



Maryland

Department of the Environment

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

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

June 14, 2021

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

Dear Mr. Gill:

This letter acknowledges the Maryland Department of the Environment's (the Department) receipt of Prince George's County's 2020 Financial Assurance Plan (FAP), and 2020 Watershed Protection and Restoration Program (WPRP) Annual Report as required by the Annotated Code of Maryland. The Department received these reports on December 22, 2020, and supplemental information on January 7, 2021. This FAP submission includes information on the cost of compliance with the impervious surface restoration plan (ISRP) requirements outlined in the County's National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit.

The ISRP, when sufficiently funded, is essential for restoring local water quality and the Chesapeake Bay, and providing climate resiliency in the County's watersheds. The FAPs are sufficient if they demonstrate that the County has the dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the FAP, 100% of the projected costs of compliance with the ISRP requirements of the County's MS4 permit.

After reviewing Prince George's County's 2020 FAP, the Department has determined that the County has demonstrated that it has sufficient funding in its FAP. This determination is contingent upon a public hearing and official approval by the local governing body. The Department has provided more detailed comments in an attachment for the County's information and use. Please provide a response to the Department's comments in subsequent FAPs and WPRP Annual Reports. The County's next WPRP Annual Report will be due in coordination with its next MS4 Annual Report, and its FAP will be due in coordination with the 2022 MS4 Annual Report.

The Department recognizes the substantial effort required in developing these FAPs and WPRP Annual Reports, and looks forward to working with Prince George's County on this very important environmental program for improving water quality, stormwater management, and climate resiliency. If you have any questions regarding this review, please contact me at 410-537-3567 or Jennifer M. Smith at 410-537-3561, or jenniferm.smith@maryland.gov.

Sincerely,

D. Lee Currey, Director
Water and Science Administration

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

Attachment

**Maryland Department of the Environment’s (MDE) Review of
Prince George’s County’s 2020 Financial Assurance Plan (FAP)**

Plan Condition	MDE Assessment and Recommendations
<p>Demonstration of Sufficient Funding</p>	<ul style="list-style-type: none"> • Annotated Code of Maryland ENV § 4-202.1(j) requires Phase I Municipal Separate Storm Sewer System (MS4) permitted jurisdictions to submit the FAP every 2 years on the anniversary of the date of issuance of its permit (i.e., January 2, 2021). • A public hearing was not held on May 18, 2021 and the FAP is awaiting approval from the local governing body. Please provide a locally approved final FAP and include information on the public hearing date. • Prince George’s County submitted a PDF of the draft FAP to MDE on December 22, 2020. A Microsoft Excel version of the approved FAP was submitted on January 7, 2020. The County’s permit expired on January 1, 2019. The County’s FAP demonstrates sufficient funding for 100% of the projected impervious surface restoration plan (ISRP) costs for the next two years (i.e., FY2021-FY2022). Projected revenues during this period equal \$235,248,899 while the projected cost is \$234,893,400.
<p>Actions to Meet Permit Requirements (“All Actions” worksheet)</p>	<ul style="list-style-type: none"> • Prince George’s County did not include an executive summary and all requested information in the requested format with the FAP. This summary should be submitted with the final FAP and indicate the actions required to meet permit conditions as required by the Annotated Code of Maryland, Environment Article § 4-202.1(j)(1)(i)1. • The County projected that an additional 2,599 acres of restoration would be completed between FY2021 and FY2022, and a total of 3,812 acres between FY2021 and FY2025. • While not required, the County did provide projections for future years through FY2025. The County projects completing 4,370 acres of restoration from FY2019-FY2025. This projection includes both planned best management practices (BMPs) and BMPs under construction. If assuming all of these BMPs are completed, the County estimates that it would meet the current ISRP requirement before FY2025. • All BMPs listed are approved in MDE’s Guidance or by the Chesapeake Bay Program (CBP). • The FAP did not include plans to use nutrient trading to meet restoration goals. • The County did not report credits for regenerative vacuum street sweeping, however, credits for “litter control” were itemized. Litter control is not an acceptable restoration BMP and therefore, the BMP Types under these line items should be changed to street sweeping.
<p>Annual and Projected Costs</p>	<ul style="list-style-type: none"> • The County reported capital and operating costs for the past, current, and projected fiscal years as required. • The projected “All Actions” cost for restoration efforts to be completed over the period FY2021-FY2022 was approximately \$147,869,715 which would

MDE’s Review of Prince George’s County’s 2020 FAP

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(“All Actions” and “ISRP Cost” worksheet)	<p>result in 2,599 acres of restoration. The cost per acre for implementation during this period is \$56,886.</p> <ul style="list-style-type: none"> • In the “ISRP Cost” worksheet, costs were reported for all required fiscal years and all formulas were used correctly. The total ISRP cost for the next two years is \$234,893,400.
Annual and Projected Revenues (“ISRP Revenue” worksheet)	<ul style="list-style-type: none"> • Revenues were reported for all required fiscal years and all formulas were used correctly. • The County’s current permit expired on January 1, 2019 (i.e., the middle of FY2019). Accordingly, half of FY2019 and through FY2025 are projections beyond the permit term. • Revenues for the ISRP have been reported for FY2019-FY2025 as required by Annotated Code of Maryland, Environment Article § 4-202.1(j)(1)(i)3. • The reported two-year (i.e., FY2021 and FY2022) revenue is \$235,248,899. • The County’s reported annual sources of funds for the next two years is 100% of the funds directed toward the ISRP, demonstrating that the County has sufficient revenue to address impervious surface restoration funding requirements.
Funding Sources (“Fund Sources” worksheet)	<ul style="list-style-type: none"> • Funds were reported for all required fiscal years and all formulas were used correctly. • Sources of funds for the years FY2021 to FY2022 include: <ul style="list-style-type: none"> ○ Stormwater Management (SWM) Enterprise Fund (5100) = \$166.2M ○ SWM Bonds \$47.6M ○ WPR Fund (5200) Clean Water Act Fees = \$32.8M ○ Other (State Revolving Loan Fund) = \$63.4M ○ State Grants = \$3.4M ○ Federal Grants = \$0.2M ○ Total Funding Sources = \$313.7M • For the next two fiscal years, the County projected that the majority of the annual funds for meeting impervious surface area restoration requirements would be from the SWM Enterprise Fund (53%) and SWM Bonds (15%). An additional 10% comes from WPR Fund Clean Water Act Fees and 20% from the State Revolving Loan Fund. • The total funding sources over the next two-year period of \$313,665,199 exceeds the projected amount of money needed to fund the ISRP cost estimated at \$234,893,400 in the ISRP cost worksheet). This means that funding may not be a major limitation to restoration implementation and other factors may cause delays in the completion of projects.

MDE’s Review of Prince George’s County’s 2020 FAP

Plan Condition	MDE Assessment and Recommendations
<p>Specific Actions and Expenditures from Previous Fiscal Years (“Spec Actions” worksheet)</p>	<ul style="list-style-type: none"> • The County has reported actions that reflect restoration efforts completed by the end of FY2020. • The County did not report BMPs completed since the expiration of its previous permit term. • In the “Specific Actions” worksheet, some BMPs have an implementation cost of zero dollars. The County should provide cost information or include a brief comment explaining why these BMPs do not have an associated cost. • Actions and expenditures were reported for all required fiscal years and all formulas were used correctly. The total completed restoration from FY2019 to FY2020 is 592 acres.