



Maryland

Department of
the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

AUG 21 2019

Jason Groth, Planning Director
Charles County Department of Planning & Growth Management
P.O. Box 2150
200 Baltimore Street
La Plata, Maryland 20646

Dear Mr. Groth:

The Maryland Department of the Environment (Department) conducted a review of Charles County's 2018 Financial Assurance Plan (FAP), received on December 20, 2018, and determined that there was insufficient data to complete its review. The Department's June 6, 2019 correspondence to you described the deficiencies and requested that the County submit an updated FAP that demonstrates sufficient implementation and funding for the impervious surface restoration plan (ISRP). The County submitted a revised 2018 FAP on June 30, 2019.

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

After reviewing Charles County's revised 2018 FAP, the Department has determined that the County has demonstrated that it has sufficient funding as described in its FAP. This determination is contingent upon official approval of the FAP by the Charles County Commissioners. The Department requests that the County notify the Department when a public hearing has been scheduled to approve this updated FAP. Below are several key findings based on the Department's review.

- The County proposed treating 500 acres of impervious area (approximately 32% of its ISRP requirement) by acquiring credits temporarily through the Maryland Water Quality Trading Program and replacing the credits with constructed stormwater projects by 2023. The FAP indicated that the credits would be acquired at no cost. The Department supports nutrient trading; however, the current permit must be modified accordingly. A permit modification has been initiated and a public hearing was held on July 31, 2019.

Jason Groth, Planning Director

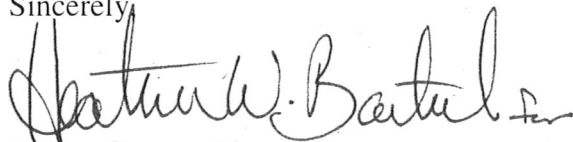
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- The updated FAP listed the County's most current timelines for installation, including best management practices that are projected to be completed sooner than anticipated in the previously submitted FAP.
- The County projects to complete 1,754 acres of restoration (or 111% of the required 1,577 acre ISRP requirement) by the end of the permit term.

The County's next Watershed Protection and Restoration Program (WPRP) Annual Report will be due in coordination with its next MS4 Annual Report, and its FAP will be due in coordination with the 2020 MS4 Annual Report. The Department recognizes the substantial effort required in developing these FAPs and WPRP Annual Reports, and looks forward to working with Charles County on this very important environmental program for improving local water resources and Chesapeake Bay.

If you have any questions regarding this review, please contact me at 410-537-3567, or Ms. Jennifer M. Smith at 410-537-3561 or jenniferm.smith@maryland.gov.

Sincerely,



D. Lee Currey, Director

Water and Science Administration

cc: Charles Rice, Program Manager, Charles County Environmental Program
Karen Wiggen, Planner, Charles County Department of Planning & Growth Management
Jennifer M. Smith, P.E., Program Manager, Sediment, Stormwater, & Dam Safety Program