



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

Jul 20, 2023

Mr. Richard J. Luna
Deputy Director, Baltimore City Department of Public Works
600 Abel Wolman Municipal Building
Baltimore, MD 21202

Dear Mr. Luna:

This letter acknowledges the Maryland Department of the Environment's (Department) receipt of Baltimore City's 2022 Financial Assurance Plan (FAP), and 2022 Watershed Protection and Restoration Program (WPRP) Annual Report as required by the Annotated Code of Maryland. This FAP submission includes information on the cost of compliance with the impervious surface restoration plan (ISRP) requirements outlined in the City'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 City's watersheds. The FAPs are sufficient if they demonstrate that the City 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 City's MS4 permit.

After reviewing the City's 2022 FAP, the Department has determined that the City has demonstrated that it has sufficient funding in its FAP. The Department has provided more detailed comments in an attachment for the City's information and use. The City'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 2024 MS4 Annual Report.

The Department recognizes the substantial effort required in developing these FAPs and WPRP Annual Reports, and looks forward to working with the City 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 (Jul 20, 2023 18:38 EDT)

D. Lee Currey
Director, Water and Science Administration

cc: Jennifer M. Smith, P.E., Program Manager, Stormwater, Dam Safety, and Flood Management Program
Kimberly Grove, Chief, Office of Research and Environmental Protection

Attachment

**Maryland Department of the Environment's (MDE) Review of
Baltimore City's 2022 Financial Assurance Plan (FAP)**

Plan Condition	MDE Assessment and Recommendations
Demonstration of Sufficient Funding	<ul style="list-style-type: none"> • Baltimore City submitted its FAP on January 19, 2023. • A public hearing was held for the FAP on December 8, 2022 and the Mayor of Baltimore City approved it on December 13, 2022. • The FAP demonstrated sufficient funding for the projected Impervious Surface Restoration Plan (ISRP) costs for the next two-year period (i.e., FY2023-FY2024).
Actions to Meet Permit Requirements	<ul style="list-style-type: none"> • The plan included an Executive Summary. • The “All Actions” worksheet included best management practices (BMPs) and associated costs for FY2022 to FY2027. • The total costs (i.e., continued obligations and new restoration) of the storm drain vacuuming, catch basin cleaning, and street sweeping programs in the “All Actions” worksheet were combined under “Obligations from Previous Permit That Must Be Continued”. If possible, the City should disaggregate the costs between obligations and new restoration. • For the next two years (FY2023-FY2024), the City reported 5,701 acres of continued restoration from the previous permit term and 2,795 acres of new restoration.
Annual and Projected Costs	<ul style="list-style-type: none"> • The “All Actions” worksheet indicated that the projected cost for new restoration to be implemented over the next two fiscal years (FY2023-FY2024) is \$14.1 million, and the projected cost for continued obligations is \$24.8 million. • In the “ISRP Cost” worksheet, costs were reported through FY2027, and the cost for the next two years is \$65.0 million.
Annual and Projected Revenues	<ul style="list-style-type: none"> • The “ISRP Revenue” worksheet included projected revenues through FY2027. • The City reported that revenue for FY2023 and FY2024 (\$93.6 million) is greater than the projected ISRP costs (\$65.0 million). • The “ISRP Revenue” worksheet included past costs up through FY2021. The City’s next FAP should only show completed project revenues since the expiration of the previous permit.
Funding Sources	<ul style="list-style-type: none"> • In the “Fund Sources” worksheet, fund sources were projected through FY2027. • Sources of funds for the next two years include: <ul style="list-style-type: none"> ○ Stormwater Remediation Fee = \$58.6 million ○ Revenue (Utility) Bonds = \$49.1 million ○ State Revolving Loan Fund = \$6.7 million ○ Water/Wastewater Utility Fund = \$3.1 million ○ Miscellaneous Fess \$0.4 million ○ Total Funding Sources = \$117.8 million
Specific Actions and Expenditures	<ul style="list-style-type: none"> • The “Completed Actions” worksheet included BMPs and expenditures for 336 acres of restoration completed between FY2020 through FY2022.

MDE's Review of Baltimore City's 2022 FAP

Plan Condition	MDE Assessment and Recommendations
from Previous Fiscal Years	<ul style="list-style-type: none">• The "Completed Actions" worksheet should include annual operations implemented to meet continued obligations from the previous permit and annual operations implemented since the expiration of the previous permit that will be used toward new restoration requirements.