

# Carroll County Water Resource Coordination Council

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Hampstead \* Manchester \* Mt. Airy \* New Windsor  
Carroll County Health Department



\* Sykesville \* Taneytown \* Union Bridge \* Westminster  
Carroll County Government

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## WRCC/Guidance Team Work Session Summary November 7, 2012

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### Attendees:

Gale Engles	Glenn Edwards	Brenda Dinne	Hugh Murphy
Rosetta Mann	Perry Jones	Dan Riley	Mike Haufler
Tom Devilbiss	Daphne Daly	Steve Miller	Sheree Lima
Brad Plante	Monika Weierbach	Andrea Gerhard	
Frank Schaeffer	Phil Hager	Byron Madigan	

The meeting was called to order at 2:30 by Frank Schaeffer.

Minutes from the September 5<sup>st</sup> meeting were approved.

### Update Water & Sewer Master Plan

Daphne Daly and Andrea Gerhard gave an update on the Water & Sewer Master Plan (W&S MP). An email was sent out last week to the municipalities about scheduling meetings to address concerns that Maryland Department of Environment (MDE) had with the original W&S MP submittal. MDE would like the county and municipalities to identify areas that will probably be served with water and sewer within the next 10 years. They would like a plan that indicates those areas that can realistically be served within the next ten years. Areas where additional capacity is needed, the projects that will be undertaken to increase capacity need to be shown. If additional capacity cannot be provided within that timeframe, areas need to be taken out of the area planned to be served within the next 10 years so demand does not exceed planned capacity. This is more specific than has been submitted in the past.

Daphne gave out and discussed two (2) tables; Table 2, Projected Water Supply Demands and Planned Capacity and Table 6, Projected Sewerage Demands and Planned Capacity. There were some questions on the numbers in the tables from various municipalities. Daphne asked that anyone different information to get with staff as soon as possible.

Daphne was not sure if the resubmission of the plan would be an appeal or just a revision. She stated that the plan would probably go out for public comment at some point due to changes in the numbers and the map revisions. The objective is to provide a revised plan to MDE by mid-December to get their feedback on the direction we have taken with the revisions prior to going through the official approval and resubmittal process.

### **Update – HB 987 – Stormwater Fee**

At the last meeting Brad Plante and Jeff Glass were selected to represent the municipalities on the HB 987 Advisory Group. Brenda Dinne has been working on identifying the most feasible options for the Advisory Group before the group can get started. Brenda has also been checking into applying for a grant through National Fish & Wildlife Foundation; not the same grant for which a proposal was prepared in May 2012. This grant would fund getting an expert to look at the options we are considering and to identify if there are other factors that need to be considered with each. This expert might also help to facilitate the advisory group.

The legislation states that something should be ready to be implemented by July 1, 2013. It doesn't say that a fee has to be charged at that time. The goal is to get the rate structure recommendations from the Advisory Group to the Board of County Commissioners for a decision on the rate structure before we can move forward with developing the rest of the program.

### **Update – Watershed Implementation Plan (WIP)**

EPA submitted the final Phase II WIP to Environmental Protection Agency (EPA) the end of March. Between the end of March and July 2, MDE was allowing local jurisdictions to make changes to what they submitted before they made their revisions and resubmitted to EPA. As of October 24 the revised submittal is available on MDE web site.

On October 5 Tom and Brenda attended a MACO meeting on the WIP. MDE representatives were there to speak and answer questions. There was a discussion about MAST and the issues that need to be addressed with it. As a result MDE is forming a discussion group to talk about some of these issues. Tom and Brenda agreed to participate in that discussion so they can raise issues we had with MAST and possibly gain a better understanding of it. Since the State is working on updating the data that are going into the State and Bay models for the 2215 and 2017 (two-year milestones), we may have an opportunity to look at data and suggest changes that will more accurately reflect our local jurisdictions.

We need to be working on tracking and monitoring of our projects so there are standard procedures for everyone to follow. Everything should be tracked. Even if no credit is given now, it may be in the future.

### **Water Appropriation Fees**

Tom gave out copies of two MACO handouts; MDE Water Fee Workgroup Fails to Reach Consensus and Stakeholder Workgroup Considers New Water Appropriation Fee. The workgroup met in September and again in October but could not reach a consensus. These handouts are about a stakeholder workgroup that MDE has formed to reassess fees associated with water appropriation permits. Not only will there be a fee for the permit application but a yearly fee as well. Legislation has been introduced and failed for numerous years, including this year, to get the ability to adopt water appropriation fees. MDE decided to form their own workgroup to look at water appropriation fees outside the legislative process. The handouts contain several links to go to for additional information.

### **Stormwater Discharge Permit**

The new General Industrial Permit is more complex and will most likely affect both County and Municipal facilities. It is unclear what level of compliance current facilities (maintenance facilities, shops and or yards, etc.) will be required to address under the new industrial permit. The 100-page new permit is accompanied by a 75-page detailed fact sheet to help explain the permit criteria. Facilities previously "Exempt" or those that may meet "No Exposure" status may now be required to fully comply with the new permit involving Stormwater Pollution

Prevention Plans, Monitoring and Inspections, etc. if they fall within an impaired watershed or water body. A currently exempt facility under the existing permit may or may not be allowed coverage under the permit due to effluent limits under another NPDES permit. Permitted facilities now covered under the General Permit may now be required to file under an Individual stormwater discharge permit. It also appears MDE will be identifying private industrial, commercial and business with this permit that has mandatory application fees and significant 20% impervious surface restoration requirements. Public meetings will be on November 26 at 1:00 and Friday November 30 at 1:00 at MDE. County staff will be attending with an open invitation for municipalities to join them. Municipalities are encouraged to attend and or contact MDE or Tom or Glenn with questions. Glenn will forward MDE's website with the new permit information to the municipalities. Written comments can be submitted MDE until January 4.

### **Carroll County Utilities Advisory Council**

Steve Miller has been approved by the Board of County Commissioners to represent the Water Resource Coordination Council (WRCC) on the Utilities Advisory Council (UAC).

### **Grading, Erosion & Sediment Control & Sediment Control, Chapter 121**

Gale Engles reported that the Grading, Erosion & Sediment Control, Chapter 121 would be going to public hearing on November 29, 2012. She gave copies of a fact sheet with the proposed changes and a copy of Chapter 121 with proposed changes in red. She also went over some of the more significant changes. She stated that the County has to have the amended code in place by January 13, 2013. Municipalities will need to make sure that a proper mechanism is in place to implement the code changes.

### **SB 236**

The Board of County Commissioners had scheduled a public meeting on November 1, 2012 to get input on when to do the tier mapping. In August, staff had recommended the mapping be delayed until it could be done as part of a comprehensive planning process. The public meeting had to be cancelled due to the storm, and Brenda was not sure if it would be rescheduled.

Brenda said they were working on changes to Chapter 103 Development of Subdivision, to allow up to 7 lots on septic as a minor subdivision. Currently minors are up to 3 and majors are 4 and over, and this will not be changed. This will allow up to 7 lots of a major to be on septic. The code changes must be adopted by December 31.

### **Offset Policy**

SB236 required MDE to develop an offset policy for Tier III areas. A policy/discussion draft and a discussion draft regulation were released in July and August. County staff sent comments on September 27 on both drafts. On October 24, the state presented to the Sustainable Growth Commission WIP Workgroup the following changes they are considering:

1. Pulling the Tier III stuff out and doing it separately by the end of the year as legislation requires and waiting until the end of next year to complete the rest.
2. The current draft requires nitrogen to be offset but now are considering including phosphorus.
3. The counties would be responsible for offsets after a period of 30 years.
4. Adding a fee in lieu that would be paid into the Bay Restoration Fund (the state would have discretion on how to use the funds).
5. They are considering allowing developers to subtract out the load that would exist if a property was in natural forest condition from the total nitrogen load on a property before determining the load to be offset. As currently drafted, the entire load would have to be offset.

They are anticipating a draft of the septic portion (Tier III) by November 2012 and submitting it to Maryland Register by the end of the year. The proposed regulations for the entire Accounting for Growth program will be drafted by August 2013 and implemented by December 2013.

**National Pollutant Discharge Elimination System (NPDES) Annual Report, July 2012 Submittal**

Tom gave out a letter from MDE acknowledging receipt and review of Carroll County's July 2012 NPDES Report. The letter was favorable to the restoration effort and indicated that we were in compliance. The municipalities are scheduled, per MDE, to receive a draft permit by the end of 2012.

Nothing has been received from EPA on the April 2012 audit.

The meeting was adjourned at 3:55

**The next meeting is scheduled for January 2, 2012 at 2:30 in Room 003.**