

**Open Work Session
February 18, 2020
MS4 Permit Update**

Mr. Dallas Baker, Director of Public Works, came before Council and said he was asked to give an update on MS4 progress so far, which is the municipal separate stormwater sewer system permit. He explained, basically, this is a new permit for the County, but not necessarily new for their area as Salisbury has had one, and there are several Counties on the Western Shore that have had them as well. He said it covers the treatment of stormwater off impervious areas before it enters into the rivers and Bay, so, basically, environmental cleanup efforts, and also some public education and outreach.

Mr. Baker said they are working off Table 1, which was given out last year and gives the year one development guidelines for what needed to be completed. He said this included developing impervious area baseline assessments, which is figuring out how much impervious area they have in the County and how much they have to treat, and the permit says they have to treat 20 percent. He said they developed a restoration plan for those areas, assessed opportunities and timelines for implementing water quality best management practices, assessed opportunities to develop partnerships with other national pollution discharge elimination system permittees, and, finally, determined funding needs and developed a long-term budget. He said all of this information was submitted to the Maryland Department of Environment (MDE) in October, which is when they have to submit their annual report. He said the reporting years for these permits follow the fiscal year, July 1 to June 30, so the information they presented in October to MDE is what they did as a County from the previous July to June period.

Mr. McCain asked, when Mr. Baker says "the County", does that encompass municipalities, or do they actually do that separate from the County, to which Mr. Baker responded, yes. He clarified, Salisbury has its own separate permit, and so does Fruitland, but Delmar is exempt. He explained, for some reason, the way MDE drew the boundaries it reaches out to Hebron, which is included in the County's boundary. He said, if Council looks at the City boundary and the urban core, they have the Salisbury boundary, but then they go out another inch around that boundary and that is the County's urban core, so there are areas that are contiguous to the Salisbury boundary that are technically in the County but are developed to the density such that MDE lumps them into what they call the County metro core. He said the nice thing about their permit is they can do any of these treatment projects anywhere within the County to meet that. He clarified, even though MDE shows an impervious area, such as the car dealerships on the north end of town, which are technically in the County, they could end up doing a project in Sharptown to treat impervious area and get credit for that, so they have a lot more flexibility with their program than someplace like the City whose boundary is finite. He said the County has a much larger boundary. Mrs. Acle asked if this would include Sharptown, to which Mr. Baker responded, no, Sharptown is not included, although they can do projects in Sharptown, and they are going to do projects in Sharptown.

Mr. Baker said the first item is the baseline assessment. He said the total impervious acreage in the County is 3,400 acres, but they can subtract any projects completed between 2002 and 2006, which leaves them with an untreated acreage of 3,339 acres of impervious area they have to treat, which is their gross number. He clarified, they have to treat 20 percent of that, which leaves 667 acres where they have to do projects to treat or remove impervious. He said, of that, they have so far done 88.996 acres worth of projects to treat, and they have another 207 acres on the books from the first year of projects they have identified. He said the list they are currently working off of was just a shot in the dark, and they are always going back and revisiting projects. He said they are actively looking for projects that treat not only for this impervious area but also treat for flooding, so they can combine the two and find some type of way for flood reduction and to treat for impervious area. He said they have

two projects currently on the books, one in Sharptown on State Street that is going to treat roughly 20 acres of impervious area, and also help reduce flooding on State Street by increasing a small diameter pipe under the road, so they are kind of getting a double bang for their buck on that project. He said another project on the books right now is the Hunters Mill Stormwater Pond enlargement, which will treat roughly 40 acres of impervious area. He said, as Council knows, Hunters Mill Stormwater Pond is the one that is directly upstream of Pratt Road and the flooding they saw there, so this will help reduce the flooding on Pratt Road and provide them the treatment areas they need. He said the nice thing about those two projects is they will give the County an additional 10 percent of the area they needed to meet. He said, again, they are looking for large-scale projects that give them their bang for their buck.

Mr. Cannon said normally when projects are presented and developments are built the cost goes to the developer, but after a certain period of time those projects have been turned over to the County, at least the roads. He then asked if the pond would be the responsibility of that development as opposed to the County, to which Mr. Baker responded, yes. He said that pond is the responsibility of Hunters Mill HOA, but was built at a time prior to the current stormwater regulations, so the County has the benefit of retrofitting the existing ponds, and then they still are the responsibility of the HOA to maintain, but the County has just updated them to today's standards and can claim credit for treating the water quality without having to put something else on the County's books of having to maintain. He said, to give Council a comparison, one of the projects they are looking at is stormwater improvements at the Civic Center and the Shorebirds. He said those are County properties, so when they do any of those improvements, those projects are going to be the County's to maintain after they are constructed. He said the nice thing with going into these older communities and retrofitting their BMPs is they propose the project to the HOA, ask if they are good with it, and make sure they understand that when they are done it is going to be the HOA's to maintain, and they are all fine with maintaining it. He said the nice thing also with Hunters Mill is they have a very active HOA. He said some of the folks there have been the most engaging as far as trying to do what they have to do to keep their drainage infrastructure up to date and maintained. Mr. Cannon asked if Mr. Baker has had the chance to work with Planning and Zoning to see whether or not their standards are going to change now so any future project that might be built might represent the same degree of change and volume that is needed, to which Mr. Baker responded, anything that comes in now meets stormwater regulations. He explained, Hunters Mill, for example, was built back in the 1980s and they did not meet the regulations that came out back in 2006, but stuff that comes out and is built now already meets that, so the County does not get to claim credit for it because they are already doing what they are supposed to do. He clarified, the County is going into places that are older and bringing them up to today's standards. Mr. Cannon asked if this is part of the \$200,000 WIP program funds the County has, to which Mr. Baker responded, yes, they are intermingled. He explained, they can do MS4 projects and get WIP credit. He clarified, however, they can do WIP projects that do not get MS4 credit. He said he believes they are trying to work with their phase 3 WIP permit such that MS4 and WIP will be the same thing, but they have not gotten that new permit yet.

Mr. Dodd said Mr. Baker mentioned large projects. He then asked if there are any future projects on the radar, to which Mr. Baker responded, yes. He said, again, they are actively working on the Sharptown State Street project, the Hunters Mill project, and also can claim credit for the swales that treat the roadside ditches. He explained, a third-party organization surveys and looks at the condition of their swales, and then provides a third-party verification letter saying those swales can be claimed for credit. He clarified, it is actually somebody who just looks at what the County has and then verifies to MDE that their swales meet stormwater credit, so the County does not actually do anything, and gets credit for treating these impervious areas. He said the State will not let the County do it because they cannot verify themselves, but it is a low-cost initiative that can give the County a lot of bang for the buck. He said it is the same thing with tree planting, such as the trees they planted on Brick Kiln Road a couple of

years ago. He said tree planting is a very low-cost way to get MS4 credit, so they look at double dipping on that. He said there are places where they are proposing a lot of tree planting, such as the Pirate's Wharf project, and they can claim credit for that. He said they planted trees in San Domingo when they removed the old community center, which is a project the County can claim credit for. He said, as far as large-scale impervious area projects, he mentioned they are looking at the Civic Center, the Shorebirds, and also possibly Wor-Wic because they are large impervious surfaces that the County has easy access to, and they do not have to go through private rights, such as they had to do with Hunters Mill.

Mr. Baker said that is the meat and potatoes of this, but there is also what they call the minimum control measures, which, basically, amounts to what he will call public participation and outreach. He then handed out fliers and said these are all available on the County website, and were developed to educate the public. He said also the annual report they submitted to MDE is available on the County's website under Public Works – Engineering, and then there is a tab for MS4. He said they have worked on that tagline of partnering with other National Pollutant Discharge Elimination System (NPDES) permit holders, and they have developed brochures they are handing out and distributing throughout the County. He then held up an item, and said Council may have seen these around the City, but it is a tag they put on the storm drains that identify County storm drains just as a reminder not to dump oil down the drain. He said they say "Only rain down the drain". He explained, one of the ways they do community outreach is to partner with Salisbury University or other organizations, give them a map of local subdivisions and show them where the storm drains are, and they go out and epoxy these to the storm drains. Mr. Dodd asked how often County crews go out and try to clean up these drains because when he is driving around after it rains he notices there is a lot of debris and garbage, to which Mr. Baker responded, the day before it rains and, typically, while it is raining they usually send crews out. He said, in addition, separately they have litter crews, which do not really count too much towards the MS4, but they have the two street sweepers that run out to the County. He said they get MS4 credit for the miles of road they sweep, and they also get credit for the tons of debris they take off the street via the street sweepers. He said they begin tracking at the beginning of the fiscal year on July 1, so, come June 30, they will have a number to plug in there for how much credit they can claim for that.

Mr. Baker said they partner with other organizations, such as the Nanticoke Watershed Alliance who did some cleanup at Roaring Point as part of coastal cleanup efforts, and they have pictures from that which he will be putting on the website. He said their discharge detection and elimination system is currently working through the County, but that information is a little bit dated because they have not gotten an invoice from them recently. He said their last invoice back in October showed they completed about 20 percent of the required inspections for this year. He clarified, they cannot go out within 48 hours of a rain event to inspect the storm drain, so they are looking for dry weather flow, and they will probably see more progress towards that in the late spring and into the June time period, but they have been coming out when they can. He reported, most of the Legislation they needed has already been enacted. He explained, in 2015 they had their erosion and sediment control compliance, they have stormwater inspectors going out, and they are getting some of their folks certified in Responsible Personnel Certification, which is, basically, the building inspectors and stormwater inspectors so they know what to look for when they go to a construction site, such as making sure silt fences are up. He explained, that type of thing falls under MDEs purview, but the MS4 permit just likes the County to have folks trained, and that way, if they see something, they can say something.


Mr. Baker said, lastly, they are updating their stormwater pollution prevention plans for the three facilities in the County that require it, the Airport, Roads, and Solid Waste. He said they are currently updating Roads with housekeeping procedures, such as having an oil drum on top of a spill-proof pallet so if it tips over it does not make its way into the drain, making sure their salt is stored properly and

under cover, and things like that, which are really just things they already do, and he previously mentioned keeping track of street sweeping, so, overall, they are in good shape. He said right now their main focus is flushing out projects to get them to that 667 acres they have to treat, so they are populating that list, and then looking at dollar figures to prioritize based off bang for the buck. He said it is a very iterative process, and, as new ideas come forward, some projects may drop off, and some projects come on, but, again, this year's goal is to make sure they have that list fully populated, and then start flushing out dollar figures and what they need to do to move some of these projects forward.

Mr. Cannon said, when Mr. Weston Young left Public Works and was promoted to his current position, he left big shoes to fill, and he thinks Mr. Baker has been doing an excellent job. He clarified, not only with just the basic operations, but he has also been faced with a lot of unexpected challenges over the last few years, and he really appreciates the work he is doing. Mr. Baker thanked Mr. Cannon.

Mrs. Acle thanked Mr. Baker for meeting with the homeowners of Hunters Mill. She said she sat in on some of the meetings, and Mr. Baker was very accessible to them, and she thinks having them be part of the project has really helped make this a seamless process. Mr. Baker said they are looking for other projects, but the first step anytime they want to retrofit an existing stormwater pond is community outreach. He clarified, he does not just say they shall do this, but he tires to find folks who are interested in partnering with the County.

Mr. Dodd said Mr. Baker mentioned salt. He then asked if the County has had an opportunity to use it this year, to which Mr. Baker responded, no, and he will knock on every wood surface. Mr. Dodd said the taxpayers save money on that, to which Mr. Baker responded, yes. There was no further discussion.



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