots extend into the flood plain and stream buffer. All of the lots have been successfully developed on septic. In the rare cases when there have been septic issues, they have been repaired or replaced. The overwhelming number of requests for category changes throughout Glen Hills have been not for failing septic systems, but for individuals attempting to further expand development into environmentally sensitive areas or those wishing to McMansionize houses which would result in further forest destruction and increased impermeable surfaces.

³<https://www.montgomerycountymd.gov/water/supply/glen-hills.html>

⁴<https://www.wsscwater.com/ssoreports>

Because the proposal from an entity calling itself the Overlea Sewer Consortium has not been made public, we can only hypothesize as to what information was provided and what use was to be made of the grant or loan funds requested. However, Mary Yakaitis, the individual listed on the proposal and a few other people with properties in the neighborhood recently testified at a public hearing (Public Testimony presented at the July 12 hearing on 2022 Comprehensive Water & Sewer Plan Update for the 2022-2031 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan⁵) alleging that the South Overlea Drive Septic System Survey conducted by Montgomery County DEP on one portion of Overlea Drive “showed that 82% of the 16 studied properties would not be able to replace septic systems.” It is a blatantly incorrect statement that 82% of the 16 studied properties in the South Overlea Drive Septic System Survey Report would not be able to replace septic systems. The real data presented in the report was 8%, not 82%. Even the 8% figure was arrived at using DEP’s flawed survey methodology as described below. Furthermore, there was no evidence of any failing septic systems.

First, the number of properties studied was 24, not 16. Second, of those 16 properties within the survey area recommended to be part of a special sewer service area approved for public sewer service, only 13 could possibly need a category change from S-6 to S-3 since 3 were either approved for public sewer service or already had public sewer service.

Only 3 of those 13 properties were designated as having no available septic repair or replacement area. And of those 3, one was already approved for public sewer. Thus, only 2 out to 24 properties in the study, or only 8%, had a theoretical future problem by presumably having no available septic repair or replace area. But the determination of “no repair or replace area” was based on the AMT company’s theoretical “Glen Hills Area Sanitary Sewer Study”⁶ which used high level USDA soil maps – no actual soil testing was done. The use of USDA soil maps alone was actually discredited by the AMT authors themselves who explicitly stated that on-lot soil tests are required to make any determination as to the suitability of land to support a septic system. AMT’s Glen Hills Area Sanitary Sewer Study, Phase 2 Report, p. 4, states, “Due to the preliminary nature of the report and available funds, the report did not include the lot-by-lot field soil testing that is normally required when designing, permitting, and constructing sanitary systems. Only with this type of soil testing can there be certainty regarding the long term sustainability of septic service on individual properties.” Third, and most importantly, none of the 24 properties actually had a septic system failure. This was a survey, and now public funding, looking for a problem where none exists.

The granting of sewer category changes from S-6 to S-3 as a result of the South Overlea Drive Septic System Survey was the result of a flawed and unscientific process that granted sewer category changes from septic to public sewer for properties that still had fully functioning septic systems. Following the conduct of and in response to that flawed survey, in 2018 the County Council amended the Water and Sewer Plan to require that unlike the flawed South Overlea Drive Septic System Survey, future surveys cannot even be initiated unless there is at least one documented septic system failure.

Conversion of properties with septic systems and the expansion of public sewer infrastructure into areas designated for low density should be based on the existence of a true public health or environmental problem. It was unreasonable for the County to have based their granting of sewer category changes to

⁵ <https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20220712/item7.html>

⁶ <https://www.montgomerycountymd.gov/water/supply/glen-hills.html>

a select group of property owners on Overlea Drive based on a flawed survey process (as described above) that has since been amended by the County. It would be adding insult to injury to now use tax dollars to "fix" a non-existent problem by paying for sewer line expansions and hook-ups for private property owners, all of whom have fully functioning septic systems, in order for them to further expand and develop their properties in this environmentally sensitive area.

Rather than wasting tax dollars on this unnecessary expansion of public sewer infrastructure, any available public funds should be used to fund County programs that benefit the wider public and promote environmental protection such as a septic system owner use and maintenance education program, a mandatory periodic inspection program, and a mandatory pump out requirement.

Thank-you for considering our input.

Sincerely,

Kenneth Bawer
West Montgomery County Citizens Association

8/4/22, 2:01 PM State of Maryland Mail - Deny funding: MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2 proj...



MDE Water Quality Financing Administration Announcement -MDE- <mde.wqfa_announcement@maryland.gov>

Deny funding: MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2 project (Rank 36) on Maryland DRAFT Project Priority List for Federal FY2022 & State FY2024, Clean Water Funds (State Revolving Loan/ State Grant)

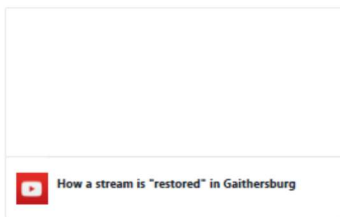
Robert Portanova <novaport88@yahoo.com>
To: jeffrey.fretwell@maryland.gov <jeffrey.fretwell@maryland.gov>
Cc: mde.wqfa_announcement@maryland.gov <mde.wqfa_announcement@maryland.gov>

Fri, Jul 29, 2022 at 12:40 PM

WATCH, LEARN AND ACT !!!!!!!

YOU ARE FUNDING PROJECTS THAT ARE DECIMATING OUR NATURAL STREAM VALLEY CORRIDORS AND IT'S NEEDS TO STOP !!

[How a stream is "restored" in Gaithersburg](#)



----- Forwarded Message -----

From: Ken Bawer <kbawer@msn.com>
To: Robert Portanova <novaport88@yahoo.com>
Sent: Thursday, July 28, 2022 at 05:25:54 PM EDT
Subject: Fw: Deny funding: MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2 project (Rank 36) on Maryland DRAFT Project Priority List for Federal FY2022 & State FY2024, Clean Water Funds (State Revolving Loan/ State Grant)

fyi

From: Ken Bawer <kbawer@msn.com>
Sent: Thursday, July 28, 2022 5:21 PM
To: jeffrey.fretwell@maryland.gov <jeffrey.fretwell@maryland.gov>; mde.wqfa_announcement@maryland.gov <mde.wqfa_announcement@maryland.gov>
Subject: Deny funding: MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2 project (Rank 36) on Maryland DRAFT Project Priority List for Federal FY2022 & State FY2024, Clean Water Funds (State Revolving Loan/ State Grant)

[Quoted text hidden]

2022-7-28_WMCCA comment_MoCo Project_FINAL.pdf
4214K

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

July 28, 2022

TO: Mr. Jeffrey Fretwell (jeffrey.fretwell@maryland.gov), mde.wqfa_announcement@maryland.gov

SUBJECT: Deny funding for MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2 project (Rank 36) on Maryland DRAFT Project Priority List for Federal FY2022 & State FY2024, Clean Water Funds (State Revolving Loan/ State Grant)¹

Project Title: MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2

Rank: 36

Project Description,

PROBLEM: LITTLE/NO SW CONTROL OR TREATMENT FOR RUNOFF, DOWNSTREAM DEGRADATION, MS4 PERMIT

PROJECT: P/D/C VARIOUS SW BMPS, RESTORE STREAMS, IMPROVE OUTFALLS, RE-ESTABLISH RIPARIAN BUFFERS

Applicant Name/County: CARL MORGAN (M-NCPPC), MONTGOMERY COUNTY DEP, Montgomery County

Dear: Mr. Fretwell:

The West Montgomery County Citizen Association (WMCCA) objects to funding² this project because it does not meet the requirements of the Water Quality Revolving Loan Fund Program: it is not a "green" project.

The document "MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION, WATER QUALITY REVOLVING LOAN FUND PROGRAM, FEDERAL FISCAL YEAR 2022, DRAFT INTENDED USE PLAN, June 30, 2022³ states that:

"The State of Maryland is committed to using the capitalization grant funds ("capitalization grants") for which we are applying to provide funding for water quality improvements from point and nonpoint source capital projects, including eligible "green" projects that will further the water quality and public health objectives of the CWA."

However, the Montgomery Parks/DEP project has a "RESTORE STREAMS" component that does not meet the definition of "green" projects by anyone's definition. Montgomery County's plan for its current MS4 permit is to obtain up to 50% of their credits from so-called "stream restorations". We object to

¹ <https://drive.google.com/file/d/115eAD62LkK-M0IbW5WmfVdPFj7zKoTz/view>

² <https://drive.google.com/file/d/1ZzFEWwbyfxii9mGDbhtFEBX1b0HtccO7/view?usp=sharing>

³ <https://drive.google.com/file/d/1Twuly43qiuNaNfuU2CtSQOu3NT2Qe7vR/view>

funding this Montgomery Parks/DEP project (MONTGOMERY COUNTY/M-NCPPC, MS4 WATER QUALITY PROGRAM - ROUND 2) unless “stream restorations” are removed. “Stream restorations” are not “green” projects as explained below:

- “Stream restorations” don’t restore streams either physically or biologically, they import foreign material, and they destroy riparian ecosystems – this complex web can’t be recreated by simply re-planting some trees and shrubs. See Attachment 1 for examples of how “stream restorations” have destroyed natural stream valleys in Montgomery County, Montgomery Parks, and other nearby areas.

The scientific research (cited below and in other published literature^{4,5}) concludes that the results of “stream restorations” as defined by Maryland Department of the Environment (MDE) for MS4 permit credit showed little evidence for ecological uplift using ecological indicators such as macroinvertebrate and fish taxonomic diversity.

Hilderbrand et. al.⁶ conducted a comprehensive review of the literature on the effects of 40 urban “stream restorations” in Maryland. They concluded that, “Despite the promise and allure of repairing damaged streams, there is little evidence for ecological uplift after a stream’s geomorphic attributes have been repaired.”

Bill Stack, who helped lead the effort in developing the “Recommendations of the Expert Panel to Define Removal Rates for Individual Stream Restoration Projects” which is used by MDE for MS4 permits, identified “the root cause of stream bank erosion: impervious cover,” and said that “...municipalities are spending enormous amounts of money on [stream restoration] projects that generate the necessary water quality credit but have no real impact on stream function.”⁷

The work of Kaushal et. al.⁸ showed that the removal of trees during “stream restorations” would lead to higher riparian groundwater nutrient concentrations - the opposite of MS4 permit goals.

⁴ Palmer, M. A. et. al. (2014). Ecological restoration of streams and rivers: Shifting strategies and shifting goals. *Annual Review of Ecology, Evolution, and Systematics*, 45, 247–69. Retrieved from https://pdfs.semanticscholar.org/16c8/2018832325d938971f3aa2f48c5d43d036f4.pdf?_ga=2.111241412.1561791066.1610035845-1742957973.1610035845

⁵ Pedersen, M. L., Kristensen, K. K., Friberg, N. (2014). Re-meandering of lowland streams: Will disobeying the laws of geomorphology have ecological consequences? *PLoS One*, 9 (9), e108558. Retrieved from [PLoS ONE 9\(9\): e108558. doi:10.1371/journal.pone.0108558](https://doi.org/10.1371/journal.pone.0108558)

⁶ Hilderbrand, Robert H. & Acord, Joseph (2020). *Quantifying the ecological uplift and effectiveness of differing stream restoration approaches in Maryland* (Final Report Submitted to the Chesapeake Bay Trust for Grant #13141). Retrieved from Chesapeake Bay Trust website: https://cbtrust.org/wp-content/uploads/Hilderbrand-et-al_Quantifying-the-Ecological-Uplift.pdf

⁷ Stack, B. (2019). Chesapeake Bay Program stream restoration credits: Moving toward functional lift? Retrieved from Center for Watershed Protection website: <https://www.cwp.org/chesapeake-bay-program-stream-restoration-credits-moving-toward-functional-lift/>

⁸ Kaushal, Sujay S. et. al. (2018). “Tree Trade-offs in Stream Restoration Projects: Impact on Riparian Groundwater Quality,” University of Maryland, State University of New York ESF, Maryland Department of Transportation State Highway Administration, 2018 Presentation: https://cbtrust.org/wp-content/uploads/Kaushal-and-Wood_UMD_061219.pdf

- “Stream restorations” and outfall improvement/repairs don’t address the root cause of stream bank erosion and outfall degradation which is upland stormwater fire-hosing into streams. As a result, “stream restorations” get blown out which renders them either useless or less effective. See Attachment 2 for documented evidence that stream restoration structures are destroyed in Montgomery County, Montgomery Parks, and other areas after construction due to the lack of adequate upland stormwater control. Plus, adding fill material to stream sections, as is the practice for some “stream restorations”, just feeds more sediment to the Bay as these sections erode.
- The science tells us that forests counteract global warming by sequestering carbon, even if they aren’t in pristine condition. They also lessen the urban/suburban heat island effect. However, “stream restoration” projects cut down riparian forests. “Stream restorations” have resulted in at least an estimated 2 million square feet of forest destruction for the County’s last MS4 Permit (the true number is unknown since DEP has not provided this data to the Montgomery County Water Quality Advisory Group after two requests) which is contrary to the County’s Climate Action Plan’s goal of protecting forests. “Stream restorations” are the only non-green, destructive, in-stream practice among the dozens of other practices that are allowed by MDE’s Accounting Guidance⁹ for meeting the MS4 Permit.
- The way to “fix” streams is to control stormwater outside of streams by using green, non-destructive, upland (out-of-stream) practices such as raingardens, bioswales, permeable pavement, tree planting, etc. as documented in MDE’s Accounting Guidance document.

One of the objections from County officials and the “stream restoration” industry is that there simply are not enough areas for upland control of stormwater. However, no evidence has ever been provided to back up that claim and it is demonstrably false. In fact, there are locations for upland stormwater control almost everywhere. There is no watershed that has maxed out its potential upland stormwater control. In cases where a particular “stream restoration” is being considered and it is determined that the alternative upland stormwater control projects and land cover conversion practices are not possible (in full or in part) in the same sub-watershed, then as much upland stormwater control as possible should be done in that sub-watershed and then additional locations in different watersheds or sub-watersheds should be used for additional upland projects.

Upland stormwater control will require out-of-the-box, out-of-the-silo thinking and will take cooperation between all County departments (DEP, DOT, etc.), Montgomery Parks, Montgomery County Public Schools (MCPS), State Highway Administration (SHA), WSSC, and private property owners to address the stormwater problem on a whole watershed basis.

Controlling stormwater upland from stream valleys could eliminate the perceived need for “stream restorations” for MS4 Permits. “Stream restorations” for MS4 Permit credit is currently

⁹ Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated, Guidance for National Pollutant Discharge Elimination System Stormwater Permits, November 2021

(<https://mde.maryland.gov/programs/water/StormwaterManagementProgram/Documents/Final%20Determination%20Dox%20N5%202021/MS4%20Accounting%20Guidance%20FINAL%2011%2005%202021.pdf>)

done to control stream bank erosion. By controlling stormwater upland, stream bank erosion would drastically decrease to near natural rates, and research by Fraley McNeal et. al.¹⁰ suggests that the eroded stream banks will then self-stabilize.

Aside from not doing “stream restorations” in the first place, critical to efforts to protect our streams and stream valleys is strict enforcement of the County’s environmental guidelines by the Planning Board and the Office of Zoning and Administrative Hearings. “Stream restoration” projects should not be exempted from any state or local forest conservation or forest protection laws, nor should they be allowed to amend any existing forest conservation easements (as has been recently been done for the County’s Grosvenor/Luxmanor “stream restoration” project).

The County has a history of misleading the public that “stream restorations” are required to meet the MS4 Permit. In the current draft Water & Sewer Plan¹¹ in Chapter 2, II.E.5.c. State and Federal Programs, the County uses an erroneous description of the goal of the MS4 Permit Program which wrongly states that “stream restorations” are a requirement:

“The primary goal of the program is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. The County’s [MS4] Permit requires the County to the restore poor quality streams and meet water quality protection goals.”

The MS4 Permit absolutely does not require any restoration of biological integrity to streams. In fact, the MS4 Permit does not require “stream restorations” at all.

Regarding the verbiage in the “MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION, WATER QUALITY REVOLVING LOAN FUND PROGRAM, FEDERAL FISCAL YEAR 2022, DRAFT INTENDED USE PLAN, June 30, 2022¹² about this Montgomery County/Parks project:

“Montgomery County / M-NCPPC MS4 Round 2 (rank 36/60 points) in Montgomery County involves installing stormwater retrofits, sustainable outfall restoration, and stream restoration that will improve existing degraded conditions in Montgomery County parks in order to meet Phase II MS4 permit requirements. These projects will capture pollutants, reduce erosion, improve stability, enhance habitat, promote infiltration, and improve the health of local waterbodies. By improving ecological function in tributaries throughout the Stream Valley Park system, these projects will contribute to reducing the amounts of nutrients and sediment that ultimately reach the Chesapeake Bay.”

¹⁰ Fraley McNeal, L., B. Stack, et. al. (2021)., “The Self-Recovery of Stream Channel Stability in Urban Watersheds due to BMP Implementation,” Prepared by the Center for Watershed Protection, Inc. for the Carroll County Bureau of Resource Management. Retrieved from Chesapeake Bay Trust website: [https://cbtrust.org/wp-content/uploads/Self Recovery of Stream Channel Stability Final Draft 03-23-21.pdf](https://cbtrust.org/wp-content/uploads/Self_Recovery_of_Stream_Channel_Stability_Final_Draft_03-23-21.pdf)

¹¹ 2022 Comprehensive Water & Sewer Plan Update for the 2022-2031 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (<https://www.montgomerycountymd.gov/water/supply/county-water-plan-2022.html>

¹² <https://drive.google.com/file/d/1Twuly43qiuNaNfuU2CtSQOu3NT2Qe7vR/view>

As described in this letter, “stream restorations” do not improve existing degraded conditions in Montgomery County stream valleys, they do not enhance habitat, they do not improve the health of local waterbodies, and they do not improve ecological function. To say otherwise is to greenwash the environmental damage done by “stream restorations” by conveying a false impression and providing misleading information to imply that “stream restorations” are environmentally sound.

In conclusion, the complex web of interactions between fauna, flora, geology, and hydrology that interact in natural areas is irreplaceable and cannot be recreated by stream engineering projects using heavy construction equipment and trucked-in material to create artificial geomorphological features and by then replanting a few trees and shrubs. We should be guided by the principal of “Do No Harm” in our stream valleys.

Just as the Chesapeake Bay has environmental value, so do the rich fauna and flora of our local stream valleys. There are better ways to protect the Bay than by using so-called “stream restorations” to destroy existing streams and streamside forests and replacing them with engineered geomorphological features which turn them into stormwater conveyances. Rather than funding completely avoidable and destructive “stream restorations”, the government should only fund out-of-stream practices that do not destroy our natural resources.

Based on the above information, the Montgomery Parks/Montgomery County DEP project should be denied funding. The County and Parks should reapply for funding without “stream restorations” as part of their mix of practices to meet MS4 Permit requirements.

Thank-you for considering our input.

Sincerely,

Kenneth Bawer
West Montgomery County Citizens Association

ATTACHMENT 1: Examples of “stream restoration” destruction of natural areas

Asbury Methodist Village, Montgomery County



(Regenerative Stormwater
Conveyance at Asbury Methodist
Village;
<https://www.youtube.com/watch?v=hGZN-L0Qrj0>)

Upper Watts Branch, Rockville



("Stream restoration" in Upper Watts Branch, Rockville; photo by City of Rockville)

Whetstone Run "stream restoration", Gaithersburg

BEFORE



AFTER



("Stream restoration" in Blohm Park, Gaithersburg at Watkins Mill Rd. over Whetstone Run at the same location.
Note the stream bank armor-plating on the right. (Left on 9/3/2020; right on 5/03/2021); by K.Bawer)

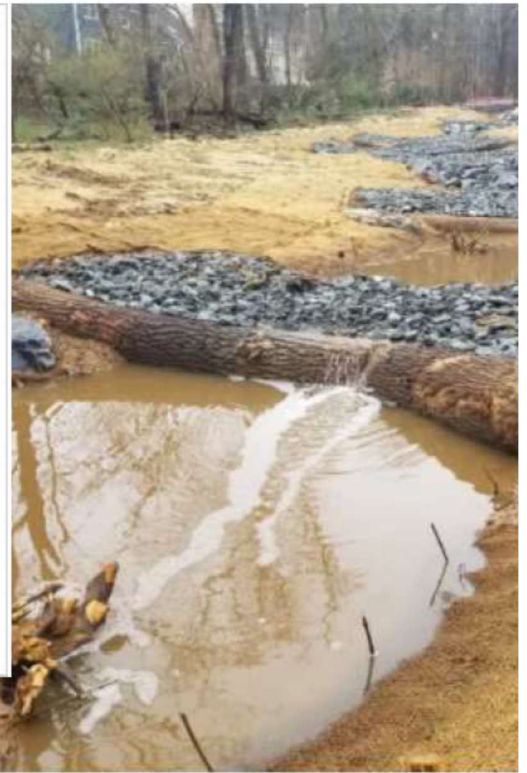
Solitaire Court "stream restoration", Gaithersburg



Solitaire Court Stream Restoration Frequently Asked Questions: "It is expected that terrestrial wildlife and some of the aquatic species will move away from the area when the construction equipment arrives. Wildlife normally returns to the area once the construction is over."

<https://www.gaithersburgmd.gov/home/showpublisheddocument/9316/637607355144330000>

Chevy Chase, MD



(<https://conservationblog.anshome.org/tag/stream-restoration/>)

ATTACHMENT 2: Examples of stream restoration failures

Josephs Branch, Kensington, Mo Co



Cabin John Branch, Mo Co



Long Branch, Takoma Park, Md



Little Pimmit Run, Fairfax, VA



Snakeden Branch, Montgomery Co, MD



Lower Booze Creek, Montgomery Co, MD



Failures from a Chesapeake Bay Program Expert Panel report

