



# Maryland

Department of  
the Environment

Larry Hogan  
Governor

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Ben Grumbles  
Secretary

OCT 17 2016

Mr. Adam Ortiz, Director  
Department of Environment  
Prince George's County Government  
1801 McCormick Drive, Suite 500  
Largo, MD 20774

Dear Mr. Ortiz:

This letter acknowledges the Maryland Department of the Environment's (MDE) receipt of Prince George's County's 2016 Financial Assurance Plan (FAP) and 2016 Watershed Protection and Restoration Program (WPRP) Annual Report as required by the Annotated Code of Maryland. MDE received an e-mail from the County that included both reports as well as additional information on June 30, 2016.

Chapter 124 of the Acts of the General Assembly of 2015 requires MDE to make a determination regarding the sufficiency of funding in each FAP filed with the Department. For any FAP filed on or before July 1, 2016, funding in the FAP is sufficient if the FAP demonstrates that the County or municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the FAP, 75% of the projected costs of compliance with the impervious surface restoration plan (ISRP) requirements of the County or municipality under its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit over that 2-year period. After reviewing Prince George's County's 2016 FAP MDE has determined that the County has demonstrated that it has sufficient funding in its FAP.

Below are more details regarding MDE's findings:

- The County's FAP has not been approved by the local governing body, which is required by the law.
- Within three years, the County proposed to obtain 911 acres of credit through 91,100 linear feet of stream restoration. Because stream restoration projects can take several years to complete, the County may need to implement back-up best management practices (BMPs) should stream restoration projections fall short during the course of the permit.
- The County has over-estimated the amount of credit achieved through their street sweeping program. As a result, the County will need to adjust implementation strategies to ensure that restoration targets can be met.
- The County proposed several BMPs, including septic upgrades and redevelopment credits that can be implemented through the normal development process or independently by homeowners.



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These affordable BMP options provide great opportunities for citizen outreach and ISRP implementation, and should be maximized.

MDE has provided additional review comments in an attachment for the County's information and use. Please provide a response to MDE's comments in subsequent FAPs and WPRP Annual Reports. MDE requests that WPRP Annual Reports be submitted in coordination with the NPDES MS4 Annual Reports, beginning on January 2, 2018. The County's next FAP will be due in coordination with its January 2, 2019 Annual Report.

MDE recognizes the substantial effort required to create the FAP and WPRP Annual Report. Prince George's County is commended for its effort in developing and implementing this very important environmental program for improving local water resources and restoring the Chesapeake Bay. If you have any questions regarding this review, please contact me at 410-537-3543 or Brian Clevenger at 410-537-3554, or [brian.clevenger@maryland.gov](mailto:brian.clevenger@maryland.gov).

Sincerely,



Lynn Buhl, Director  
Water Management Administration

cc: Brian Clevenger, Program Manager, Sediment, Stormwater, and Dam Safety Program

Attachment



**Maryland Department of the Environment  
Prince George's County 2016 Financial Assurance Plan  
September 2016**

<b>FAP Condition</b>	<b>MDE Assessment and Recommendations</b>
<p>Demonstration of Public Participation and Sufficient Funding</p>	<ul style="list-style-type: none"> <li>• Prince George's County submitted its Financial Assurance Plan (FAP) on June 30, 2016.</li> <li>• The County has yet to provide a public hearing or local approval of the FAP. A public hearing will be scheduled after the County Council reviews the draft FAP in September 2016.</li> <li>• The County held a public hearing on October 11, 2016. The County is required to provide approval from the local governing body prior to Maryland Department of the Environment (MDE) making a formal decision. In the interim, MDE provides the assessment and recommendations below for the County's use.</li> <li>• The County's draft FAP demonstrates sufficient funding for the projected Impervious Surface Restoration Plan (ISRP) costs for the next 2-year period. The County's revenue represents exactly 75% of the costs (i.e., \$104 million in revenue versus \$139 million in cost). The County's next FAP submittal must show 100% funding of the ISRP permit requirement.</li> </ul>
<p>ISRP Baseline</p>	<ul style="list-style-type: none"> <li>• MDE approved Prince George's County's impervious area analysis indicating that there are 30,524 impervious acres in the County with little or no stormwater management. The County's current permit requires that 20% of that area, or 6,105 impervious acres, be restored during the course of its permit term (i.e., 30,524 untreated acres * 20% treatment requirement = 6,105 acres). The 6,105 impervious acre requirement is also known as the ISRP baseline.</li> </ul>
<p>Actions to Meet Permit Requirements (“All Actions” worksheet)</p>	<ul style="list-style-type: none"> <li>• Prince George's County's FAP includes an executive summary and outlines the necessary actions and costs required to meet Municipal Separate Storm Sewer System (MS4) permit conditions.</li> <li>• The “All Actions” worksheet has documented general categories of BMPs to show how the 20% ISRP requirement will be met during the current permit term.</li> <li>• The “All Actions” worksheet identifies three completed projects; however, these projects should be reported in the “Spec Actions” worksheet to avoid double counting.</li> <li>• There are several BMPs identified in the “All Actions” worksheet that offer an extraordinarily large credit. For example, in Fiscal Year (FY)2017 wet pond wetlands (WPWS) will treat 774 acres, bioretention practices will treat 429 acres, and another wet pond wetland proposal is identified in 2016 to treat 220 acres.</li> <li>• The County should provide more information regarding how these large projects have been identified. For example – clarification of whether the 774 acres for wet pond wetlands is for numerous ponds (i.e., 1 pond retrofit or hundreds).</li> <li>• The County did not provide projected best management practices (BMPs) for FY2020 in the “All Actions” worksheet.</li> <li>• Future FAP submittals shall include clarifications or additional data for the</li> </ul>

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FAP Condition	MDE Assessment and Recommendations
	above-noted deficiencies.
<p>Annual and Projected Costs</p> <p>("All Actions" and "ISRP Costs" worksheet)</p>	<ul style="list-style-type: none"> <li>• Annual costs have been reported for FY2014 and FY2015.</li> <li>• Projected costs have been reported for FY2016 through FY2020.</li> <li>• The formulas provided in the "ISRP Costs" worksheet are acceptable.</li> <li>• Prince George's County reports that 139 acres of restoration have been completed and cost \$3,563,000. This averages out to be \$25,633 per acre of impervious area restored.</li> <li>• The County has used septic upgrades and redevelopment credits which allow for more cost effective treatment strategies. The County should expand the use of cost effective solutions where appropriate for meeting impervious area restoration requirements.</li> <li>• Based on the FAP information, the County has a realistic budget to support the projected costs for meeting the remaining ISRP permit requirement.</li> <li>• The reported costs budgeted in the "ISRP Costs" worksheet correspond correctly to the costs projected in the "All Actions" worksheet.</li> <li>• The County proposed approved BMPs according to MDE's MS4 geodatabase.</li> <li>• One project proposed in FY2017 does not have a cost or impervious acre credit. The County should clarify why this information is reported.</li> <li>• Annual BMPs for street sweeping are properly recorded for under Operational Programs. The street sweeping implementation proposal for 2,000 acres of impervious area, however, is not consistent with MDE's MS4 Guidance. The County provided calculations to justify the 2,000 acres of credit and MDE advised the County that an error was made in the calculation. The correct credit would be 121 acres of impervious area restored.</li> <li>• In one situation, a dry extended detention facility is proposed (FY2018) for treating 142 impervious acres. This type of BMP is not acceptable because it provides little if any water quality treatment.</li> <li>• In FY2019, an unrealistic amount of credit is anticipated for stream restoration. The credit claimed for 911 acres would require over 91,100 linear feet of stream restoration. MDE has advised the County in past annual report reviews (FY2014 and FY2015) that the County should plan to use stream restoration at a realistic rate that considers past implementation efforts. In response to this comment, the County's 2015 Annual Report showed stream restoration implementation at 5,000 linear feet per year. Further, the County's Annual Report specifies that, a total of 75,000 linear feet of stream will be restored by 2030. Therefore, the County's proposal in the FAP to restore 91,100 linear feet of stream within three years is not consistent with the implementation plan specified in its 2015 annual report.</li> </ul>

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FAP Condition	MDE Assessment and Recommendations
Annual and Projected Costs	<ul style="list-style-type: none"> <li>• Due to the concerns identified above, the County will not receive the credit anticipated for the dry pond (142 acres), street sweeping (121 acres allowed, versus 2,000), and stream restoration (150 acres versus 911). This analysis indicates that the County may be far short of reaching its ISRP (3,429 vs. 6,105) by the end of its permit term.</li> <li>• The County needs to re-evaluate its BMP implementation efforts in its FAP and recent annual reports and develop a proposal that is realistic for meeting the ISRP permit requirement.</li> <li>• All BMP discrepancies noted above will need to be resolved in future FAP submittals.</li> </ul>
Annual and Projected Revenues  ("ISRP Revenue" worksheet)	<ul style="list-style-type: none"> <li>• Revenues have been reported as required for the appropriate fiscal years.</li> <li>• The formulas used in the "ISRP Revenue" worksheet are correct.</li> <li>• The reported ISRP revenue equals 75% of the funds needed toward the ISRP permit requirement (\$104 million in revenue versus \$139 million in cost). This is acceptable, however, the County needs to develop more funding sources to meet the final 25% of funds needed to complete restoration requirements by the end of the permit term.</li> </ul>
Funding Sources  ("Fund Sources" worksheet)	<ul style="list-style-type: none"> <li>• The "Fund Sources" worksheet is complete and the formulas are correct.</li> <li>• Sources of funds for the next two years includes: <ul style="list-style-type: none"> <li>○ Bonds = \$104M</li> <li>○ Stormwater Remediation Fee = \$90M</li> <li>○ Clean Water Act Fees = \$29M</li> <li>○ Total Funding Sources = \$211M (minus debt service payment of \$12M)</li> </ul> </li> <li>• The County has demonstrated that the sum of funding sources exceeds the projected revenues. This discrepancy should be resolved or explained fully in future FAP submittals.</li> </ul>
Specific Actions and Expenditures from Previous Fiscal Years  ("Spec Actions" worksheet)	<ul style="list-style-type: none"> <li>• Prince George's County has reported specific actions and expenditures that reflect completed restoration projects and operational programs for FY2014 and FY2015.</li> <li>• The formulas in the "Spec Actions" worksheet are correct.</li> <li>• The 139 acres of restored impervious area have been properly transferred to the "All Actions" worksheet.</li> <li>• The County has reported completed BMPs for site specific projects with one exception. There is one BMP on row 31 that has zero treated impervious acres that needs to be clarified.</li> <li>• Future FAP submittals should provide subtotals for operating expenses, capital improvement projects (CIPs), and other projects to be consistent with MDE's FAP template.</li> </ul>

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<b>FAP Condition</b>	<b>MDE Assessment and Recommendations</b>
Future WPRP and FAP Reporting	<ul style="list-style-type: none"><li>• Prince George's County's next Watershed Protection and Restoration Program (WPRP) Annual Report will be due in coordination with the County's January 2, 2018 MS4 Annual Report.</li><li>• The County's next FAP will be due in coordination with its January 2, 2019 Annual Report.</li></ul>