

FREDERICK COUNTY

Key Facts

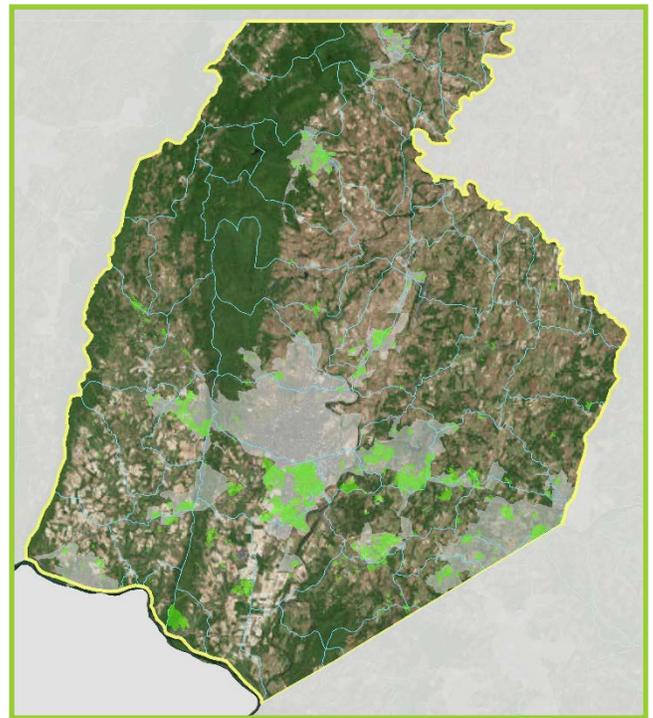
Population¹	243,675	(8 th of 10)
Impervious Acreage²	5,063	(10 th of 10)
Current Permit		
Date of Issuance/Expiration	Dec 2014 / Dec 2019	
Impervious Acreage Restoration Goal	1,013 acres	
Spending		
Projected Annual Average ³	\$6.7 million	
Spending as a Percentage of County Budget ⁴	0.7%	(10 th of 10)
Spending as a Percentage of Median Household Income ⁵	0.09%	(10 th of 10)
Average Annual Residential Fee	\$0.01	

Summary of County Stormwater Plan and Effort

Summary: Frederick County has done an admirable job in the past in studying the health of its local streams and watersheds, working with private consultants and nonprofit groups to produce detailed stream surveys and watershed health reports. In contrast with these valuable efforts to study the health of local watersheds, the county's recently submitted Financial Assurance Plan (FAP) demonstrates a lack of commitment to actually restoring the watersheds. In fact, the FAP, which is supposed to detail how the county plans to restore local water quality, at times reads more like a legal strategy for how to do the minimum amount of work that is legally permissible than a credible plan to address the polluted urban runoff impacting county public health and water quality. Much of the FAP is dedicated to providing disclaimers, stating legal objections, and reserving the right to do even less water quality restoration work in the future. In short, it sounds more like a plan developed by lawyers rather than the county's capable scientists, engineers, and planners.

Basics: Frederick County received its current stormwater permit under the Clean Water Act by the Maryland Department of the Environment (MDE) on December 30, 2014. This permit requires, among other things, that the county restore 20 percent of the untreated impervious surfaces within its municipal separate storm sewer system (MS4) by the end of the five year permit term, expiring in December 2019.

According to the county, its MS4 system contained 5,063 acres of untreated impervious surfaces, of which the county must restore 1,013 acres. According to the FAP, as of spring 2016, Frederick County has treated the equivalent of fewer than 50 impervious acres with projects designed to install new or retrofitted stormwater controls, with the equivalent of almost 70 additional acres of impervious surfaces treated through alternative projects and practices like stream restoration and tree planting.



Urban areas are shown in light gray shading.
Sub-watersheds are delineated with light blue lines.
Areas associated with completed impervious surface and watershed restoration projects are shown in bright green.

Restoration Spending



Level of Effort: One likely cause of this slow start for the county is the lack of funding it has dedicated to water quality restoration projects. Maryland passed a law in 2012 requiring Baltimore City and the nine largest counties to establish a stormwater remediation fee to pay for the work that these jurisdictions knew they needed to do to protect and restore their streams and watersheds. In response, Frederick County decided to establish a one-cent fee. The county therefore collects essentially no dedicated funding for stormwater.

It is no wonder then that the county's FAP is so deficient compared to many other counties. In the FAP and the most recent MS4 Annual Report that the county provides to inform the public of the water quality work it is undertaking, the county took the

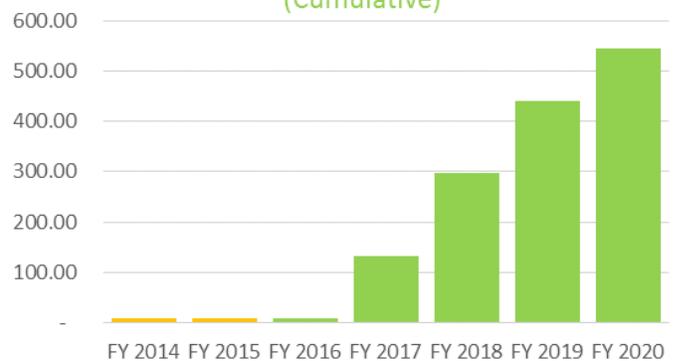
opportunity to object to its MS4 permit on the grounds that it goes beyond the so-called "maximum extent practicable" level of effort required under the federal Clean Water Act to control stormwater pollution. This is a particularly weak argument for Frederick County, given that it has chosen to levy a one-cent fee. Moreover, the county's spending on stormwater ranks at or near the bottom among the 10 Maryland jurisdictions with holding the same MS4 permit in just about every measure.

The county's spending identified in its FAP for meeting the impervious surface restoration requirement of its permit ranks last out of the 10 jurisdictions on a per capita basis, as a percentage of the overall county budget, and as a percentage of county median household income. Additionally, the watershed restoration and stormwater capital spending identified in the county's most recent capital improvement program ranks second to last on both a per capita basis and as a percentage of the overall capital budget. In other words, Frederick County should be the last county to argue that the fiscal burden of its stormwater and watershed restoration activities is too onerous.

Restoration Strategy: Ideally, stormwater plans should include a diverse mix of water quality restoration projects and practices, but with a significant emphasis on carefully designed and site-specific projects that allow rainwater and snow melt to infiltrate into the ground and filter out harmful nutrients, sediment, and toxic substances instead of ending up as polluted runoff to neighborhood creeks and other county waters. Building this "green infrastructure" into the urban and suburban landscape has proven to be one of the most beneficial and high impact environmental policies that local governments can undertake, providing enumerable environmental, public health, and economic benefits for local communities.

Frederick County plans to treat several hundred impervious acres through wet pond retrofit projects, and eventually through completion of afforestation and stream restoration projects. While this represents a reasonable mix of projects and practices, the problem with the county's strategy is simply that it came up short in identifying enough projects and practices. Its plan to cover this shortfall is to claim credit for projects implemented before its permit was issued and to purchase water pollution credits from a potential future nutrient trading program that the state is currently exploring. Once again, it appears that lawyers, rather than engineers, planners, and contractors are in control of Frederick County's efforts to invest in water quality infrastructure projects.

Acres Restored by Projects (Cumulative)



Notes

- ¹July 2014 Estimate, Maryland Department of Planning
- ²MS4 Annual Report and Financial Assurance Plan (FAP)
- ³FAP
- ⁴Uniform Financial Reporting for Fiscal 2013 and FAP
- ⁵U.S. Census and FAP

**For More Information
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