

# Watershed Protection and Restoration Program

## Financial Assurance Plan

Charles County, Maryland

Fiscal Year 2021

### Executive Summary

#### **Background**

The enclosed document is Charles County's third biennial Financial Assurance Plan (FAP) prepared to fulfill requirements specified in the Annotated Code of Maryland (COMAR), Environment Article, § 4-202.1.

State law requires that the County hold a public hearing and approve the FAP prior to filing with Maryland Department of Environment (MDE). The FAP is to describe actions and revenue necessary to implement impervious surface restoration program (ISRP) requirements of Charles County's five-year National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Permit Number MD0068365. This permit was issued December 26, 2014 and expired December 25, 2019. MDE has been administratively extended it until a new permit is issued. ISR completed after the expiration date will be applicable to the new permit.

The FAP must demonstrate the jurisdiction has sufficient funding in the current fiscal year and subsequent budgets to meet its anticipated costs for the 2-year period immediately following the filing date of the FAP.

#### **Summary of Charles County FAP**

The FAP includes five elements specified in COMAR. Each element has a corresponding table attached hereto. Information included on the FAP tables is intended to directly correlate to the Fiscal Year (FY) 2021 adopted budget of Charles County. A summary of each table follows.

#### **Table 1: All actions necessary to meet the ISRP.**

Actions to achieve the ISRP are itemized into three categories: Operational Programs, Capital Projects and Other. Each category is subtotaled to include previously completed projects to achieve the County's anticipated future ISRP goal of 789 acres by the end date of its new permit, which is not yet issued. The FAP shows the goal will be achieved with an estimated total of 904 acres ISR from FY 2020 through FY 2025.

'Operational Programs' include Storm Drain Vacuuming and Septic Pump-Out Programs. The acres of restoration generated by these programs are averaged over the permit term and the annual average is credited towards the ISRP. These programs are estimated to generate 41 acres towards the ISRP.

‘Capital Projects’ include projects to be designed and constructed by the County. The implementation status and projected implementation year are shown for each project. Capital Projects are expected to generate 827 acres towards the ISRP by FY 2025.

‘Other’ includes projects implemented by private individuals or companies, non-profits, and other agencies that the County credits towards its goal. These projects include nutrient trading, shoreline stabilizations, redevelopment projects, installation of septic system denitrification units, and connection of septic systems to public sanitary sewer systems. These projects are anticipated to generate 36 acres towards the ISRP by FY 2025.

**Table 2: Projected annual and 5-year costs to meet the ISRP.**

This table includes Operational and Capital expenditures from FY 2020 through FY 2025. The FY 2020 total expenditure is \$6.5 million. The total ISRP costs except debt service from is projected to be \$94.6 million.

**Table 3: Projected annual and 5-year revenues and other funds that will be used to meet the costs of the ISRP.**

By FY 2025, total appropriation for the ISRP is projected to be \$118.2 million.

**Table 4: Sources of funds that will be utilized by the County to meet the entire MS4 permit**

Table 4 shows the funding to implement all requirements of the MS4 permit comes from the Watershed Protection and Restoration Fund, General Fund, Inspection and Review Fund, and General Obligation Bonds. The FY 2020 total cost is \$11.6 million, and the total for the next five years \$95.9 million. Descriptions of the MS4 permit sections follow.

Permit Administration: A liaison shall be designated to coordinate with the MDE for implementation of the permit, and an organizational chart, detailing responsibilities for major MS4 program tasks shall be provided.

Legal Authority: County shall maintain adequate legal authority in according with NPDES regulations.

Source Identification: Geographical information system (GIS) format data shall be provided for the storm drain system, industrial and commercial sources, urban best management practices, impervious surfaces, monitoring locations, and water quality improvement projects.

Management Programs: Programs shall be maintained for: stormwater management and sediment and erosion control development review, triennial maintenance inspections of all stormwater facilities, illicit discharge and elimination, litter and floatables, property management and maintenance, and public education.

Restoration Plans and Total Maximum Daily Loads: Detailed watershed assessments shall be conducted for the entire county by the end of the permit term. An impervious surface assessment and restoration baseline shall be completed in the first year of the permit. By the end of the permit term, 20% of the impervious surface baseline shall be restored. Within one year of the permit issuance, a detailed restoration plan for each watershed with an approved waste load allocation, shall be completed.

Assessment of Controls: Chemical monitoring shall be performed annually for eight storm events at two monitoring stations and annual biological and physical monitoring shall be completed. Annual physical monitoring shall also continue for determining the effectiveness of stormwater practices for stream channel protection.

Program Funding: Adequate program funding to comply with the permit conditions shall be maintained.

**Table 5: Specific actions and expenditures that the county implemented in previous fiscal years to meet the ISRP.**

Specific actions and expenditures to achieve the ISRP are itemized into three categories: Operational Programs, Capital Projects, and Other. Number of projects, ISR achieved, and cost is subtotaled for each category.

‘Operational Programs’ include Storm Drain Vacuuming, and the Septic Pump-Out Program. The acres of restoration generated by these programs are averaged over the permit term, and the annual average is credited towards the ISRP.

‘Capital Projects’ include projects designed and constructed by the County. The completion year and individual cost is shown for each project. The Capital Projects have generated 164 acres towards the ISRP to date.

‘Other’ includes projects implemented by private individuals or companies, non-profits, and other agencies that the County credits towards its goal. These projects primarily include shoreline stabilizations, redevelopment projects, installation of septic system denitrification units, and connection of septic systems to public sanitary sewer systems. In FY 2020 these projects generated 21 acres towards the ISRP.

**Future Considerations:**

Several factors could affect implementation and accounting of the ISRP.

*New Crediting Methods* – MDE has developed 2011 and 2014 versions of a guidance manual for jurisdictions on acceptable ISR practices and crediting methods titled, ‘Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated.’ MDE is currently in the process of developing a third version of this manual. The manual may affect the projects and credits used in this FAP and may provide additional opportunities for ISRP practices.

*Stormwater Best Management Practices Completion Dates for MS4 Permitting Purposes* – MDE issued a memo on May 2, 2018 outlining minimum criteria on establishing water quality treatment provided by regional flood control ponds, that were constructed prior to 2000. If the criteria can be met, this could reduce the impervious surface baseline for Charles County since there are several of these facilities that previously could not be credited.

*Inspection and Verification* – MDE requires inspection and verification of all practices that count towards the ISRP, otherwise the practices are subject to removal from the total. Maintaining an accurate and complete database of inspections is critical in getting the full credit.

*Maximum Extent Practicable* – Factors such as time necessary for right-of-way acquisition and to obtain multi-jurisdictional permits, as well as time of year construction restrictions, are factors affecting the County's maximum extent practicable within a five-year permit term to implement the ISRP.

*Next Generation MS4 Permit* – MDE is drafting the next generation of the permit, which requires Environmental Protection Agency's (EPA's) review and concurrence.

These considerations will be tracked to determine if there will be impacts to current accounting methods and potential opportunities for additional ISRP credits.