

## Meeting the Requirements of the NPDES Municipal Separate Storm Sewer System (MS4) Permit

*March 23, 2021*

### Executive Summary

The Financial Assurance Plan (FAP) is presented in a draft status until such time is approved by the Prince George's County Council, in accordance with the Maryland Department of the Environment (MDE), and as required by SB 863, passed by the Maryland State Legislature in 2015. The FAPs are required to be submitted to MDE every two years. This FAP shall be delivered to MDE on or before January 1, 2021.

This FAP plan constitutes Prince George's County's financial assurance identifying:

1. Actions that will be required by the County to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System Permit (MS4);
2. Projected annual FY 2021, FY 2022 and 5-year costs for the County to meet the impervious surface restoration plan requirements of its NPDES Phase I MS4 permit;
3. Projected annual and 5-year revenues or other funds that will be used to meet the impervious surface restoration plan requirements of its NPDES Phase I MS4 permit;
4. Any sources of funds that will be utilized by the County to meet the requirements of its NPDES Phase I MS4 permit; and
5. Specific actions and expenditures that the County implemented in the previous fiscal year (FY 2019 and FY 2020) to meet its impervious surface restoration plan requirements under its NPDES Phase I MS4 permit.

These documents will be introduced to the Prince George's County Council in November 2020.

## Introduction

Prince George's County's NPDES MS4 permit, issued on January 2, 2014, requires the County complete restoration efforts to achieve the equivalent of treating 20% of the impervious surfaces not previously restored to the maximum extent practicable. The County's baseline, which has been previously approved by MDE, identifies 30,525 acres with either no or partial management, requiring the equivalent of 6,105 acres to be restored to meet the 20% criteria by the end of the permit term on January 1, 2019 and currently administratively extended by the Maryland Department of the Environment.

The submission of Prince George's County's Financial Assurance Plan (FAP), as well as the submission of the Watershed Protection and Restoration Program (WPRP) annual report, to the Maryland Department of the Environment is required for compliance with Maryland Environment Article §4-202.1. The attached County's FAP demonstrates that the County has the financial means (100%) to achieve the requirements for FY 2021 and FY 2022 as required by the State Bill.

This FAP lists the activities completed by the County's WPRP for FY 2019 and FY 2020, and planned programs / activities from FY 2021 through FY 2022. The completion and submission of an FAP is required every two years, with a first submittal that occurred on July 1, 2016. As required by the State Legislation, this FAP will be updated and resubmitted on or before the anniversary date of the County's NPDES MS4 Permit (January 2, 2021). These activities are carried out within County's MS4 permit purview. The County's MS4 permit commitment spans from January 2, 2014, through January 1, 2020. The permit is currently under an Administrative extension authorized by the State Maryland Department of the Environment (MDE), pending full renewal and issuance of the next generation permit.

Per the requirements for completing the attached FAP, all restoration activities completed by June 30, 2020, are classified as completed activities and their actual costs are reported. These activities include a variety of projects with a variety of funding sources as described below.

CIP stormwater runoff controls and water quality improvement projects that were completed in FY 2019 and FY 2020:

CIP projects that are Ongoing:

- The Watershed Protection and Restoration Program (WPRP) implementation is fully supported by two funds; Stormwater Enterprise Fund (EF5100) and the Watershed Protection and Restoration Fund (EF 5200). Types of projects implemented include installation of water quality devices in urbanized areas to control surface runoff and filter pollutants before entering our streams and rivers. Project types include Bioretention, Infiltration Devices, Pond Retrofits, Green Streets, Stream Restoration, Regenerative Outfall Repairs, and Urban Wetlands.
- The County has instituted two CIP programs to address the implementation of the WPRP; the Conventional CIP implemented by DoE's CIP operations, and the Clean Water Partnership (CWP).

The Operating budgets of the two funds, in addition to staff support also funds the Raincheck Rebate Program, and Grants to non-profit Organizations to assist in the implementation of the WPRP program in our municipalities.

- Funding for restoration projects by NGOs include grants issued in FY 2015 through FY 2020 provide outreach, education and installation of BMPs towards the WPRP program.

### *The FAP Content*

Included in the FAP are cost and revenue information. Costs identified include the operating costs for the WPRP, debt service (bonds issued and other funding sources), and grants as presented in County's publish budget.

On FAP **Page 5** [ISRP cost 4-202.1(j)(1)(i)2], actual costs spent through FY 2020, proposed budgeted costs for FY 2021 and FY 2022 (two-year required financial assurance) and projected costs beyond FY 2022, were obtained from the County's approved budgets. **Pages 2 through 4** of the FAP [All Actions 4-202.1(j)(1)(i)1] lists projected costs and project selection types to achieve the MDE's two-year requirement (FY 2021 & FY 2022).

The total cost match (FY 2021 and FY2022) of 100 percent financial assurance and compliance requirements are listed on **page 6** [ISRP Revenue 4-202.1(j)(1)(i)3], represent total 2-year revenue to total 2-year expense. Page 6 shows, the County possesses sufficient funding for these two fiscal years'.

### *FAP Sources of Funds:*

The County's fund sources are listed on **Page 7** [Fund Sources 4-202.1(j)(1)(i)4] of the FAP. The fund sources include operating fund sources, debt service, and grants and partnerships with State and Federal agencies. This table explains the percent of the all fund source appropriated towards the WPRP goals.

### *Projected Annual and 5-Year (FY 2021 to FY 2025) Costs and Revenues to Meet the MS4:*

**Page 5** [ISRP cost 4-202.1(j)(1)(i)2] of the FAP, lists the cumulative costs (operations, CIP, debt service) through FY 2019 at \$267,308,094; for FY 2020 are \$139,965,700; for FY 2021 and FY 2022 budgeted cost at \$234,893,400; and projected costs beyond FY 2022 are \$345,623,100. These numbers show County cost projections for the watershed protection and restoration fund (WPRP) to continue through the next generation NPDES permit.

Therefore, the projected revenue (FAP **page 6**, [ISRP Revenue 4-202.1(j)(1)(i)3]) covering the period from FY 2021 through FY 2022 is \$235,248,899, which represent 100% funding capacity to meet the objectives of this two-year FAP.