



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

OCT 17 2016

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 (MDE) receipt of Carroll County's 2016 Financial Assurance Plan (FAP) and 2016 Watershed Protection and Restoration Program (WPRP) Annual Report as required by the Annotated Code of Maryland. MDE received an e-mail from the County that included the FAP and additional information on June 30, 2016. The WPRP Annual Report was received on July 27, 2016.

Chapter 124 of the Acts of the General Assembly of 2015 requires MDE to make a determination regarding the sufficiency of funding in each FAP filed with the Department. For any FAP filed on or before July 1, 2016, funding in the FAP is sufficient if the FAP demonstrates that the County or municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the FAP, 75% of the projected costs of compliance with the impervious surface restoration plan (ISRP) requirements of the County or municipality under its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit over that 2-year period. After reviewing Carroll County's 2016 FAP MDE has determined that the County has demonstrated that it has sufficient funding in its FAP.

Below are more details regarding MDE's findings:

- The County indicated that 79% of its impervious surface restoration plan revenue for the next two years comes from bonds, property taxes, and municipalities, while 21% comes from external grant sources. The County will need to be prepared to increase its local budget and bonds should external grant sources decrease in future years.
- The County listed "Flood Management Area" and "Sheetflow to Conservations" as best management practices (BMP) for achieving 26% of its ISRP requirement that are not currently approved by MDE for restoration credit. Until more monitoring data or clarification can be provided for the use of these BMPs, the County should explore all currently approved stormwater BMP options for meeting the ISRP requirement.
- The County should encourage more low-cost homeowner BMPs including rain barrels, rain gardens, and tree planting. These affordable BMP options provide great opportunities for citizen outreach and ISRP implementation.

Mr. Tom Devilbiss, Deputy Director
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MDE has provided additional review comments in an attachment for the County's information and use. Please provide a response to MDE's comments in subsequent FAPs and WPRP Annual Reports. MDE requests that WPRP Annual Reports be submitted in coordination with the NPDES MS4 Annual Reports, beginning on December 29, 2017. The County's next FAP will be due in coordination with its December 29, 2018 Annual Report.

MDE recognizes the substantial effort required to create the FAP and WPRP Annual Report. Carroll 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 410-537-3543 or Brian Clevenger at 410-537-3554, or brian.clevenger@maryland.gov.

Sincerely,



Lynn Buhl, Director
Water Management Administration

cc: Brian Clevenger, Program Manager, Sediment, Stormwater, and Dam Safety Program

Attachment

**Maryland Department of the Environment
Carroll County's 2016 Financial Assurance Plan
September 2016**

FAP Condition	MDE Assessment and Recommendations
<p>Demonstration of Public Participation and Sufficient Funding</p>	<ul style="list-style-type: none"> • The Financial Assurance Plan (FAP) was submitted to the Board of County Commissioners of Carroll County (County) on May 31, 2016. • The County held a public hearing on the FAP on June 9, 2016. • The Board approved the FAP on June 23, 2016. • The County submitted a FAP to Maryland Department of the Environment (MDE) on June 30, 2016 in accordance with State law. • The FAP demonstrates sufficient funding for 102% of the projected Impervious Surface Restoration Plan (ISRP) costs for the next two-year period (\$18.1 million in revenue versus \$17.7 million in cost), exceeding the requirement for funding 75% of the ISRP.
<p>ISRP Baseline</p>	<ul style="list-style-type: none"> • Carroll County's impervious area analysis indicated that there are 6,720 impervious acres in the County with little or no stormwater management. The County's current permit requires that 20% of that area, or 1,344 impervious acres, be restored during the course of its permit term (i.e., 6,720 untreated acres * 20% treatment requirement = 1,344 acres). The 1,344 impervious acre requirement is also known as the ISRP baseline. MDE's review of the County's impervious area analysis is pending at this time.
<p>Actions to Meet Permit Requirements ("All Actions" worksheet)</p>	<ul style="list-style-type: none"> • The FAP included an executive summary and detailed information on the actions required by the County to meet the ISRP requirement of the County's Municipal Separate Storm Sewer System (MS4) permit by December 29, 2019. • To meet its restoration goals, the County projected that it will require \$44,038,575 over the permit term to fund completed and planned projects. Based on the projected permit term revenue of \$47,605,712 the County is on track to meet its ISRP requirements by FY2019. • The County has listed flood management area best management practices (BMPs) for achieving 154 acres, or 4% of its ISRP requirement; however, this BMP is not approved for water quality treatment by MDE. 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. These projects should be removed from the County's "All Actions" worksheet in its next FAP submittal.
<p>Annual and Projected Costs ("All Actions" and "ISRP Costs" worksheet)</p>	<ul style="list-style-type: none"> • Actual costs have been reported for fiscal year (FY)2015 and FY2016 while projected costs have been reported for FY2016 through FY2020. There is some overlap in FY2016 reporting based on the status of projects at the time of the FAP submittal. • The County reported annual BMPs in the "Other" section of the "All Actions" worksheet, which aggregates their implementation over the permit term. Annual BMPs should be averaged over the permit term so that extra credit is not being calculated. To ensure that the impervious acres restored are accurately recorded, annual BMPs need to be reported under the "Operational Programs" section.

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September 2016**

FAP Condition	MDE Assessment and Recommendations
Annual and Projected Costs	<ul style="list-style-type: none"> • In the “Spec Actions” worksheet, the County reported that it has achieved 1,123 acres of restoration at a cost of \$11,199 per acre. • The County reported that for the projected two years (i.e., FY2017-FY2018) it will cost \$12,090,000 to restore 458 acres at a cost per acre of \$26,411. • Comparing the cost of completed projects to the projected cost for future restoration activities, the cost per acre is increasing by \$15,198. • The reported costs in the “ISRP Costs” worksheet for FY2017-FY2018 (\$17,726,028) are greater than the costs for projected BMP implementation in the “All Actions” worksheet for FY2017-FY2018 (\$12,090,000). • The County should encourage more low-cost homeowner BMPs including rain barrels, rain gardens, and tree planting. These affordable BMP options provide great opportunities for citizen outreach and ISRP implementation. • MDE requests that the County review the data discrepancies described above and provide clarifications in its next FAP submittal.
Annual and Projected Revenues (“ISRP Revenue” worksheet)	<ul style="list-style-type: none"> • Revenues have been reported for the required fiscal years. • The formulas used in the “ISRP Revenue” worksheet are correct. • The reported ISRP revenue equals 102% of the funds needed toward ISRP (\$18.1 million in revenue versus \$17.7 million in cost).
Funding Sources (“Fund Sources” worksheet)	<ul style="list-style-type: none"> • The “Fund Sources” worksheet is complete and the formulas are correct. • Sources of funds for the next two years include: <ul style="list-style-type: none"> ○ General Obligation Bonds = \$8.4 M ○ Property Taxes = \$4.5M ○ Municipalities = \$1.3M ○ State Funded Grants = \$3.8M ○ Total Funding Sources = \$18M • The County indicated that 79% of its ISRP revenue for the next two years comes from bonds, property taxes, and municipalities, while 21% comes from external grant sources. • The County will need to be prepared to increase its local budget and bonds should external grant sources decrease in future years.
Specific Actions and Expenditures from Previous Fiscal Years (“Spec Actions” worksheet) Specific	<ul style="list-style-type: none"> • The formulas in the “Spec Actions” worksheet are correct. • The County has reported completed BMPs for site specific projects from FY2009 to FY2016 in compliance with the MDE’s instructional template. • Annual BMPs such as septic pumping have been included in the “Other” section of the worksheet. Septic pumping should be reported in the “Operational Programs” section of the table so that the impervious acres treated annually may be accurately calculated (see above, Actions to Meet Permit Requirements). • The County included flood management area and sheetflow to conservation area BMPs which are not currently approved by MDE for restoration credit.

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Carroll County's 2016 Financial Assurance Plan
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FAP Condition	MDE Assessment and Recommendations
<p>Actions and Expenditures from Previous</p>	<p>As previously mentioned, until more monitoring data or clarification can be provided for the use of these BMPs, the County should explore all currently approved stormwater BMP options for meeting the ISRP requirement.</p> <ul style="list-style-type: none"> • MDE requests that the County review the data discrepancies described above and provide clarifications in its next FAP submittal.
<p>Future WPRP and FAP Reporting</p>	<ul style="list-style-type: none"> • Please note that the County's next Watershed Protection and Restoration Program (WPRP) Annual Report will be due in coordination with the County's December 29, 2017 MS4 Annual Report. • The County's next FAP will be due in coordination with its December 29, 2018 MS4 Annual Report.

