



# Maryland

Department of  
the Environment

**MARYLAND WATER QUALITY FINANCING ADMINISTRATION  
DRINKING WATER REVOLVING LOAN FUND PROGRAM  
FEDERAL FISCAL YEAR 2017  
FINAL INTENDED USE PLAN  
MAY 23, 2017**

**Larry Hogan  
Governor**

**Ben Grumbles  
Secretary**

**Boyd Rutherford  
Lt. Governor**

MARYLAND DEPARTMENT OF THE ENVIRONMENT  
MARYLAND WATER QUALITY FINANCING ADMINISTRATION

**FINAL**

**Federal Fiscal Year 2017 Intended Use Plan  
Maryland Drinking Water Revolving Loan Fund**

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MARYLAND WATER QUALITY FINANCING ADMINISTRATION  
FINAL  
Federal Fiscal Year 2017 Intended Use Plan  
Maryland Drinking Water Revolving Loan Fund**

**EXECUTIVE SUMMARY**

The Intended Use Plan (IUP) is the document that the Maryland Water Quality Financing Administration (MWQFA) will submit to the United States Environmental Protection Agency (EPA) to request the Federal Fiscal Year (FFY) 2017 Capitalization Grant under the Safe Drinking Water Act (SDWA), to be matched with 20% of State bond/general funds, for financing of capital projects from the Maryland Drinking Water Revolving Loan Fund (DWRLF or DWSRF). The Maryland DWSRF was established by amendments to the Maryland Water Quality Financing Administration Act, Title 9, Subtitle 16 of the Environment Article, Annotated Code of Maryland, to provide below market interest rate loans and other subsidies to local governments and eligible private entities for certain eligible drinking water capital improvement projects.

**THE FINAL FFY 2017 FEDERAL ALLOCATION TO MARYLAND IS STILL PENDING AND THE FEDERAL FUNDING BELOW IS AN ESTIMATE ASSUMING DWSRF FUNDING TO CONTINUE AT THE FFY 2016 LEVEL**

During FFY 2017, Maryland is assuming it will be eligible to receive \$14,108,000 in Federal Capitalization Grant, which may be used for Capital Projects (Project Funds) and for Set-Asides (Non-Project Funds). Under this IUP, Federal Capitalization Grant funds of \$10,298,840 or 73% is being allocated towards Drinking Water capital projects and the balance of \$3,809,160 or 27% is being allocated for set-aside activities. The Federal project funds combined with a 20% State general fund/GO bond match, plus DWSRF bond sales, loan repayments, and investment earnings will be used to provide low interest loans and other financial subsidies for eligible DWSRF capital improvements, totaling \$30,000,000. Maryland recognizes that the final funding for FFY 2017 may change. The Maryland Department of the Environment (MDE) Water Management Administration (WMA) will provide EPA a separate work plan for the use of the three programmatic set-asides (2%, 10%, 15%) totaling \$3,809,160 in July 2017.

Figure 1 shows a summary of the Sources and Uses of funds under the FFY 2017 IUP.

**Figure 1**

<b>Sources:</b>		<b>Uses:</b>	
Federal Cap Grant	\$ 14,108,000	<b>Set-Asides (Non Project Funds)</b>	
State Match (@ 20%)	\$ 2,821,600	Technical Assistance (up to 2%)	\$ 282,160
Est. Repayments	\$ 16,879,560	DWSRF Admin. Expenses (up to 4%)	\$ -
		Drinking Water Program Support (up to 10%)	\$ 1,410,800
		Local Assistance/State Activities (up to 15%)	\$ 2,116,200
		Subtotal	<b>\$ 3,809,160</b>
		DWSRF Capital Projects Loans and Grants	\$ 30,000,000
<b>Total</b>	<b>\$ 33,809,160</b>	<b>Total</b>	<b>\$ 33,809,160</b>

**Capital Project Selection**

To provide applicants an opportunity to seek DWSRF funding, Financial Assistance Applications for drinking water (drinking water, source, treatment, storage and distribution, green infrastructure, water or energy efficiency and environmental innovation) capital projects were accepted by MWQFA from December 2016 through January 2017. Table 1 on this IUP shows the proposed list of capital projects including “green” projects for inclusion on the FFY 2017 IUP for DWSRF financial assistance. These projects were selected from the Project Priority List (PPL) based on their: (1) public health, compliance, sustainability benefits, reliability and affordability benefits per the project priority ranking/scoring criteria; (2) compliance with technical, managerial, and preliminary financial capacity; and (3) readiness to proceed to construction by December 31, 2018. Drinking water projects that are not included in an

MDE-approved County Water and Sewer Plan are ineligible for funding. Drinking water projects that are not consistent with Maryland's Smart Growth/Priority Funding Area (PFA) legislation will need a PFA exception approval prior to loan execution. Before loan execution, projects identified in the IUP will undergo a detailed financial capacity/credit analysis by the MWQFA.

**Capital Projects (Project Funds):** A total of \$30,000,000 is available for Drinking Water capital projects identified in Table 1. The DWSRF loan terms are outlined below:

Current Interest Rate*	Standard Rate = 50% of Market Rate Disadvantaged Community (DAC) Rate = 25% of Market Rate (Market Interest Rate is defined as the average of the Bond Buyer 11-Bond Index for the month preceding the loan closing).
	* MDE, by policy, can change the SRF loan interest rate at any time. Interest rates are posted on the MWQFA web site.
Loan Term	Up to 20 Years (up to 30 years for DACs)
Loan Origination Fee	None
Loan Administrative Fee	5% of the aggregate debt service divided by the number of administrative fee payments over the life of the loan, collected annually. This amounts to approximately a 0.50% (or 50 basis points) increase in the interest rate for a 20-year loan or a 0.35% increase in interest rate for a 30-year loan. The administrative fee is used to help meet program operating expenses. The Administration is not requesting any DWSRF federal 4% administrative funds from the FFY 2017 capitalization grant. If the loan administrative fee is insufficient to cover program operating expenses, the additional amount needed will be transferred from the program Total Net Position, up to the greater of \$400,000 or 1/5% of net asset limit authorized under the Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016. Based on the most recent audited financial statements as of 06/30/2016, the maximum amount allowed would be \$425,595 (Total Net Position of \$212,797,747 * 0.2% = \$425,595).

**Set-Asides (Non-Project Funds):** A total of up to \$3,809,160 is being allocated for three drinking water program set-aside activities. The use of set-aside funds is specifically identified in Section 1452 of the SDWA. The set-aside funds are targeted for use by the State for implementation of the primacy and administrative related activities. With this FFY 2017 IUP, the MWQFA is not requesting the federal (4%) funds for DWSRF program administration, as it will continue to use loan administrative fees (see below) and funds from the DWSRF as authorized (up to 0.2% of Net Assets) under the Water Infrastructure Improvements for the Nation Act (WIIN Act), if needed. The strategy for the other three set-asides will be provided with the program set-aside workplan, which will be submitted to EPA shortly by the WMA program staff.

1. Technical Assistance to Small Systems (up to 2%)

The funds allotted for Technical Assistance for Small Systems (water systems serving 10,000 population or fewer) are up to 2% of the FFY 2017 Capitalization Grant totaling \$282,160. These funds will be used for the MDE Water Supply Program activities (on-site technical assistance) and for contracts with organizations with expertise in dealing with small systems, such as Maryland Rural Water Association and the Maryland Center for Environmental Training (MCET) for continuation of the Circuit Rider program.

2. Drinking Water Program Funds (up to 10%)

The funds allotted for the Drinking Water Program Funds are up to 10% of the FFY 2017 Capitalization Grant totaling \$1,410,800. These funds will be used to fund additional program requirements under the SDWA, such as reporting, monitoring and enforcement. The funds will also be used to administer/provide technical assistance for source water protection, develop/implement the capacity development strategy and the operator certification program. In addition, the funds will be used to continue executing Delegation Agreements with 20 counties in Maryland for the regulation of SDWA activities of transient non-community water systems within their jurisdiction. This fund requires a 1:1 State

match outside of the 20% State match to the Capitalization Grant (details to be provided with the Set-Asides Work Plan).

3. Local Assistance and Other State Projects (up to 15%)

The funds allotted for the Local Assistance and Other State Projects are up to 15% of the Capitalization Grant or \$2,116,200. These funds will be used to provide technical and financial assistance to water systems for capacity development and wellhead protection; additionally, if there is demand, funds can be allocated for SDWA Section 1452(k) loans for land acquisition/conservation easements for source water protection for which the funding details will be provided in the set-aside work plan. The proposed loan terms for SDWA Section 1452(k) loans will be:

<b>Interest Rate:</b> 0%	<b>Loan Term:</b> Up to 20 years	<b>Loan Origination/Admin. Fee:</b> None
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All prior year 1452(k) loan repayments and interest earnings currently being received are being transferred into the DWSRF capital fund and made available for DWSRF capital activities, unless these funds are needed to make new 1452(k) loans.

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Maryland Drinking Water Revolving Loan Fund**

**A. Sources and Uses of Funds**

A comprehensive summary of DWSRF Sources and Uses of Funds is as follows:

		Thru 2016 IUP		2017 IUP	
<b>Sources:</b>					
Federal Capitalization Grants		\$ 238,079,706	a	\$ 14,108,000	
State Match		\$ 47,677,000	b	\$ 2,821,600	d
Federal Stimulus ARRA Grant 08 IUP		\$ 26,832,000			
Funds Transferred from Water Quality SRF		\$ 10,634,580	c		
Investment Earnings thru SFY 16		\$ 9,569,142			
Loan Principal Repayments thru SFY 16		\$ 73,140,422			
Loan Interest Repayments thru SFY 16		\$ 18,241,874			
	<b>Subtotal</b>	<b>\$ 424,174,724</b>		<b>\$ 16,929,600</b>	
Estimated Loan Principal (SFYs 17 & 18)		\$ 18,600,000			
Estimated Loan Interest Repayments (SFYs 17 & 18)		\$ 3,040,000		\$ -	
Estimated Investment Earnings (SFYs 17 & 18)		\$ 960,000		\$ -	
Estimated Loan Principal (SFYs 19 & 20)		\$ -		\$ 16,879,560	
Estimated Loan Interest Repayments (SFYs 19 & 20)		\$ -		\$ -	
Estimated Investment Earnings (SFYs 19 & 20)		\$ -		\$ -	
Future Revenue Bonds/EPA WIFIA		\$ 100,000,000		\$ -	
	<b>Total Sources</b>	<b>\$ 546,774,724</b>		<b>\$ 33,809,160</b>	
<b>Uses:</b>					
Loan Agreements Entered as of 06/30/2016		\$ 298,733,070		\$ -	
Projects on IUPs with loans pending as of 03/07/2017		\$ 175,909,146		\$ 30,000,000	
SFY 17 Loan Agreements Entered as of 03/07/2017		\$ 7,351,820		\$ -	
Stimulus Administrative Expense		\$ 400,000		\$ -	
Federal Funds for Set-asides		\$ 60,740,379		\$ 3,809,160	
	<b>Total Uses</b>	<b>\$ 543,134,415</b>		<b>\$ 33,809,160</b>	

<sup>a</sup> Total federal appropriation through FFY 2016 Capitalization Grant, excluding ARRA.

<sup>b</sup> Includes State General Fund/GO Bond Match of \$2,822,000 for FFY 2016 IUP (available July 1, 2017).

<sup>c</sup> Funds transferred from Water Quality SRF to DWSRF (prior years).

<sup>d</sup> State General Fund/GO Bond Match to FFY 2017 Capitalization Grant will be available July 1, 2018.

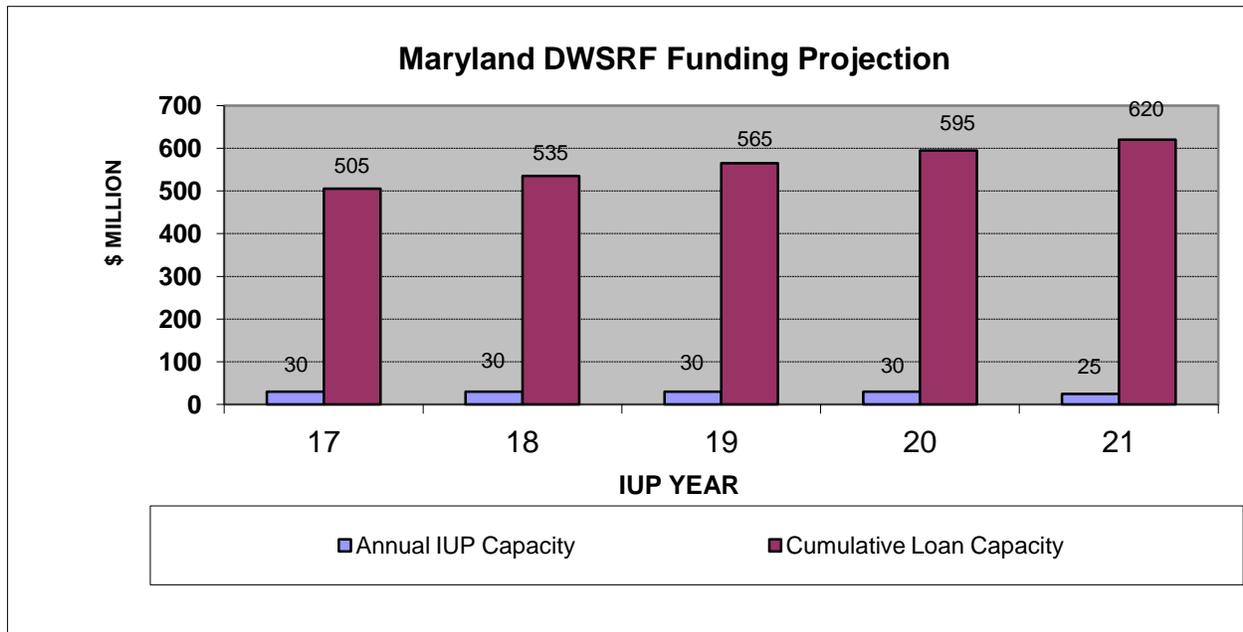
**B. Goals of the Maryland Drinking Water Revolving Loan Fund**

**1. Long-Term Goals**

- Achieve and/or Maintain Compliance with Safe Drinking Water Standards - Using the DWSRF project priority rating and ranking system, target financial assistance that will help water systems comply with, maintain, or meet safe drinking water standards, and address public health issues.
- Coordination of Capital & Set-Aside Priorities - Coordinate State priorities under the set-aside work plan (technical assistance, source water protection, and technical, managerial & financial capacity development)

to target DWSRF funding to high priority capital projects to achieve objectives consistent with the SDWA.

- Fund Perpetuity and Utilization** - To provide low interest rate financing and other subsidies to high priority eligible projects that are ready to proceed within a reasonable time while maintaining a perpetual source of capital funds for future projects. The goal is to achieve a fund utilization rate (loans executed/total funds) of 90% or greater. This is one Program Activity Measure (PAM) under EPA's strategic plan for the DWSRF. For FFY 2017, MWQFA is projecting a DWSRF fund utilization rate greater than 95%. The DWSRF could finance approximately \$145 million in additional loans, excluding revenue bond leveraging from capitalization grants (not including 31% allocated toward set-asides annually), State match, repayments, and investment earnings between FFY 2017 and FFY 2021 IUPs (see graph below). This is in addition to the \$475 million capacity on existing IUPs (1997 – 2016). This analysis assumes an annual Maryland Federal Capitalization Grant of ~\$14 million per year. The cumulative loan capacity of the DWSRF is projected to reach \$620 million by FFY 2021.



- Reasonable User Cost** - Ensure drinking water projects are constructed and maintained at a reasonable cost for the users of the system. To this end, DWSRF Disadvantaged Community (DAC) Criteria provides additional subsidies, including loan principal forgiveness, while ensuring reasonable water user rates and financial capacity. In addition, MDE will continue to coordinate with other Federal and State financial assistance programs (e.g., USDA Rural Utilities Service, Community Development Block Grant, Federal Special Appropriation grants) that provide approximately \$15 million/year for water/sewerage system improvements in Maryland.
- Financial Capacity and DAC Assistance** - As part of the credit/financial analysis of potential borrowers, the MWQFA will continue to provide financial advisory services to system owners on the feasibility of their user rate structure and financial capacity to pay back a loan. The MWQFA financial model forecasts future operating cash flows based on existing/proposed user rates using audited financial statements. The model has been an effective tool to assist communities in developing affordable user rate structures and in determining additional subsidies to DACs.

**2. Short-Term Goals/FFY2017 IUP Operating Goals**

**CAPITAL PROJECTS**

- Utility Sustainability** - To provide low-cost capital financing for existing facility (fix-it-first) upgrades for drinking water system improvements necessary to achieve or maintain SDWA compliance. The FFY 2017 IUP funding list identifies several such projects. Fiscal solvency includes reliable and dedicated sources of

revenue for the debt service on capital improvements and the cost of operations and maintenance. Projects that support sustainable elements, such as asset management, or projects that support green infrastructure, such as water/energy efficiency, are awarded sustainability points on the project rating system.

- Additional Subsidization and Eligible Recipients - The FFY 2017 federal appropriation act is assumed to specify the DWSRF provide additional subsidies (e.g., loan principal forgiveness) in the amount no less than 20% of the Capitalization grant and no more than 50% of Capitalization grant. Additional subsidies are provided to DAC applicants in priority ranking order and readiness to proceed to construction until the statutory limit is reached. DAC projects are eligible to receive up to 50% of the DWSRF financing as loan principal forgiveness, not to exceed \$1.5 million per project and/or applicant. In 2015, the DAC eligibility criteria was revised to make it consistent with Water Quality SRF program as follows:
  1. Water user rate per year per Equivalent Dwelling Unit (EDU) > 1% of Community Median Household Income (MHI); or
  2. Project is physically located and benefits an MDE-approved Environmental Benefit District; or
  3. Project is physically located and benefits a community with MHI less than 70% of State MHI; or
  4. Project is physically located and benefits a community in a Maryland County (including Baltimore City) with a high unemployment rate (upper 33<sup>rd</sup> percentile); or
  5. Project is physically located and benefits a community in a Maryland County (including Baltimore City) where the U.S. Census data shows a declining population.

In addition to above criteria, if the statutory limit for additional subsidy has not been reached, up to 25% of the loan amount as loan principal forgiveness (not to exceed \$1.5 million) may also be provided to projects in priority ranking order with readiness to proceed where the water user rate would increase by more than 20% to achieve financial capacity as determined by MDE. Note: No project on the Final FFY 2017 IUP is identified for additional subsidy under this section.

#### SET ASIDES

The MDE WMA will provide EPA a separate work plan by July 2017 for the use of the three programmatic set-asides (2%, 10%, 15%) totaling \$3,809,160. This work plan will include the set-aside goals and details on how these funds will be used. The purpose of the different set-asides is outlined in the Executive Summary.

#### **C. Project Selection and Fund Activities under the FFY 2017 IUP**

Financial Assistance Applications for drinking water projects were solicited by MWQFA in December 2016 through January 2017 from local governments and private water system owners. These applications were rated and ranked based on Drinking Water Project Priority Rating/Ranking Criteria and identified in the Maryland PPL for Federal FFY 2017 and State FY 2019 Drinking Water Funds (Appendix A). The PPL was used to select projects for the FFY 2017 IUP, based on their priority ranking, applicant's interest in DWSRF loan, and readiness to proceed to construction by December 2018 (unless specifically requesting a planning/design phase loan). Projects that are not consistent with the State's smart growth/priority funding area legislation or have technical/managerial/financial capacity concerns will be allocated funding only after any outstanding issues have been resolved (assuming available DWSRF funding capacity), unless the DWSRF funding allocation will address the technical/managerial/financial capacity issue.

The FFY 2017 IUP includes \$30,000,000 in project funding (capital projects loans and grants). Below is a summary of the sources and uses of funds:

Sources:		Uses:	
Federal Cap Grant	\$ 14,108,000	<b>Set-Asides (Non Project Funds)</b>	
State Match (@ 20%)	\$ 2,821,600	Technical Assistance (up to 2%)	\$ 282,160
Est. Repayments	\$ 16,879,560	DWSRF Admin. Expenses (up to 4%)	\$ -
		Drinking Water Program Support (up to 10%)	\$ 1,410,800
		Local Assistance/State Activities (up to 15%)	\$ 2,116,200
		Subtotal	\$ 3,809,160
		DWSRF Capital Projects Loans and Grants	\$ 30,000,000
<b>Total</b>	<b>\$ 33,809,160</b>	<b>Total</b>	<b>\$ 33,809,160</b>

#### Capital Projects (Project Funds)

Table 1 shows funding for DWSRF projects totaling \$30,000,000. The SDWA specifies that a minimum of 15% of all dollars (capitalization grant, State match, repayments, bond proceeds, investment earnings, transferred funds from WQSRF to DWSRF) credited to the DWSRF project fund, shall be used to provide assistance to small systems. The project list includes \$10,828,380 (36%) for small systems.

Funding by Type of Project: The primary objective of the SDWA is to protect public health by providing safe and adequate drinking water through source water protection, treatment, storage and distribution. Accordingly, the FFY 2017 IUP identifies 0% for treatment, 40% for transmission/distribution, 0% for source water protection and 60% for finished water storage.

Subsidies for Disadvantaged Communities: The FFY 2017 grant is expected to specify that no less than 20% of the Federal Capitalization Grant (or \$2,821,600) and no more than 50% (up to \$7,054,000) may be used to provide additional subsidies in the form of loan principal forgiveness to benefit communities meeting the State's DAC Criteria. Table 1 identifies borrowers that may qualify as Disadvantaged; however, the extent of subsidy provided (e.g., lower interest rate, up to 30-year loan term, loan principal forgiveness) is determined based on the DAC Criteria described in Section B-2, above. The FFY 2017 IUP (Table 1) identifies \$3,005,878 (or 21%) of the capitalization grant in additional subsidies in the form of loan principal forgiveness.

#### Program Income (Non Federal)

The MWQFA charges loan fees equal to 5% of annual debt service, which are used for administrative expenses in addition to the 4% of federal capitalization grant set-aside. With this FFY 2017 IUP, the MWQFA is not requesting the federal (4%) funds for DWSRF program administration. Program administration will be funded from loan administrative fees. If the administrative fee is insufficient to cover program operating expenses, the excess will be transferred from the program Total Net Position up to the greater of \$400,000 or 1/5% of net asset limit authorized under the Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016. Based on the most recent audited financial statements as of 06/30/2016, the maximum amount allowed would be \$425,595 (Total Net Position of \$212,797,747 \* 0.2% = \$425,595). The details related to the program income revenue and expenses are provided each year in the annual report. During State FY 2018, MWQFA estimates the fee revenues to be ~\$520,000.

#### **D. Project Scope of Work/Public Health Benefits – FFY 2017 IUP Projects**

The following are examples of the types of projects selected for financial assistance in the FFY2017 IUP.

- Wicomico Regional Airport Water Extension project (rank 1/130 points) in City of Salisbury (Wicomico County) involves constructing 28,266 linear feet of 12-inch water main to connect the Wicomico Regional Airport and surrounding area to the City of Salisbury's drinking water system. The Airport and surrounding area are currently served by wells with iron levels above EPA secondary drinking water standard; lead and copper violations have also been reported. The wells are also at risk from being contaminated from chemicals used in and around airports (e.g., jet fuels and de-icers). Additionally, the facility suffers daily shortage issues that negatively impact operations. Connecting to the City of Salisbury's system will ensure

safe and adequate drinking water to this important business area.

- Ashburton Reservoir Improvements (WC-1211) project (rank 5/102 points) in Baltimore City involves the construction of underground finished water storage tanks. The City is under a Consent Decree to cover or abandon its uncovered finished water reservoirs under the provision of the Long Term 2 Enhanced Surface Water Treatment Rule. This project is cost-shared with Baltimore County (rank 6/102 points), a user of the City's drinking water system. SRF financing is being phased over multiple IUPs. The project will ensure safe drinking water to 720,000 homes.
- North East Water Quality Improvement – Storage Tanks/Mixers project (rank 9/95 points) in Town of North East (Cecil County) involves: 1) installing tank mixers at all seven finished water storage tanks within the Town's water distribution system, 2) acquiring an existing storage tank to create a new pressure zone, and 3) rehabilitating the acquired tank, including the addition of a pump station within it. This project will address disinfection by-product violations and reduce localized high pressures, which have contributed to main breaks. This project will ensure safe drinking water to 3,413 homes.

#### **E. Minority Business Enterprises/Women's Business Enterprises (M/WBE) Participation**

The EPA and MDE have negotiated the new fair share goals for FFYs 2016, 2017, and 2018 based on the Maryland Department of Transportation 2011 disparity/availability study, which showed an increase in availability numbers. As a result, the new MDE goals are 18% MBE and 16% WBE for the "construction" category (total 34% M/WBE).

These goals will be applicable to all projects financed using DWSRF (loans, loan principal forgiveness). MDE provides DWSRF applicants an "Insert" for inclusion in procurement/bid documents, which outlines the M/WBE (%) goals and the affirmative/positive steps necessary to show a good faith effort consistent with federal regulations under 40 CFR Part 33. Failure to meet the M/WBE goals does not preclude the use of the SRF, as long as the good faith efforts can be demonstrated and documented. It is important that the **loan recipients** and their **prime contractors** undertake the necessary affirmative/positive steps to assure that M/WBE firms are afforded the opportunity to participate in SRF projects. M/WBE Program details and forms are available on MDE's web site at [www.mde.maryland.gov/wqfa](http://www.mde.maryland.gov/wqfa).

#### **F. Assurances**

The Department agrees to comply with the Federal program requirements as outlined in the Operating Agreement between EPA and MDE, amended as of April 2014, and further updated as of February 2016.

#### **G. Binding Commitments/Federal Payments**

The projected binding commitments/federal payments schedule is shown on Table 1.

#### **H. Public Review of the Final FFY 2017 IUP**

Applicants that submitted Financial Assistance Applications were sent an e-mail on Friday, April 7, 2017, informing them of the availability of the Draft IUP/PPL on MDE's website. This Draft FFY 2017 IUP was the subject of a public hearing on Friday, May 12, 2017 at 10:00 AM at the Maryland Department of Environment, 1800 Washington Boulevard, Baltimore, Maryland, 21230 (Aqua Conference Room/Lobby). The public hearing record closed on May 19, 2017. The Public Hearing Responsiveness Summary, Hearing Sign-In Sheet, and all comments received are included as Appendix C to this FINAL FFY 2017 IUP. The Responsiveness Summary indicates what actions MDE took on comments submitted.