

Open Work Session
Discussion on Draft Water and Sewer Master Plan
November 16, 2021

Mr. Pete Bozick, P.E., and Ms. Katherine McAllister, P.E. of George, Miles and Buhr (GMB), and Mr. John Psota, Acting County, Executive, came before Council.

Mr. Bozick said it is his understanding that they are here to talk about issues the Council is interested in regarding prioritizing which projects to move forward. He said he understands there was a request for a map, which was prepared by Mr. Frank McKenzie.

Mr. Holloway said he thinks they need to nail down what the priorities are and if they are going to do a pilot system first. He said his concern is that the majority of problems they talked about at the last meeting are on the outskirts of Salisbury and the most concentration of failed systems is on Route 846. He then asked if the dots on the map represent systems that have failed, to which Mr. Bozick responded, to his understanding, that is a record that was accumulated over the last two years and represents new listings the Health Department has of where they had failures. He said they have looked at those areas in relation to their sewer service areas, and the majority of those failures are going to be covered within the sewer service areas.

Mr. Bozick said, regarding the question of having a pilot project, it would be helpful to lay the ground work of what that would mean exactly and how it is going to benefit the County. He said he is thinking in terms of starting an example project to go through all the steps of that project - planning, design, operations, and then a final check in terms of what the actual costs are, and then they try to improve upon that with the next project; however, that type of thinking or approach is not really what they are trying to do here in the master plan. He clarified, from simple terms, it sounds like a good approach, but at this point where they are in the master plan, they have identified five priority areas for the County to pursue and build utility infrastructure. He said, on the other side of the equation, there are an equal number of septic tanks that they think need to be addressed through extension of municipal services. He said one example is Tony Tank identified as a failing septic subdivision, and this report recommends that it be served by extension of Fruitland, so that needs to be done.

Mr. Holloway said Route 346 has been mentioned as an area the City may assume, but they never heard from the City whether they were going to do that. Mr. Bozick pointed out that the Water and Sewer Master Plan was just accepted two weeks ago, so now the Executive's Office can approach all of the municipalities and lay out what these problem areas are and start that dialogue with the City on the most cost-effective way to serve them.

Mr. McCain said obviously Salisbury has the largest system, but a few years back they adopted the policy that they were not doing urban service districts anymore, but given the scenario they are looking at, he thinks the City might have to revisit that. Mr. Bozick said it was not just the City, it was sort of adopted, whether formally or informally, by all the towns and cities where they wanted annexation. He said some of the cities and towns may even still want to enforce annexation, but they do not have capacity at their treatment plant, so they will have to work to get additional discharge capacity and work with the County to increase the size of their plan and service.

Mr. Bozick said it is important to think about this in terms of the number of units they are talking about. He said there are about 18,000 septic systems in the area, and there are 18,000 that are already connected to central sewer. He said, out of the 18,000, they have identified 6,000 that are in the agricultural zoned areas or the tier 4 areas as rural areas, and those will always stay septic tanks. He said, in the plan, they have specifically called them regulated on-site disposal system areas. He said the key to that thinking is that the Health Department can focus on the areas that are always going to be septic systems far into the future.

Mr. Dodd asked Mr. Bozick to explain what on-site disposal is, to which Mr. Bozick responded, on-site disposal systems (OSDS) is the terminology used at the State level and the regulatory environment that encompasses both the treatment of the septic tank itself, which provides some level of treatment, and then they use another term, best available technology (BAT).

Mr. Bozick said there is money available through the Bay Restoration Fund to upgrade and improve some septic tanks that will reduce a certain percentage of nitrogen. He clarified, they will not reduce as much as they would if they put in an advanced treatment plant, but they will do some. He said then they also have drain field disposal, and that is a problematic area for this County in particular and the low-lying Counties in the State where drainage is not that great. He explained, if they have very sandy soil and they do a perk test and it drops more than an inch in two minutes, that is not good for drain fields either, but, if it is too slow, it is not going to be permitted. He said they also have a fair amount of issues with the soil conditions, but they really have an issue with hydrology. He said the soils in combination with the hydrology make it challenging to put in drain fields. He clarified, by hydrology, he means the groundwater tables. He said, in a lot of cases, the groundwater tables are just too high to the surface and the State does not want to permit drain fields because they are not going to get enough soil renovation or attenuation of the nitrogen through the soil, but they also have cases where they have clay layers or restrictive layers, so there are different things that do not let the water drain. He clarified, it will drain initially in the first couple of feet, but then it hits some layer of clay or some restrictive area, and half the water might go through, and the other half sits on top, and then over time the groundwater comes to the surface only because it is mounding on top of the restrictive layers. He said that combination of things in particular along with the age of the house and it has been going on for 40 or 50 years, the mounding gets up there, and with the rainfall, it just exacerbates the problem. He said they have identified any number of hardships or difficulties with continuing to try to force onsite disposal systems on these properties within the County.

Mr. Cannon said he thinks Section 1 on page 8 seems to condense the report itself; whereas they have 10,000-11,000 that are going to have to be in cooperation with the cities or the unincorporated villages, to which Mr. Bozick responded, yes, they will have half with the cities and half with the County. Mr. Cannon said that is one goal, and the second goal is looking at the subdivisions in the County, and then they are talking about 5,000 they will have to figure out through the Health Department. He said their focus really is the 10,000-11,000 and the subdivision communities of about 5,000. Mr. Bozick clarified, half of the 10,000-11,000 include the rural villages and the subdivision communities, and then the other 5,000-6,000 get extension to municipal systems.

Mr. Cannon asked if they think this will be a two-pronged approach where they would be trying to work with the municipalities and at the same time try to figure out the viability of actually putting the standalone facilities in some of these other areas, to which Mr. Bozick responded, exactly. He said they

have that two-prong approach, so their priority recommendations in terms of next level planning are the five services areas and the track where they approach the municipalities. Mr. Psota added, it is a public health issue. Mr. Bozick said, as much as anything, they have public health reasons to justify doing it and that alone is justification for doing it, but they also have environmental reasons to do it, and also cost reasons to do it. He clarified, they do not want to spend money that is going to go down the tube in ten years because they just repair it and then it does not last.

Mr. Cannon asked if they think they will be heading towards a centralized system or a decentralized system in the subdivision areas, to which Mr. Bozick responded, where they think they are going to go is called decentralized systems, and sometimes called distributed systems, which is a new kind of system that is coming across the country in terms of trying to manage central utility systems. He said the other distinction is that they are still calling these areas rural, so they are talking about the County putting central sewers into rural residential units, and they are still saying those areas that will be served by municipalities are urban residential areas. He said they create this division and develop it as a decentralized or distributed type systems where they are smaller systems that serve those areas where they want growth, but they do not have interconnections that makes it hard to prevent growth in a sprawl type fashion. He said the County is going to have utilities for rural residential systems.

Mr. Holloway asked if Mr. Bozick sees any difference in this map compared to what Mr. Bozick did with his map, to which Mr. Bozick responded, it coincides to what they expected. He said he will point out that Mr. Holloway has mentioned the east side corridor and Chesapeake Heights quite a bit, but they have probably done a disservice to all the other areas that are very comparable. He said there is West View, West Lake, Overbrook, the Manokin area, and Wellington Estates, and they are all on par with Chesapeake Heights. Mr. Holloway asked what they will do if they take the area of the 346 corridor and go to the City, but the City says they are not interested in serving it or annexing it, to which Mr. Bozick responded, that is a hypothetical. He clarified, theoretically, it could happen, but his answer depends on a lot of different factors, and they are not at that point.

Mr. Holloway said he was in a neighborhood yesterday on Atlantic Avenue that has septic issues, and there is a neighborhood on Pineway, to which Mr. Bozick responded, all of those areas have the same issues. Mr. Holloway said the City has never offered services and never wanted to annex because, he would assume, there is not much of a tax base there, to which Mr. Bozick responded, that could change with water and sewer. Mr. Holloway said they could have changed it all along, to which Mr. Bozick responded, one of the premises they worked with when going through this is that they learned the way everything evolved. He said there is really no strong basis to try to argue that somebody failed here or there, or say it is the Health Department's fault, or the City's or County's, so they can say it is all in the past, and it truly is in the past. He said the people made the best choices at the time they made them, and he does not see a strong rationale to try to say the City should have done this, or the County should have done that. He said they are where they are, and what is clear now is that what they call urban residential areas need central sewers, and that is what they are proposing.

Mr. Psota said, to Mr. Bozick's point, not looking behind them, but looking forward, they now have a framework to begin a dialogue with the municipalities, and, at the end of the day, again, he came from a municipality and he knows what their perspective was at that time. He said, as far as pilot programs go, they could look at Morris Mill as a pilot program. Mr. Holloway asked if that was a pilot program that was hooked to a municipality, to which Mr. Psota responded, yes. Mr. Holloway clarified, he is talking

about a pilot program as far as a centralized system the County runs, to which Mr. Bozick responded, all of these priority projects would be run by the County.

Mr. Bozick said the master plan is a high level plan of the overall County, and they have five priority areas plus the separate track of the City areas, so the next step is more planning. He said this plan does not do everything, so they have to do on-the-ground planning for each individual area, which will take the shape of starting to prepare the Water and Sewer Plan amendments, start identifying on a street-by-street basis who is going to get served in these projects, and it is more cost effective to do it across the board. He said eventually some of these projects are going to be further along than others, and then they can pick their pilot project. He said a pilot project has three criteria, and some of the projects are based purely on public health, and they have to do it for public health regardless of the cost or the type of unit, and that may solve that problem, but is not necessarily a good pilot or model for the rest of the County. He said then there are other places where it is environmentally critical, and in other places it just makes more sense economically. He said they may want to pick one that is most economical that they could get the lowest unit cost because that might help them in a certain area, and that area might be something like the Coulbourne Mill area where they have a lot of subdivisions and a high number of houses, but that does not really set a good model for solving the problems of the urban communities butting up against Salisbury or Fruitland. He clarified, they are saying to keep planning on an individual project level, do the five that they are talking about in the plan, plus the track with the cities, which means doing the Water and Sewer Plan amendments. He said Tracy Gordy with the State is working on priority funding. He said they can get the Maryland Department of Planning to buy into this concept, who will keep them on track with smart growth, but if they have overstepped in this master plan and made it a little too expansive, the State will tell them they can do it, but they will not pay for it.

Mr. Dodd asked if anyone had a chance to see how much funding Maryland may be getting with the Infrastructure Bill, to which Mr. Bozick responded, they are generally aware of that, and all he can say is that he does not know exactly what that number is, but it is here now and it was not before, and it behooves them to try to get on top of it as best they can and take advantage of it. He said they need to get their ducks in a row with the planning efforts, so if they qualify they will be high on the list to qualify.

Mr. Bozick said the other thing with planning is that they get the Water and Sewer Plan amendments, but then they have to get discharge permits, so that is big on the County side. He said, before they have a discharge permit, there is no need to go into design or pick out a pilot project until they know they actually have capacity to discharge, and then they work backwards. He said, at this planning level and with priorities, keep planning for the five priority areas, allow Mr. Psota to work with the municipalities, and try to get all of those projects to the point where they can seek funding and see which one is going to be in the sweet spot with funding and just keep balancing the finances with the environmental impact and make sure they are on smart growth targets and start implementing these projects. He said they will be a distributed decentralized type system, and if they project out in an ideal world, his dream scenario is that with the digitalized system they are able to do, he could foresee the County's position and then talk to the small towns. He said it seems to him like that is a good marriage where they could all cooperate and work together, and if they look at a model, they have all been through it with the fourth industrial revolution. He clarified, they used to have travel agencies everywhere, but now people do not have to go to travel agencies because they do things online, and it is that kind of a paradigm that could happen in the water and sewer business. He said, if the County with their centralized system gets broadband everywhere, which is important to get broadband everywhere, and if Choptank ever decides

to do water and sewer, that could be an option. He said it is important to know what that company is and which one is going to be the most easy to work with for the County so when they are monitoring all of these places, which one is going to be the most efficient, effective, reliant or resilient, and that they all talk to each other because sometimes they do not talk to each other, and set up their County utility system taking advantage of digital technology, and then eventually rolling it out to the towns because what they are doing in these rural villages is not too different than what these towns have done. He said, if Chesapeake Heights had been in Hebron or Willards, they were forced to do it in the 70s and 80s, and they did it. He said these areas should have been forced to do it, but they were not. He said Maryland is the first that the County is going to own and operate that system within the municipal limits of Maryland, plus a little extra, including the school if the State will let them with smart growth.

Mr. Holloway asked if it is better to discharge into creeks or to spray on farmland, and which is the easiest to get, to which Mr. Bozick responded, in theory, irrigation is going to be environmentally better, and on a broad level they would think it is better, but the soils do not drain all that well. He said, if they take a community with 400-500 houses that all have problems and are putting in a certain amount of nitrogen into the groundwater, and then they put sewers in and collect it all and then put it on another piece of property, then they concentrated on another 300-400 acres of good farmland draining soils, and now they are going to have lower concentrations of nitrogen, but they are going to put a lot of nitrogen in a small area with land application. He said generally nobody wants to do stream discharges.

Mr. Bozick said the numbers are in the plan of where they have identified all the septic tanks, and they have identified what their nitrogen loading is in terms of State regulations and critical areas. He said septic tanks load the groundwater system by 18 pounds a year, areas that are near streams are going to load the watershed by 11 pounds per year, and then other areas away from streams are loaded by 7 pounds per year. He said they are going to try to get a net reduction in environmental impact by taking the discharge going in the groundwater and only put a small percentage of that into the stream discharge if they can get it. He said, looking at the five areas he talked about, Maryland and Parsonsburg seem to be more likely where they would look for either stream discharge or land application. He said they looked at Whitehaven and Tyaskin, and they do not see land application being feasible anywhere there. He said Coulbourne Mill does not have really good draining soils in that area, but they do not really have a lot of streams in that area either.

Mr. Dodd asked if that means they would do a package plant, to which Mr. Bozick responded, they are all going to have package plants. He clarified, package plant is an ambiguous term that means a lot of different things for a lot of different people, and some have good connotations, and some not so good. He said package is generally talking about pre-engineered, pre-manufactured where they take a number of the treatment processes and try to build them and truck it to the sites. He said they could take advantage of some of that, but they would go a step beyond that to add to it, as they are limited because they only take so many unit processes they can put in a package. He said they still have stuff before it gets the treatment process where they have to get the trash and sticks out of there, and there is stuff on the tail end of it when it comes to disinfection before they discharge, so truly there is never a true package. He said, in terms of modular treatment units and a certain technology, they want to pick one that is going to be uniform throughout the County so they will have the benefit of all the places having the same thing so that, when the operators go from plant to plant, they are all looking at the same things and their control center is looking at four or five of the same things, and they are getting economies that way.

Mr. Bozick said they are looking at trying to get in the position in the spring to hire the experts they need to help them approach the State for discharge permits for those five areas across the board, and that will be a combination of stream discharge and land application, so they will see what happens. Mr. Dodd asked if that would be March or April, to which Mr. Bozick responded, he would like March or April in terms of having the person hired and have it in the budget so that on July 1 they can submit applications to the State, presuming everything is in the Water and Sewer Master Plan, they know it is a priority funding area, they have a sense of what the grant funding is going to be, and the tier maps are approved. He said, when they approve the tier maps, it kind of clarifies what is going to be the future responsibility of the Health Department and what is not. He said it is really concerning that the Health Department is being drug into so many of these areas that are really urban areas and it is suggested they be served by extension of City sewers, and they are still putting pressure on the Health Department to try to carry it along. He said it is a big ask for the Health Department to try to solve these problems because they do not meet the State regulations, and no matter how much they talk to Ben Grumbles with MDE, they are not going to change the State regulations for certain houses in these areas, but it will be instructive for the Health Department to know that planning is in the works to put in central sewers. He said they are going to get to the point very soon where the Health Department is going to say they have to do holding tanks, and they are pretty much there already. He said, if they want to follow the regulations, the solution for the people in the urban areas is septic tanks.

Mr. Cannon asked if they should meet every six months for the best use of everybody's time? He said he thinks quarterly sounds like it is just not going to work and will be a waste of everyone's time. He clarified, he knows this is something that will depend on the Executive Branch, to which Mr. Psota responded, he appreciates the question. He said, as they continue down the path of implementing projects and identifying them, as they have the need to come before Council for approval of projects or to advise Council of what they are looking at, yes, at least every six months, unless something comes up before then, and then of course they would come before Council. Mr. Cannon said they always get really antsy because people will ask him what is going on with the Water and Sewer Plan and he does not have the details for them, so it is always good to be in the middle of it all. He said he thinks six months is probably a good timeframe, or sooner if things really pick up. Mr. Bozick suggested a discussion between the Legislative parts where it is their decision and they have to act on it and they need information to make a decision, and save Council from the nitty gritty details that Mr. Psota needs to work on. He said he does not know if they should meet every six months or three months because it is not going to be that neat and orderly. He said part of the executive summary has guiding principles, and he thinks the first part mostly goes back to the Council. He said, as for the issue of if they are going to prohibit private treatment plants in the County, he thinks that is going to justify some type of Legislative action, and that is something the Council can discuss apart from what Mr. Psota is doing on lining up these districts.

Mr. Dodd said six months puts them into May and they are talking about hiring somebody in March, so they may want to meet in March or April. Mr. Cannon clarified, he just said six months at a minimum, and they all know that Mr. Psota will be coming back to Council, to which Mr. Psota responded, he is trying to be as transparent as possible. He said he would not do anything under the covers, he wants to come before Council and absolutely let them know what is going on.

Mrs. Acle asked if they need to start writing Legislation for this, to which Mr. Wilber responded, in terms of private systems, he thinks, as the code stands right now, they can have private systems. Mr. Holloway asked if they want to outlaw it because it might be a situation where it could be beneficial to have one,

to which Mr. Wilber responded, at this point it is premature to make a call on that, so they should let GMB get further down the road with their analysis. Mr. Dodd said he would like to see where this goes before they make that decision, to which Mr. Bozick responded, he thinks the Council is the right forum for those types of discussions because they have big implications and precedence throughout. He said the Council is going to need the pros and cons, which have not been discussed, but they need that type of information. He said there are a few factors in the plan, but a lot of it is related to disposal permits and protection of the environment. He said, in Chapter 4 about the technology, it is hard to get disposal capacity, and it should be used for the public good. He said private companies can go to the State and get discharge permits, but they are affecting the County's environment, which ultimately the County is responsible for, and they do not want to take a chance with the County's environment and water resources. He said, if an intermediary private company fails, the County takes it over. He said, on the other hand, people do not want to deny public enterprise, but he thinks that is a forum for the Council to decide, and they will try to give them some of the pros and cons. He said they are also saying the Legislative can allow private water systems, and an example would be Steeplechase. He explained, the water industry is different in that they have a good supply of water, so it is not out of the realm that someone can go to the State and get an appropriations permit for water.

Mr. Dodd asked where they go from here because Mr. Bozick is saying that the number one priority is the five priority areas, to which Mr. Psota responded, at the planning level, on-the-ground planning because, when they do this water and sewer plan, they are actually going to outline the areas and they will know what is in and what is out by street.

Mr. Holloway said he thinks the next step would be for Mr. Psota to work with the municipalities, to which Mr. Psota responded, it is a parallel track. Mr. Bozick said Mr. Psota is on target with this, so he gets what they are trying to do, and he articulates it better than he can. He said Mr. Psota is on a parallel track and has been thinking about all of this stuff. Mr. Psota said Mr. Bozick has said they need to crawl before they walk, and right now they are starting to crawl, so they are going to be working the Legislative track and the municipality track, and identifying the priority list and making applications, etc., and it all kind of goes together, but the idea is to keep it moving forward.

Mr. Bozick said, for the septic tank issues in some of these areas, he likes to compare it to a knee replacement. He said someone can qualify for a knee replacement, but a lot of people put it off and say they know they need a knee replacement but they are going to get the shots, or they are going to use a brace, and by delaying these systems, that is kind of what they are doing. He said they are doing things to extend the life of these septic drainage systems, and it is way past time.

Mr. Holloway said he finds it amazing that they can send a spaceship to Mars but cannot solve the problem of a septic system in someone's yard.

Mr. Hastings said, as much as possible, of course they need to make sure this is a net reduction that they are continuing to focus on the environment. He said, at the same time, they still have to grow as a community, and they still need new homes and try to do that in the right way. He said obviously they have a terrible history of sprawl development, which has led to what he hears from his constituents, which is the majority of the City, is that they are already paying more taxes than they deserve because they are paying more than the rest of the County taxpayers who are not paying enough. He said they already know the long history with the tax differential, so, as much as possible, they will tell him that they want to make sure they are not paying even more. He said, as they continue to evolve their

systems and hopefully connect the rest of the County, especially in the City of Salisbury and the Fruitland area, they need to be sure they are not paying more than they should. Mr. Bozick responded, that is a good point, and he has been aware of that from day one. He said it is a heavy lift for everyone, and everyone has to help each other out to try to protect their pocketbooks. He said they should get help from State and federal money that is there for this particular purpose where they can, and take the burden off each other, and it is not going to work if they try to shift it around.


Mr. Bozick said they have to understand, when they talk about Whitehaven, Nanticoke, Tyaskin and Bivalve, they have other issues other than just septic issues. He explained, they have flooding sustainability issues, coastal resiliency issues, and climate change issues, so when they take these projects to the next level with water and sewer planning, they are going to get reaction and feedback from the State as far as addressing how this climate impact is going to change, and as much as they may want to fund something, they are going to have concerns about whether this utility is going to last into the future, so that is going to be another wrinkle into those areas. He said his thought here is they need to get that now. He clarified, they do not want to have a situation that was in the newspaper about Fitzwater Street that is now an emergency, but they have known that for years, and that aspect is going to affect a couple of their service areas.

Mr. Dodd asked, talking about the five priority areas, do they pick one, or do all five, to which Mr. Bozick responded, at this planning level, they do all five of them. He said they do as many as they cost effectively can now because they are going to have public hearings and all of these different areas will come and say they want to be in or they do not want to be in, etc., so they have to hone in on drawing these boundaries at the ground level and then match that up with discharge capacity. He clarified, they may make it big and think it works and it is cost effective, but then they may not have discharge capacity. He said they have definitely looked at overall loadings and smart growth, and they have looked 100 years into the future. He said they looked at all the nitrogen loads from the septic tanks and put the rural central sewers in and reduced the total nitrogen nutrient load into the watershed down to one-third of what it is now, and hopefully that is a big improvement to the Bay Watershed. He said, if they double over the next 100 years, that one-third load becomes two-third loads, and can the Chesapeake Bay Watershed sustain that? He said, when that grows from one-third to two-thirds, what they are saying is they are growing population from 100,000 to 200,000, so they are growing, but it has to be with the smart growth, and the Planning Department and where they want it to be.

Mr. Cannon said he appreciates Ms. Tracy Gordy being in the audience and Alan Gerard from the Chesapeake Bay Foundation. He said they are always interested in the best interest of Wicomico County, and he appreciates them being here.

Mr. Bozick said the environmental community is going to be important and they have a natural resources committee that Mr. McCain is on in the County, and they are going to have to reach out to the environmental community so, when they go for the discharge permits, they get their buy-in and it is acceptable to them.


Mr. Dodd thanked everyone and said he looks forward to meeting with them in the future. He said, if anything comes up sooner, let them know. There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5




John T. Cannon, At-large



William B. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator