COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: February 28, 2023

Resolution No.: 338

Introduced by: Ms. Mielke

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (CWSP) FOR CONSISTENCY WITH DISCHARGE PERMIT NO. 19-DP-3460, ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ON OCTOBER 27, 2022 AND TO REQUIRE THAT ANY FUTURE EXPANSION OF THE NEW LAKESIDE WASTEWATER TREATMENT PLANT SHALL REQUIRE AN AMENDMENT TO THE CWSP

By the Council: February 28, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 11, 2023 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 (CWSP) FOR CONSISTENCY WITH DISCHARGE PERMIT NO. 19-DP-3460, ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ON OCTOBER 27, 2022 AND TO REQUIRE THAT ANY FUTURE EXPANSION OF THE NEW LAKESIDE WASTEWATER TREATMENT PLANT SHALL REQUIRE AN AMENDMENT TO THE CWSP

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. § 9-511, water supply and sewerage systems may not be installed or extended in Talbot County unless they conform to the CWSP or a revision or amendment thereof; 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 ("Resolution No. 281"), 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 to reclassify and remap certain properties associated therewith; and

WHEREAS, one such capital project added to the CWSP pursuant to Resolution No. 281 was an Enhanced Nutrient Removal 0.54 million gallon per day Membrane Bio-Reactor wastewater treatment plant and collection system to be designed and constructed in phases to serve the Lakeside Project within the Trappe East Sewer District (the "Lakeside WWTP"); and

WHEREAS, or about November 4, 2020, MDE approved the amendments to the CWSP as set forth in Resolution No. 281 as adopted by the County Council on August 11, 2020; and

WHEREAS, on October 27, 2022, MDE issued Discharge Permit No. 19-DP-3460 (the "Discharge Permit"), which authorizes the Town and Trappe East Holding Business Trust to discharge the treated wastewater from the Lakeside WWTP by spray irrigation, subject to certain conditions, limitations, and requirements; and

WHEREAS, the Discharge Permit sets forth certain conditions, limitations, and restrictions that are stricter than those set forth in the CWSP as amended pursuant to Resolution No. 281; and

WHEREAS, pursuant to Code of Maryland Regulations ("COMAR") 26.08.04.02.A(2)(b) and 26.08.04.10.D(3), a discharge permit, including a major modification thereof, shall comply with an approved county water and sewerage plan adopted under Title 9, Subtitle 5 of the Environment Article; and

WHEREAS, the County Council is desirous of amending the CWSP as amended by Resolution No. 281 for consistency with the Discharge Permit and to provide that any future expansion of the Lakeside WWTP shall require an amendment to the CWSP; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(l)(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 _____, 2023, 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.

SECTION THREE: This Resolution shall take effect immediately upon the date of its adoption.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on Tuesday, _____, 2023 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:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Stepp -

Lesher -

Mielke -

Haythe -

Effective:

EXHIBIT A
AMENDMENT TO CHAPTER TWO, PP. 45-46, OF THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN
AMENDMENT NO. 1

KEY

Boldface.....Heading or defined term

Underlining.....Added to CWSP by Resolution

~~Strikethrough~~.....Deleted from CWSP by Resolution

* * * .....Existing CWSP unaffected

* * *

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 million gallon per day ("MGD") Membrane Bio-Reactor ("MBR") wastewater treatment plant (the "Lakeside 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~~ Lakeside WWTP ~~will be~~ is designed such that it can be constructed in phases. This type of design eliminates 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.

In accordance with Discharge Permit No. 19-DP-3460 ("Permit 19-DP-3460") issued by MDE on October 27, 2022, the permitted flow for the Lakeside WWTP is 100,000 gallons per day, which will allow approximately 400 residential units to be built. An initial flow of 37,500 gallons per day may be directed from the Lakeside development to the existing Trappe District wastewater treatment plant, with all such flows to be redirected to the Lakeside WWTP once constructed and operational. Such initial flow is part of the 100,000 gallons per day authorized under Permit 19-DP-3460. No other capacity of the existing Trappe District wastewater treatment plant shall be allocated to serve the Trappe East Sewer District. ~~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 may be provided by a modular ENR MBR WWTP, 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 subject to the approval of the Town of Trappe, available WWTP capacity, and adequate access to the existing collection system. 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 Lakeside WWTP will be expanded in phases as the capacity of the then-existing Lakeside WWTP approaches 80% of the design hydraulic capacity.

Pursuant to Permit 19-DP-3460, ~~Treated~~ treated effluent from the Lakeside WWTP will be disposed of by spray irrigation on lands within the Trappe East Sewer District subject to the limitations and requirements set forth in Table 1 below.

~~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.~~

Table 1 – Lakeside WWTP Permit 19-DP-3460 Limitations and Requirements

Effluent Parameter	**Effluent Limitations**			**Monitoring Requirements**	
	Loading		**Concentration**	**Monitoring Frequency**	**Sample Type**
	Yearly Average	Monthly Average	Monthly Average		
Flow[1]	100,000 GPD	N/A	N/A	Continuous	Recorded
BOD_5	N/A	N/A	10 mg/l	Weekly	8 hr. Comp
Suspended Solids	N/A	N/A	10 mg/l	Weekly	8 hr. Comp
Nitrite + Nitrate	N/A	N/A	Monitor Only	Weekly	8 hr. Comp
Total Nitrogen (N)	N/A	N/A	3 mg/l	Weekly	8 hr. Comp
Total Phosphorus	N/A	N/A	0.3 mg/l	Weekly	8 hr. Comp
Escherichia coli (E. coli)	N/A	N/A	3 MPN/100ml	Weekly	Grab[2]

(1) As stated in Permit 19-DP-3460, a major permit modification is required for any future expansion of the Lakeside WWTP. Such expansion shall also require an amendment to this Plan.

(2) As stated in Permit 19-DP-3460, grab samples must be obtained from the effluent line as it enters the pump chamber.

~~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/100m1. 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/l.~~

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 to 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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