



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

Jul 20, 2023

Ms. Shannon Moore, Manager
Sustainability & Environmental Resources
Community Development Division
30 North Market Street
Frederick, Maryland 21701

Dear Ms. Moore:

This letter acknowledges the Maryland Department of the Environment's (Department) receipt of Frederick 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 (Jul 20, 2023 12:58 EDT)

D. Lee Currey
Director, Water and Science Administration

cc: Jennifer M. Smith, P.E., Program Manager, Stormwater, Dam Safety, and Flood Management Program
Don Dorsey, Department Head Stormwater

Attachment

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

Plan Condition	MDE Assessment and Recommendations
<p>Demonstration of Sufficient Funding</p>	<ul style="list-style-type: none"> • Frederick County submitted its FAP on February 24, 2023. • A public hearing was held for the FAP on February 21, 2023, and the County Council approved the FAP on February 23, 2023. • The FAP demonstrated sufficient funding for the projected Impervious Surface Restoration Plan (ISRP) costs for the next two-year period (i.e., FY2023-FY2024).
<p>Actions to Meet Permit Requirements</p>	<ul style="list-style-type: none"> • The plan included an Executive Summary. • The “All Actions” worksheet included BMPs and associated costs for FY2022 to FY2030. • For the next two years (FY2023-FY2024), the County showed 148 acres of continued restoration from the previous permit term/replacement BMPs and 557 acres of new restoration.
<p>Annual and Projected Costs</p>	<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 \$15.5 million, and the projected cost for continued obligations is \$181,200. • In the “ISRP Cost” worksheet, costs were reported through FY2027, and the cost for the next two years is \$19.4 million.
<p>Annual and Projected Revenues</p>	<ul style="list-style-type: none"> • The “ISRP Revenue” worksheet included projected revenues through FY2027. • The County reported that revenue for FY2023 and FY2024 (\$19.4 million) is equal to the projected ISRP costs (\$19.4 million).
<p>Funding Sources</p>	<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 = \$12.7 million ○ General Fund Operating = \$11.8 million ○ Federal Grants = \$0.8 million ○ General Fund Capital Improvement Projects = \$0.6 million ○ State Grants = \$0.3 million ○ Stormwater Remediation Fee = \$0.001 million ○ Total Funding Sources = \$26.1 million
<p>Specific Actions and Expenditures from Previous Fiscal Years</p>	<ul style="list-style-type: none"> • The Completed Actions worksheet included BMPs and expenditures for 61.7 acres of continued annual practices, 708.3 acres of restoration to replace annual obligations, and 18.2 acres of new restoration completed between FY2018 through FY2022.