



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

Jul 20, 2023

David V. Lykens, Director
Baltimore County Government
Department of Environmental Protection and Sustainability (EPS)
111 West Chesapeake Avenue, Room 400
Towson, MD 21204

Dear Mr. Lykens:

This letter acknowledges the Maryland Department of the Environment's (Department) receipt of Baltimore County'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 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 the County's 2022 FAP, the Department has determined that the County has demonstrated that it has sufficient funding in its FAP. The Department has provided more detailed comments in an attachment for the County's information and use. 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 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 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

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
Robert Hirsch, Natural Resource Manager, Baltimore County EPS

Attachment

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

Plan Condition	MDE Assessment and Recommendations
Demonstration of Sufficient Funding	<ul style="list-style-type: none"> • Baltimore County submitted its FAP on December 27, 2022. • A public hearing was held for the FAP on December 13, 2022, and the County approved the FAP on December 22, 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 BMPs and associated costs for FY2023 to FY2027. • For the next two years (FY2023-FY2024), the County showed a total of 1,923 acres of new restoration.
Annual and Projected Costs	<ul style="list-style-type: none"> • The "All Actions" worksheet indicated that projected cost for new restoration to be implemented over the next two fiscal years (FY2023-FY2024) is \$75.1 million. • In the "ISRP Cost" worksheet, costs were reported through FY2027, and the cost for the next two years is \$68.5 million.
Annual and Projected Revenues	<ul style="list-style-type: none"> • The "ISRP Revenue" worksheet included projected revenues through FY2027. • The County reported that revenue for FY2023 and FY2024 (\$68.5 million) is equal to the projected ISRP costs (\$68.5 million).
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 included: <ul style="list-style-type: none"> ○ General Obligation Bonds = \$20.0 million ○ Revenue Bonds = \$20.0 million ○ General Fund = \$9.3M ○ Carryover from Previous Years = \$9.2 million ○ American Rescue Plan Act Funds = \$7.4 million ○ State Grants = \$2.5 million ○ Miscellaneous Fees (Watershed Protection and Restoration Fund) = \$0.2 million ○ Total Funding Sources = \$68.5 million
Specific Actions and Expenditures from Previous Fiscal Years	<ul style="list-style-type: none"> • The Completed Actions worksheet included BMPs and expenditures for 1,405 acres of new restoration, and 471 acres of replacement BMPs completed between FY2019 through FY2023.