

COUNTY COUNCIL

OF

TALBOT COUNTY

2022 Legislative Session, Legislative Day No.: March 8, 2022

Resolution No.: 327

Introduced by: Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSES OF PROVIDING THAT START-UP WASTEWATER TREATMENT FOR PHASE 1, SECTION 1 OF THE LAKESIDE PROJECT AND ITS TREATED EFFLUENT SHALL AT LEAST MEET ENHANCED NUTRIENT REMOVAL STANDARDS AND FURTHER PROVIDING THAT CONNECTION TO THE EXISTING TRAPPE WASTEWATER SYSTEM IS CONDITIONED IN PART UPON THE EXISTING SYSTEM NOT HAVING ANY OUTSTANDING MARYLAND DEPARTMENT OF THE ENVIRONMENT ENFORCEMENT ACTIONS, CONSENT ORDERS, OR VIOLATIONS

By the Council: March 8, 2022

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 12, 2022 at 6:30 p.m. and on Tuesday, April 26 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: *Susan W. Moran*
Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSES OF PROVIDING THAT START-UP WASTEWATER TREATMENT FOR PHASE 1, SECTION 1 OF THE LAKESIDE PROJECT AND ITS TREATED EFFLUENT SHALL AT LEAST MEET ENHANCED NUTRIENT REMOVAL STANDARDS AND FURTHER PROVIDING THAT CONNECTION TO THE EXISTING TRAPPE WASTEWATER SYSTEM IS CONDITIONED IN PART UPON THE EXISTING SYSTEM NOT HAVING ANY OUTSTANDING MARYLAND DEPARTMENT OF THE ENVIRONMENT ENFORCEMENT ACTIONS, CONSENT ORDERS, OR VIOLATIONS

WHEREAS, in accordance with Md. Code Ann., Envir. § 9-503(a), the County Council of Talbot County (the “County Council”) has adopted a plan that deals with water supply systems and sewerage systems in Talbot County, inclusive of the municipal corporations located therein, which is titled the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”); and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-503(c)(1), the County Council is authorized to adopt a revision to the CWSP if it considers such an amendment necessary; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-503(d), before the County Council adopts an amendment to the CWSP, it shall first conduct a public hearing thereon, which may be conducted jointly with other public hearings or meetings, with notice provided to the principal elected official of any affected municipal corporation at least 14 days in advance; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-506(a), before the County Council may adopt an amendment to the CWSP, it shall submit the proposed amendment to the Talbot County Planning Commission (the “Planning Commission”) for review and comment, and the Planning Commission must certify that the proposed amendment is consistent with the Talbot County Comprehensive Plan; and

WHEREAS, pursuant to Md. Code Ann., Envir. §§ 9-503(c) and 9-507(a), once the County Council adopts an amendment to the CWSP, it must then submit the proposed amendment to the Maryland Department of the Environment (“MDE”) for final review and approval; and

WHEREAS, in accordance with the foregoing statutory authority, on August 11, 2020, the County Council adopted Resolution No. 281, as amended, for the purposes of amending the CWSP, *inter alia*, to add certain water and sewer capital projects related to the Lakeside Planned Unit Development (the “Lakeside Project”) and existing systems in the Town of Trappe (the “Town”); and

WHEREAS, or about November 4, 2020, MDE approved the amendments to the CWSP as set forth in Resolution No. 281; and

WHEREAS, Resolution No. 281 provides for connection of approximately 84 new dwelling units and a visitor and sales center in the start-up phase (“Phase 1, Section 1”) of the Lakeside Project to a new Enhanced Nutrient Removal (“ENR”) 0.54 MGD Membrane Bio-Reactor (“MBR”) wastewater treatment plant and collection system at the Lakeside Project site or the existing Town wastewater treatment system, with connection to the existing system subject

to the approval of the Town, available capacity, and adequate access to the existing collection system; and

WHEREAS, subsequent to the County Council’s adoption of Resolution No. 281 and its approval by MDE, various concerns, including environmental concerns, arose regarding the planned connection of Phase 1, Section 1 of the Lakeside Project to the existing Town wastewater treatment system, which is nearly 20 years old and in need of upgrades as set forth in the CWSP; and

WHEREAS, the County Council is desirous of amending the CWSP as amended by Resolution No. 281 for the purposes of providing that start-up wastewater treatment for Phase 1, Section 1 of the Lakeside Project and its treated effluent shall at least meet ENR removal standards and further providing that connection to the existing WWTP is conditioned in part upon the existing system not have any outstanding MDE enforcement actions, consent orders, or violations, which conditions the County Council believes are necessary and appropriate to address the foregoing concerns; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Planning Commission, as well as the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

WHEREAS, on April 20, 2022, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Those narrative sections contained in Chapter Two, pages 45-46, of the CWSP entitled “Trappe Area Sewerage System – Future Planning” are amended to update the narrative description of the Town’s sewer system as set forth in Exhibit “A,” attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

EXHIBIT A
AMENDMENT TO CHAPTER TWO, PP. 45-46, OF THE TALBOT COUNTY
COMPREHENSIVE WATER AND SEWER PLAN

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to CWSP by Resolution
Strikethrough	Deleted from CWSP by Resolution
* * *	Existing CWSP unaffected

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TRAPPE AREA SEWERAGE SYSTEM - FUTURE PLANNING

As identified within the goals of Chapter One of this Plan, growth of the County is to be encouraged and directed in concentrated centers around existing centers of population that presently have adequate or potentially adequate water and sewer services. To plan sewer service to meet the needs of future growth, the sewer service provider, the Town of Trappe, is proposing to create sanitary sewer service districts. The sewer service presently being provided in the Town of Trappe would be referred to as the Trappe Sewer District. To address the sanitary sewer needs in the growth area around the Town of Trappe, two sewer service districts are being proposed.

The proposed Trappe East Sewer District will serve parcels located in the Town on the east side of Maryland Route 50. On the northern end of Town, a second sewer service district, White Marsh Sewer District, is being proposed to serve parcels annexed into the Town of Trappe.

The delineated development area around the Town of Trappe is shown on Figure 24. The factors that influence the size of the development areas for the Town of Trappe includes the growth potential of the Town, the presence of natural growth constraints such as waterways, the Chesapeake Bay Critical Area, and the availability of water and sewer service. As land is annexed into the Town of Trappe, these areas would be designated as S-1 (means areas served or to be served by the Town of Trappe that are either existing, under construction, or have immediate priority status to be served with sewer service) after amending the Talbot County Comprehensive Water and Sewer Plan.

An Enhanced Nutrient Removal ("ENR") 0.54 MGD Membrane Bio-Reactor ("MBR") wastewater treatment plant ("WWTP") and collection system will be designed, constructed in phases and operated to serve the proposed Lakeside development within the Trappe East Sewer District. The proposed MBR ENR WWTP will be designed such that it can be constructed in phases. This type of design will eliminate operating challenges associated with the low flows generated by early phases of development and the inability of a WWTP constructed to full build-

out capacity to operate properly at initial low flows. Phase 1 Section 1 of the proposed Lakeside project is expected to include approximately 84 single-family residential dwellings and a visitor and sales center. Sanitary sewer capacity for the proposed start-up phase will require treatment and disposal of approximately 30,000 to 40,000 gallons per day. The initial treatment and disposal capacity estimate includes consideration of flow equalization and peak-flow capacity. Start-up wastewater treatment for the Lakeside project and its treated effluent shall at least meet ENR standards, whether ~~may be~~ provided by a modular ENR MBR WWTP or other technology, capable of operating at the initial development flow rates, or by a direct connection to the existing Trappe wastewater system. Connection to the existing Town of Trappe wastewater system is also subject to the approval of the Town of Trappe, available WWTP capacity, ~~and~~ adequate access to the existing collection system, and the existing WWTP not having any outstanding MDE enforcement actions, consent orders, or violations. Following the initial section of development, the full-capacity Lakeside WWTP will be constructed in phases of approximately 100,000 gallons per day of wastewater. The WWTP will be expanded in phases as the capacity of the then-existing Lakeside WWTP approaches 80% of capacity.

Treated effluent from the Lakeside WWTP will be disposed of by spray irrigation on lands within the Trappe East Sewer District. If the initial section of the Lakeside project is served by the existing Town of Trappe wastewater system, wastewater flow from that section may be redirected to the full capacity Lakeside WWTP if required by the Town of Trappe. Otherwise, no wastewater capacity of the existing Trappe District wastewater treatment plant will be allocated to serve the Trappe East Sewer District.

Based upon the discharge permit previously issued by MDE for the Trappe East Sewer District, treated wastewater from the Lakeside WWTP must meet minimum treatment and flow limitations of BODS - 10 mg/1, Suspended Solids - 10 mg/1, Flow - 540,000 gpd (Ultimate Permitted Flow) 37,500 gpd (Permitted Flow at Start-Up Phase), Total Nitrogen - 8 mg/1, Total Phosphorus - 3 mg/1, and Fecal Coliform 3 MPN/100ml. The Trappe East MBR ENR wastewater treatment plant will be capable of exceeding minimum nutrient effluent standards with effluent nutrient levels of Total Nitrogen - 3 mg/1, Total Phosphorus - .3 mg/1.

The information presented in Figure 24 is for planning purposes. The Sewer Districts have been defined using a blue line with various colors, shading and hatches defining the areas of existing sewer service and future sewer service areas and the Priority Funding Areas as defined by the Town of Trappe and the County and those Priority Funding Areas approved by the State. This map does not impose an obligation on Talbot County or the Town of Trappe to provide sewer and/or sanitary sewer service areas not presently being served. Prior to extending sewer service into the growth areas, the Town of Trappe would assure that the existing sewer system has capacity to serve the growth areas and the safety and adequacy of its public sewer supply system in maintained for all its users.

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PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 327 having been published, a public hearing was held on Tuesday, April 12, 2022 at 6:30 p.m. and on Tuesday, April 26, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: **FAILED**

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Nay
Divilio	-	Nay
Leshner	-	Aye
Price	-	Aye
Pack	-	Nay