

Comprehensive Water and Sewerage Hearing

September 9, 2014

Southern Kent Island Amendment

Answers to Questions from Public

Q1. Why were my lots excluded from the service area? Why did the service area maps change?

The SKI project was specifically designed to solve the long-standing public health risk in these nine (9) communities created by failing septic systems serving the majority of the existing homes. Vacant lots do not contribute to the longstanding public health problem.

It has been the objective of State and County Officials (including local Boards) to manage and/or limit infill in order to not further stress government services, schools, roads, other infrastructure and environmental features along this island corridor. It is also to be noted that this is not one of the County's priority funding growth areas. However from a financial standpoint, some vacant lot development (a critical mass number of about 560) along with a significant state grant and a below market interest state loan is needed to make the project affordable.

The MD Attorney General (AG) has indicated that if we provide sewer service to existing homes in order to solve the public health problem and a sewer collection line passed by a vacant lot which was interspersed between existing homes, then public sewer service must be offered to the vacant lot. Likewise, if a sewer collection line is not constructed in an unimproved street or right-of-way along which lots are vacant, then public sewer service does not have to be offered.

The Maryland Department of Planning (MDP) likewise wanted to see a minimal impact from new development in these communities. The State MDP suggested a minimization of the future sewer service area using the framework from the AG's opinion and to direct sewer service to only those vacant lots interspersed between developed home sites. As the SKI communities were not in the County's priority funding growth area, the County needed MDP's approval to be eligible for State grants and loans that were essential to keeping the project affordable. This action was affirmed by the State Smart Growth Coordinating Committee (SGCC) and was a condition of awarding an \$11.8 million grant and a 1.5% interest loan for the project. This grant, which is exclusively for homeowners, and the low interest loan to pay for the construction cost, along with the development of a maximum of 632 lots, is needed to make the project affordable.

The actions proposed, including a lot merger ordinance, a denied access transmission force main, and service area boundary exclusions within communities where roads remain unimproved, have been proposed and accepted by the SGCC as a condition of award of the \$11.8 million Bay Restoration Fund grant and the construction loan.

Q2. Why were my “redline” lots on defined as exempt from service?

These lots were ‘red-lined’ in that they were identified to have potentially significant environmental constraints which may render them unbuildable and the County didn’t want to assess an unbuildable lot. If the property owner can demonstrate, via an Army Corp jurisdictional determination along with other required State permits, that they are buildable, they will be included in the sewer service area.

Q3. How much has the County be fined for sewer overflows by MDE from 2007 – 2012?

The County was ‘fined’ \$6,400 once and \$800 twice in 2011. The \$800 value is the minimum ‘fine’ per event and the \$6,400 ‘fine’ was for 8 events. (Note these were not technically ‘fines’ as the County was never found guilty of anything which is a pre-requisite to being fined. These were ‘contributions’ to the State’s Clean Water Action fund and were supposed to fund water quality improvements, in lieu of MDE prosecuting and, if the County were found guilty, potentially collecting fines.)

Q4. How will you pay for STEP system maintenance and future replacements of the STEP system?

The County currently has a sewer only subarea, similar to SKI, but which utilizes vacuum sewer technology. These areas are adequately funded at \$50 per month per dwelling. Those known costs were evaluated and adjusted based on the differences in technologies. A fee of \$25 per month was derived using this evaluation (plus \$5 per month for the State’s Bay Restoration Fund, i.e. the ‘flush tax’). We then looked at financial data from other jurisdictions as to what costs they were experiencing and compared our analysis with their established rates. The rates derived were comparable to the rates that were being charged within similarly sized systems. A percentage of the \$25 per month charge is for capital replacements to replace motors and pumps as they age. Again we used the experience of other jurisdictions to determine the average lifespan of the STEP system components.

Q5. How does the County plan to address the emergency calls to fix STEP systems during non-working hours?

Due to the day or two of emergency storage inherent in the STEP system’s tanks, there are not too many emergency calls anticipated. Nonetheless the Sanitary District already has 24/7/365 coverage for the vacuum collection system which should be adequate to address any emergencies.

Q6. How does the County plan to pay for the lawsuits stemming from sewer backups onto private property when the electricity goes out and creates property damage?

These types of situations happen now with the existing County’s sewer system (although not for the electric outage scenario) and are not unique to a STEP system. Typically the County is only liable when it can be demonstrated that the County was negligent with its operation. A back-up due to loss of power is not a case of negligence on the part of the County. In regards to SKI, if electricity is disrupted, so too would the power to the well serving the home so a back-up is even less likely than in the main County system where water is provided by the County which is unaffected by outages.

Q7. How does the County plan to stop odors from the STEP systems in the neighborhoods?

The STEP system proposed is a completely closed sewerage system. The new STEP tanks that will be placed in the neighborhoods will be vented above the roofline of the home. This is typical for any public sewer or existing private septic system installation which will yield no noticeable odors. Any odor that may be present in the communities currently comes from sewage or wastewater that percolates up out of the ground or into open roadside swales.

Q8. Where did the information come from about the 37 diseases reported on SKI?

From the local Health Department office, a division of the Department of Health and Mental Hygiene.

Q9. Why is a 16-inch gravity sewer trunk line being proposed instead of the usual STEP 10-inch line?

There is no gravity sewer line of any diameter being proposed, other than the 4-inch lines connecting each home to their STEP tank. There is a 16-inch transmission main proposed. Mains are sized to convey a certain volume of flow at a certain pressure. The Sanitary District tries to keep the pressures low, which equates to bigger pipes.

Q10. The Wye River Keeper report indicates that the water on Southern Kent Island (SKI) is the cleanest in the County?

The 2012 report indicated the entire Eastern Bay, of which the SKI drainage area is but a small part, was graded a 'B'. The report notes; "This was the first year that Eastern Bay was included in our testing. Its better grades are not surprising in that Eastern Bay is a well-flushed body of water and is open to the tidal flows of the Chesapeake." Also the Riverkeeper does not sample for fecal coliform and other pathogens which are the cause of the health risk concern.

Q11. Where is the traffic study for Kent Island which considers the impact of the SKI project's growth?

The traffic Impact Study completed for the Matapeake Business Park Development on Sonny Schulz Boulevard provides a forecast of the infill development potential of SKI. Under the 560 new unit scenario, all intersections remain within the acceptable level of service range required by the Maryland State Highway Administration.

Q12. Why are the service area maps different from the lot consolidation maps?

The service area maps show which properties are to be served with sewer whereas the lot consolidation maps show the impact of Ordinance 13-24 on those same properties. While it would be ideal for the two maps to be identical, some decisions still need to be made by the property owners who have enough property to have more than one lot in order for the service area maps to be fully consistent.

Q13. Is this an amendment to the 2006 Plan or the 2011 Plan ?

This amendment is for the 2011 Edition of the Comprehensive Water and Sewerage which is the plan in effect at this time.

Q14. Why is the phrase 'sewerage force main' used?

A14. 'Force Mains' and 'Transmission Mains' are used interchangeably. They typically both refer to a pipe under pressure that is connecting a collection area to either another pump station or a treatment facility as opposed to a collection main that takes flow from homes on a street or streets. In this discussion, the pipe along Rt 8 is considered both the 'force main' and a 'transmission main'.

Q15. Why is only the Army Corp referenced in regards to the 'red-line' lots?

The Army Corp shares the jurisdiction of protecting non-tidal wetlands with MDE. The intent of listing these agencies is to simply compel a property owner to make an educated decision on whether a lot in question is in fact buildable. Once they make that determination, they will have to meet any and all regulatory requirements prior to being issued a building permit. This may include other state agencies such as the Critical Area Commission.

Q16. How will the first phase STEP pumps be able to pump to the treatment plant by themselves?

The pumps are 'high-head' pumps which mean they can pump the entire distance on their own, even without assistance from other intermediate pumps.

Q17. How will you enforce single family residential use?

The allocation granted to a home is the average that is anticipated over all homes – it does not take into account the number of residents in the home or the floor area of the home. No additional allocation would be required to add an addition to the homes.

Q18. Why is Batts Neck/Normans referred to as a community and not a subdivision?

Batts Neck/Normans is not a subdivision. A subdivision is a parcel of land subdivided into numerous small lots and recorded in the land records all at once. Batts Neck/Normans is a community which has been subdivided parcel by parcel over a number of years.

Q19. How much capacity will the non-residential properties get?

As required as a condition of approval by the SGCC, sewer service to the existing non-residential properties in the service area shall be allocated based upon the existing uses or to the equivalent amount of capacity should an existing use change before service is provided.

Q20. Why do the service area maps show the communities in the 1-3 year service category?

All of the communities have been upgraded from the S-3 (4-10 years) to the S-2 (1-3years) sewer service area. The S2 designation stipulates that the overall project envisioned will begin in this time frame however it does not represent a commitment by the County to extend service within that as outlined by section 5.13 of the 2011 Comprehensive Water and Sewerage Plan.

Q21. How will the County regulate a denied access force main?

The AG also concluded that a force main (transmission main) could be extended to developed areas which bypass undeveloped parcels where public sewer is not ever intended to be provided. This was accomplished successful for the Prospect Bay Community. Furthermore, several conditions of the SGCC preclude service outside of the defined project area (the nine communities identified with public health problems). Violation of any of these conditions would mean we would have to forfeit the State BRF grant of \$11.8 million. The SGCC conditions include:

- The project must ensure denial of access for any future connections that are not included in the project's service area. This provision must also be incorporated into the county's Master Water and Sewer Plan.
- The sewerage capacity to be provided within the sewer service area as shown on the attached maps shall not exceed 500,000 gpd. Except for certain non-residential properties as discussed below, each of the lots to be served shall be assigned one EDU which shall not be transferable to another lot. This allocation of maximum capacity shall be submitted to MDE for approval as an amendment to the county's Master Water and Sewer Plan.
- The county shall report on the status of the provision of sewer service and compliance with these conditions annually through its annual report submission to MDP. The report should include the number and location of new connections.