

## Howard County Commercial Stormwater Solutions (CSS) Work Group

Wednesday, June 22, 2016

9:00AM – 11:00 am

### Attendees:

Jennifer Smith (MDE – Sediment, Stormwater and Dam Safety Division), Paul Busam (MDE – Waterway Construction Division), Amanda Sigillito (MDE – Chief of Nontidal Wetlands Division)

Mark Charles, Michael Corso, Chip Doetsch, Abby Glassberg, Carl Gutschick, Pete Mangione, Dan Nees, Cole Schnorf, Mark Southerland (work group chair)

Staff: Chad Edmondson (DPZ Development Engineering Division), Lindsay DeMarzo (OCS-staff for the work group)

### Introduction

Mark Southerland opened the meeting at 9:10 by providing an overview of past meetings and welcoming guests from Maryland Department of the Environment (MDE) and Howard County Department of Planning and Zoning (DPZ).

### **Chad Edmondson – Howard County Department of Planning and Zoning (DPZ), Development Engineering Division**

Chad provided an overview of the evolution of stormwater facilities (from quantity control in 1980s to water quality treatment and channel protection in 2000 Stormwater Design Manual to environmental site design in 2007 Stormwater Management Act) and described options for retrofitting (enhancing) stormwater ponds, such as adding forebays and sand filters. Adding a sand filter is a common way to add water quality treatment to an existing pond designed only for water quantity control. However, the addition of water quality treatment features may decrease the area (volume) for water quantity retention, so an expansion of the pond or upstream quantify control may be needed.

Chad also provided an overview of the development review process:

- Redline to a development plan – Used for revisions to an existing plan with a 3-week turnaround that includes DPZ et al. review. Fee for redline is \$200.
- Environmental Concept Plan – This is a longer process, but it might not be a necessary for stormwater management projects or a simplified ECP with a 3-week turnaround could be devised

The group discussed whether existing Developers Agreements (DA) would require amendments or a possible new DA depending on who the new owner is. The DA is closed out when the project is complete and the maintenance agreement is what persists. The group suggested that a way to simplify

for stormwater projects might be to eliminate the DA (and associated bonds) and just use the maintenance agreement.

Chad will check into where the County can streamline the process for stormwater projects needed to meet the MS4 permit.

### **Lindsay DeMarzo – Howard County Office of Community Sustainability, Nonprofit and Commercial Programs Manager**

Lindsay described the Nonprofit Partnership Program and the recent contract awards. \$1M was awarded to each of two contractors to provide the most impervious area treated by installing stormwater facilities or upgrades on nonprofit partner properties. The Partnership has more than 230 partners and the contractors were allowed to choose from the 75 largest properties to try to gain the greatest impervious surface treatment. Combined, the contractors are guaranteeing at least 34 impervious acres of treatment to meet our permit for the \$2M. Some of the treatment/ facility types proposed include stream restoration, gabion sandwich filter, sandfilter and forebay, downspout disconnection, and shallow marsh.

Lindsay then provided an overview of a commercial property assessment completed by Biohabitats in 2015 at the Saval Foods property. Biohabitats suggested two levels of treatment for the property to include several bioretentions, rainwater harvesting, turf conversion, and a green roof. The higher treatment option provided 3.14 acres of impervious treatment for \$482,000 with a 115-year payback period based on their Watershed Protection Fee credit. The lower treatment option provided 1.82 acres of impervious treatment for \$238,500 with a payback period of 96 years based on their credit.

The group discussed whether stormwater facilities could be depreciated or whether property owners could lease the facility to the County which could then depreciate it. For instance, the County constructs the facility as part of a lease agreement that the property owner then writes off.

### **Maryland Department of the Environment (MDE)**

Paul Busam provided an overview of regulated (jurisdictional) stream types and MDE's jurisdiction over stormwater facilities as it relates to ground water:

- 3 types of streams
  - Ephemeral – road ditch – not jurisdictional
  - Intermittent – ground water driven – jurisdictional
  - Perennial – ground water driven and flowing all the time – jurisdictional

MDE clarified that nontidal wetlands within a stormwater facility are exempt from regulations. If you are expanding into an adjacent nontidal wetland then a permit is needed. If there is an existing stormwater pond that changes into wetland naturally, it is considered a stormwater facility as long as it is functioning for that purpose. The County must determine how to handle maintenance requirements for a stormwater pond that has changed to a wetland (i.e., as a stormwater pond or as a stormwater wetland). In terms of crediting, MDE advised that the treatment being provided by the facility at the

time of the 2009 Chesapeake Bay TMDL baseline is what would need to be improved upon to obtain credit. Jurisdictions are considering this issue as they refine their baseline treatments and opportunities for credit.

The group asked whether a study is needed to determine that groundwater is intercepted at the stormwater pond outfall. MDE clarified that it is generally straightforward to observe visible groundwater at the outfall, but that a pre-application field visit with MDE staff is generally recommended.

MDE explained that the joint permit application covers both waterway impacts and nontidal wetland impacts for the State. A copy of the permit goes to the U.S. Army Corps of Engineers (USACE) and MDE coordinates the review with local, state, and federal agencies. MDE explained that USACE gave MDE a state programmatic permit so MDE performs reviews for them (except stream restoration goes through USACE as well). MDE tries to get stream restoration/environmental benefit associated permits through as quickly as possible, i.e., in approximately 90 days. MDE said that permitted nontidal wetland impacts typically do not require a public meeting. Pre-application meetings help speed things along and MDE can determine if a joint permit is needed for a stormwater facility, because they can speak on behalf of USACE.

MDE also noted that existing ponds designed to meet dam safety MD code 378 criteria, and were originally identified as low hazard ponds, may be subject to hazard creep (i.e., where embankment failure could cause loss of life). If the hazard class has changed based on additional surrounding development or other factors, then the review would have to go through additional dam safety review. MDE encouraged review of the Embankment Retrofit Design document on their website which explains this issue:

<http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/SedimentandStormwaterHome/Documents/Embankment%20Retrofit%20Policy%202015%20Final.pdf>

### **Closing**

Mark Southerland thanked the guests for presenting and adjourned the meeting at 11:10am.