



Deposition of:  
**Planning Commission Meeting**

*June 10, 2020*

In the Matter of:  
**Planning Commission Meeting**

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1 PLANNING COMMISSION OF TALBOT COUNTY, MARYLAND

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3  
4 Planning Commission Meeting

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6  
7 June 10, 2020; 9:00 a.m.

8  
9  
10 Wye Oak Room - Talbot County Community Center  
11 Easton, Maryland

12  
13 COMMISSION MEMBERS:

14 Phillip Cuncell

15 William Boicourt - Via Telephone

16 Lisa Ghezzi

17 Paul Spies

18 Michael Strannahan

19  
20 Reported by

21 Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. COUNCELL: Okay. I'd like to now call</p> <p>4 the meeting of the Planning Commission to</p> <p>5 order.</p> <p>6 This is a continuation of our June 3rd</p> <p>7 meeting, again, for the application of the Town</p> <p>8 of Trappe and Trappe East Holdings.</p> <p>9 So remind everybody that we are not taking</p> <p>10 any additional public comment, but what I would</p> <p>11 like to do at the beginning of the meeting, to</p> <p>12 see if any of the Commission members have any</p> <p>13 either legal questions for Tony or technical</p> <p>14 questions for Ray Clarke given the information</p> <p>15 that we've been presented. We've had a</p> <p>16 mountain of it. It's taken a while to get</p> <p>17 through it. But I know I have a few questions.</p> <p>18 So anyway, at this point, I would ask Ray</p> <p>19 if he would mind coming forward and we can</p> <p>20 start.</p> <p>21 Bill, are you on the phone?</p>	<p>1 Bill, I'm sorry. The mike was off.</p> <p>2 The county has not received any comments</p> <p>3 associated from I guess what our letters. At</p> <p>4 the same time, from the public hearing that was</p> <p>5 held back in November. At the same time,</p> <p>6 written comments were due into MDE on</p> <p>7 January 20th. And MDE has not responded to our</p> <p>8 comments or anyone else's comments at this</p> <p>9 time.</p> <p>10 MR. BOICOURT: Okay. Thank you, Ray.</p> <p>11 MR. COUNCELL: So Ray, while we're on</p> <p>12 this, I have a copy of that letter in front of</p> <p>13 me. And this brings up a little bit of concern</p> <p>14 for me.</p> <p>15 In other words, you questioned some of the</p> <p>16 information in that permit. So if you could</p> <p>17 comment on some of those and help us.</p> <p>18 Your first thing, you stated that the</p> <p>19 application was incomplete and inadequate.</p> <p>20 MR. CLARKE: Correct.</p> <p>21 MR. COUNCELL: Could you address that</p>
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<p>1 MR. BOICOURT: I am. Thanks, Chip.</p> <p>2 MR. COUNCELL: Okay. Great, great. Bill,</p> <p>3 if you want, we could start with you. We have</p> <p>4 Ray and we have Tony with us. If you have any</p> <p>5 concerns or questions for them, we'll go</p> <p>6 forward.</p> <p>7 MR. BOICOURT: I'll ask Ray a question</p> <p>8 that's on our mind, is that we have the letter</p> <p>9 that you wrote, the comments on the application</p> <p>10 from November 19th, as well as your comments</p> <p>11 were incorporated in Corey Pack's letter to</p> <p>12 MDE.</p> <p>13 And the question is have those issues been</p> <p>14 resolved at present?</p> <p>15 MR. CLARKE: At this time, Bill, the</p> <p>16 county has not received any response to any of</p> <p>17 the comments that were generated from the</p> <p>18 public hearing or written comments that I think</p> <p>19 were due to MDE on January 20th. So at this</p> <p>20 point in time, we have not received any</p> <p>21 response to those comments.</p>	<p>1 briefly?</p> <p>2 MR. CLARKE: Yes. Based upon the</p> <p>3 application, one of the things that was</p> <p>4 required was a nutrient management plan that</p> <p>5 would be submitted as part of the application.</p> <p>6 There was no nutrient management plan submitted</p> <p>7 as part of that application.</p> <p>8 At the same time, I think the other</p> <p>9 question was related to that. There were some</p> <p>10 I guess issues associated with the application.</p> <p>11 One was that the president of the Town Council</p> <p>12 at the time was Cheryl Lewis. That was still</p> <p>13 in the application.</p> <p>14 So ultimately it was a recycled</p> <p>15 application that had information that was ten</p> <p>16 years ago versus current information. So there</p> <p>17 were some issues there as well.</p> <p>18 And I think on top of those, I guess a</p> <p>19 couple of other questions that were being</p> <p>20 raised with MDE was pretty much I think</p> <p>21 associated with, one, without the nutrient</p>

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<p>1 management plan, we had no idea what the crops 2 would be associated with that.</p> <p>3 I think at the same time, I think some of 4 the questions we raised, some of the questions 5 you probably have, was storage requirements, 60 6 days versus 90 days.</p> <p>7 At the same time, I think we were -- had 8 some conversations with MDE about the overall 9 process, especially for amending the Comp Water 10 and Sewer Plan. And it was a little 11 frustrating for us that when we were talking 12 with MDE, their position was that they 13 considered everything within the town 14 boundaries as being S-1 W-1. And they were 15 basing that based upon the passage of time, 16 which we took exception to.</p> <p>17 We felt that this had to go through the 18 Comp Water and Sewer Plan process, through the 19 public process, and that ultimately my office 20 has never received any documents from MDE 21 indicating that the classification of the S-1</p>	<p>1 going through it all?</p> <p>2 MR. COUNCELL: Absolutely, yup.</p> <p>3 MR. SPIES: A question on the nutrient 4 management plan, and this is for my knowledge, 5 with these nutrient management plans, now we 6 know that they're not going to be using those 7 spray fields for one to two years or some 8 extended amount of time. They're just going to 9 be sending the effluent into the Town of 10 Trappe.</p> <p>11 What is the requirements for that nutrient 12 management plan and those fields for that 13 situation? Are they going to give you like a 14 three to four-year nutrient management plan or 15 cropping plan?</p> <p>16 This is a very unique situation. So I'm 17 not trying to throw a ringer in it. I'm just 18 saying in this unique situation, we know 19 they're not going to be using those spray 20 fields for an extended period of time.</p> <p>21 When does the nutrient management plan</p>
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<p>1 W-1 for the Lakeside development.</p> <p>2 So usually when we submit the resolution, 3 the Planning Commission as well as the County 4 Council has voted to approve. We submit that 5 to MDE. MDE then basically has up to 90 days. 6 They review that with the Maryland Department 7 of Planning. They then forward back a letter 8 saying that that is approved.</p> <p>9 So typically, any application that Talbot 10 County receives for a Comp Water and Sewer Plan 11 is pending approval of MDE. So we can't really 12 say that's approved until MDE has reviewed it 13 and approved it.</p> <p>14 So in the case of the Town of Trappe, we 15 had nothing in our files indicating there was 16 an S-1 W-1 approval for the Lakeside 17 development.</p> <p>18 MR. SPIES: Chip. Can each one of these, 19 since it's so involved, can we take each one of 20 his comments and then if we have questions as 21 commissioners, ask the questions instead of</p>	<p>1 become a necessity and when do they submit it?</p> <p>2 Because right now, I mean it's just either a 3 crop field or grass land.</p> <p>4 MR. CLARKE: Right.</p> <p>5 MR. SPIES: And how long -- I mean how 6 many years or how much time frame does that 7 nutrient management plan need to cover? 8 Because like I'm foggy about that and I don't 9 understand what is needed to put into this 10 plan.</p> <p>11 MR. CLARKE: Right. My understanding with 12 MDE under the permit is that they're requiring 13 now within six months of spray irrigation that 14 the nutrient management plan be submitted.</p> <p>15 I think one of the arguments that we have 16 all been trying to make is that at a bare 17 minimum, there should be a draft management 18 plan at least presented to show what kind of 19 crops might be used and then ultimately how 20 those crops will be laid out.</p> <p>21 MR. SPIES: So in your note, you said the</p>

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<p>1 nutrient management plan is missing.</p> <p>2 MR. CLARKE: Correct.</p> <p>3 MR. SPIES: Could it not be missing?</p> <p>4 I mean if they don't plan to use that</p> <p>5 spray field for six months, could it also not</p> <p>6 be missing?</p> <p>7 MR. CLARKE: Well, I think one of the</p> <p>8 things that I would say is when this was</p> <p>9 originally coming out back in let's say</p> <p>10 2008-ish, if I'm not mistaken, when they first</p> <p>11 came out, they did have a meeting. And at that</p> <p>12 meeting, MDE highlighted that the nutrient</p> <p>13 management plan could consist of crops and/or</p> <p>14 trees.</p> <p>15 So the question would be okay, what are</p> <p>16 you proposing to do here? There's been no</p> <p>17 discussion on that, as to whether they're</p> <p>18 proposing crops or trees.</p> <p>19 And I think the other component would be</p> <p>20 is what is the current nutrient management plan</p> <p>21 today? If they've got crops out there, the</p>	<p>1 they're running it at full tilt. That's what</p> <p>2 Paul Spies would like to see.</p> <p>3 If that's not a requirement, then there's</p> <p>4 a lot of things in life I'd like, I'm probably</p> <p>5 not going to get.</p> <p>6 But we need to be very clear with the</p> <p>7 applicant about what we require and then say</p> <p>8 something is not there. Well, if it's not</p> <p>9 required until six months prior to starting the</p> <p>10 spray irrigation, I'm guessing 99 percent of</p> <p>11 applicants aren't going to turn it in until</p> <p>12 seven months and one day and they're going to</p> <p>13 make the deadline.</p> <p>14 So that's my only comment.</p> <p>15 But I do think for this process and for us</p> <p>16 all to make a -- feel more comfortable with</p> <p>17 this project moving forward, going above and</p> <p>18 beyond what we're requiring, it would be</p> <p>19 helpful.</p> <p>20 MS. GHEZZI: May I actually comment on</p> <p>21 that particular topic as well?</p>
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<p>1 farmer should have a nutrient management plan</p> <p>2 for those crops today.</p> <p>3 MR. SPIES: In my opinion, we just need to</p> <p>4 be very clear with the applicant and in the</p> <p>5 process.</p> <p>6 I have a note that says the nutrient</p> <p>7 management plan is missing, and we have public</p> <p>8 comment that says it's not needed until they</p> <p>9 plan to use the spray field irrigation, six</p> <p>10 months prior to using the spray irrigation.</p> <p>11 If we want more than that, then in my</p> <p>12 opinion we need to clarify, because I would</p> <p>13 like to see, personally I would like to see</p> <p>14 their three-year plan, nutrient management</p> <p>15 plan. What they're going to do in the short</p> <p>16 term on those fields, how they're going to</p> <p>17 manage it, what they're going to do when</p> <p>18 they're about to start using the spray</p> <p>19 irrigation field, what they're going to do when</p> <p>20 they're barely running the spray irrigation</p> <p>21 field, and what they're going to be doing when</p>	<p>1 I'm really confused. I mean I've been</p> <p>2 pouring over documents. I'm really confused.</p> <p>3 I found this online. This is an</p> <p>4 application for State ground water discharge</p> <p>5 permit for domestic wastewater. This is the</p> <p>6 instructions. And on page two, it says as</p> <p>7 strict land application method of wastewater</p> <p>8 discharge, it's required to be submitted with</p> <p>9 the application.</p> <p>10 Maybe Mr. Clarke, you could say if I'm</p> <p>11 looking at the correct application. And I mean</p> <p>12 it seems like it's a --</p> <p>13 MR. BOICOURT: This is Bill. I can't hear</p> <p>14 Lisa.</p> <p>15 MS. GHEZZI: Sorry, Bill. I'm just really</p> <p>16 confused because I just handed Ray a copy of</p> <p>17 the application, the MDE application with</p> <p>18 asterisks, the requirement that a nutrient</p> <p>19 management plan be submitted with the</p> <p>20 application.</p> <p>21 MR. CLARKE: Again, this is the</p>

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<p>1 application. And I think that's one of the</p> <p>2 issues that we were running into.</p> <p>3 I would also point out, one of the things</p> <p>4 that we kind of have a disconnect here in some</p> <p>5 respects, that right now we're looking at the</p> <p>6 Comp Water and Sewer Plan. We're amending the</p> <p>7 Comp Water and Sewer Plan.</p> <p>8 At the same time, what is also happening</p> <p>9 is that the applicant is moving forward with</p> <p>10 their discharge permit.</p> <p>11 So there's kind of two things happening at</p> <p>12 the same time here.</p> <p>13 With the Comp Water and Sewer Plan,</p> <p>14 typically with the Comp Water and Sewer Plan,</p> <p>15 what would happened is it's amended, we would</p> <p>16 move into design phases and whatnot, and then</p> <p>17 ultimately a lot of what's happening with the</p> <p>18 permit applications is coming after the Comp</p> <p>19 Water and Sewer Plan has been amended.</p> <p>20 So we're kind of in a unique scenario here</p> <p>21 where we've got two things happening at the</p>	<p>1 wastewater treatment plant process.</p> <p>2 So those are the things I think for us it</p> <p>3 would have been nice to have.</p> <p>4 MR. SPIES: But again, in the near term,</p> <p>5 their nutrient management plan is we're sending</p> <p>6 it to Trappe wastewater. They're not a</p> <p>7 generator of nutrients in the near term.</p> <p>8 MR. CLARKE: And I believe that's also</p> <p>9 part of the amendment, is to go ahead and now</p> <p>10 move that to the Trappe plant for the first</p> <p>11 phases possibly.</p> <p>12 MR. SPIES: So again, we just need -- so</p> <p>13 in the short term, they're not a generator of</p> <p>14 nutrients. So they're not required to have a</p> <p>15 nutrient management plan.</p> <p>16 MR. CLARKE: As it relates to the</p> <p>17 wastewater treatment plant, correct.</p> <p>18 MR. SPIES: So they need a nutrient</p> <p>19 management plan six months prior to becoming a</p> <p>20 generator of nutrients that is field applied,</p> <p>21 correct?</p>
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<p>1 same time. We actually have the Comp Water and</p> <p>2 Sewer Plan trying to be amended. At the same</p> <p>3 time, the applicant, the town and the</p> <p>4 developer, are trying to move forward with</p> <p>5 their discharge permit for their wastewater</p> <p>6 system. So that's one of the things I think is</p> <p>7 happening that's kind of unique.</p> <p>8 But you are correct. I think that's one</p> <p>9 of the issues that we felt is that there was no</p> <p>10 nutrient management plan submitted. So it was</p> <p>11 difficult for us to determine what's being</p> <p>12 proposed out there.</p> <p>13 At the same time, I know questions popped</p> <p>14 up with the Planning Commission is that if</p> <p>15 you're treating it to a higher level, let's say</p> <p>16 ENR level which is three milligrams per liter</p> <p>17 or less of total nitrogen, now you're</p> <p>18 potentially in a position, because under MDE,</p> <p>19 they like eight milligrams per liter. Well,</p> <p>20 you'd be adding nitrogen now to offset that</p> <p>21 lost nitrogen that's being pulled out of the</p>	<p>1 MR. CLARKE: Correct.</p> <p>2 MR. SPIES: I'm on the right. . .</p> <p>3 MR. CLARKE: Correct.</p> <p>4 MR. SPIES: So in the short term in this</p> <p>5 application process, what we're voting on is</p> <p>6 the amendment that says they're going to be</p> <p>7 sending nutrients to the Trappe wastewater</p> <p>8 treatment facility. That's the amendment we're</p> <p>9 voting on on the S-1 W-1, correct?</p> <p>10 MR. CLARKE: Right now, the way I think</p> <p>11 the amendment one identifies it that wastewater</p> <p>12 will either go to what they call phase 1A,</p> <p>13 which is the new wastewater treatment plant, or</p> <p>14 it could be going to the Trappe, the existing</p> <p>15 Trappe wastewater treatment plant, until things</p> <p>16 can progress to the new treatment plant.</p> <p>17 MR. SPIES: Okay.</p> <p>18 MR. CLARKE: But again --</p> <p>19 MR. SPIES: I think I'm clear.</p> <p>20 MR. CLARKE: Okay.</p> <p>21 MR. COUNCELL: So my next question would</p>

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<p>1 be for Tony.</p> <p>2 So Tony, as a Planning Commission, are we</p> <p>3 getting ahead of ourselves when we are delving</p> <p>4 into MDE's permit and what it entails as</p> <p>5 opposed to the overall Comprehensive Water and</p> <p>6 Sewer Plan?</p> <p>7 MR. KUPERSMITH: First let me just ask, do</p> <p>8 we want to do a closed session for legal advice</p> <p>9 where I can provide legal advice to the</p> <p>10 Commission?</p> <p>11 Do you want to do the technical questions</p> <p>12 with Ray and then do a closed session for legal</p> <p>13 advice?</p> <p>14 MR. STRANNAHAN: I think so.</p> <p>15 MR. SPIES: I think Chip's question is</p> <p>16 pertinent to get answered because if it's not,</p> <p>17 we could go through an hour of Ray answering it</p> <p>18 and then you tell us that it's not pertinent.</p> <p>19 Would be kind of a, in my mind -- so I think to</p> <p>20 have --</p> <p>21 MR. KUPERSMITH: Okay. I'll try to</p>	<p>1 one. And then you've got the 2016, the most</p> <p>2 recent county Comprehensive Plan.</p> <p>3 So the charge is to look at those two</p> <p>4 proposals and to figure out is the proposed</p> <p>5 Comp Water and Sewer Plan amendment consistent</p> <p>6 with the county 2016 Comprehensive Plan.</p> <p>7 So take from that what you will, but the</p> <p>8 issues of the nutrient management plan, what</p> <p>9 MDE requires in its application for a discharge</p> <p>10 permit, I'll let you draw your own conclusions</p> <p>11 about that, unless you want me to delve into it</p> <p>12 further in a legal advice session.</p> <p>13 But Mr. Clarke also pointed out that under</p> <p>14 the State law, you would typically have, it</p> <p>15 does seem, you would typically have a Comp</p> <p>16 Water and Sewer Plan amended first and then you</p> <p>17 would have applications for a discharge permit</p> <p>18 and then a facilities permit. Because the</p> <p>19 relevant sections in the State law, in the code</p> <p>20 in COMAR, talk about whether or not the</p> <p>21 discharge permit or the facilities permit are</p>
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<p>1 balance things, then, and just rather than</p> <p>2 trying to apply the law to the facts, which</p> <p>3 would be sort of more legal advice, I'll just</p> <p>4 try to say what the statute says.</p> <p>5 So for the Planning Commission, the</p> <p>6 requirement to certify consistency is in the</p> <p>7 Environment Article section 9506. And that</p> <p>8 says that the county planning agency shall</p> <p>9 certify consistency with the county</p> <p>10 Comprehensive Plan.</p> <p>11 And then you have in the Land Use Article,</p> <p>12 it talks about the factors that are to be</p> <p>13 considered when you're looking at consistency.</p> <p>14 And that's what, at our last meeting that</p> <p>15 we had, that's what Mr. Council went through</p> <p>16 and the Commission went through are all of</p> <p>17 those factors.</p> <p>18 So that's really what's before the</p> <p>19 Commission.</p> <p>20 We have a Comp Water and Sewer Plan</p> <p>21 amendment, including as amended by amendment</p>	<p>1 consistent with the county Water and Sewer</p> <p>2 Plan.</p> <p>3 So it makes sense. If MDE has to look at</p> <p>4 consistency with the county Water and Sewer</p> <p>5 Plan, it would make sense that the county Water</p> <p>6 and Sewer Plan is first amended and then MDE</p> <p>7 looks at it and says okay, is what they're</p> <p>8 proposing to do with discharge or with their</p> <p>9 facility consistent with the county</p> <p>10 Comprehensive Water and Sewer Plan. So I think</p> <p>11 that's what he's pointing out.</p> <p>12 And here you do have this parallel track</p> <p>13 thing going on. And that has injected some</p> <p>14 confusion into the process. And it's hard to</p> <p>15 know what to attribute that parallel track to.</p> <p>16 I guess you could infer that they're</p> <p>17 trying to just move ahead as quickly as</p> <p>18 possible by doing things on a parallel track.</p> <p>19 It's also possible that due to the history of</p> <p>20 the project where they had previously gotten a</p> <p>21 discharge permit, it's just given the long</p>

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<p>1 history of it, it could be that that's why</p> <p>2 we're dealing with this.</p> <p>3 But again, I'm not going to make any --</p> <p>4 I'll let you all draw your own conclusions</p> <p>5 about why we are where we are with this.</p> <p>6 MR. COUNCELL: Another question for you.</p> <p>7 And again, if you think it should be closed</p> <p>8 session, but I'm okay with it.</p> <p>9 So I think both Ray and the applicant</p> <p>10 stated that as far as MDE is concerned, the</p> <p>11 entire property is S-1, but can they move</p> <p>12 forward? In other words, I think the applicant</p> <p>13 is saying they could move forward with or</p> <p>14 without the county's blessing at this point.</p> <p>15 Do you agree with that?</p> <p>16 MR. KUPERSMITH: The applicant has</p> <p>17 indicated that. And Ray has indicated that he</p> <p>18 believes that MDE has a certain interpretation</p> <p>19 of the county Comprehensive Water and Sewer</p> <p>20 Plan.</p> <p>21 The County's position is that the</p>	<p>1 know how else to say this other than I'm okay</p> <p>2 with three, I'm not okay with eight.</p> <p>3 So could you address that?</p> <p>4 MR. CLARKE: Sure thing. Let me just say</p> <p>5 that as part of the application that you all</p> <p>6 are reviewing, Resolution 281 and amendment</p> <p>7 one, in those documents the applicant has</p> <p>8 basically identified an ENR facility, which is</p> <p>9 three milligrams per liter of total nitrogen</p> <p>10 and .3 milligrams per liter of total</p> <p>11 phosphorus.</p> <p>12 The permit, the discharge permit, MDE will</p> <p>13 write the permit around a BNR facility, which</p> <p>14 will be eight milligrams per liter of nitrogen</p> <p>15 and possibly something higher for total</p> <p>16 phosphorus. I have to look at the permit on</p> <p>17 the total phosphorus.</p> <p>18 So in those scenarios, MDE in their I</p> <p>19 guess calculations, if you want to call it</p> <p>20 that, for spray irrigation believed that the</p> <p>21 eight milligrams per liter that's delivered</p>
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<p>1 Comprehensive Water and Sewer Plan needs to be</p> <p>2 amended first and that the parcels in question</p> <p>3 would need to be designated S-1 W-1 in order</p> <p>4 for there to be a discharge permit or a</p> <p>5 facilities permit issued. So that's the</p> <p>6 county's view.</p> <p>7 The applicant and MDE may have their own</p> <p>8 interpretations, but the County's view is that</p> <p>9 we need to have an amendment to the county</p> <p>10 Water and Sewer Plan to designate an area</p> <p>11 immediate priority status, S-1, before a</p> <p>12 discharge permit is issued to connect</p> <p>13 residential properties or other properties to a</p> <p>14 sewer system.</p> <p>15 MR. COUNCELL: Thank you.</p> <p>16 So I guess, Ray, back to you. And I</p> <p>17 think -- so the BNR treatment facility allows</p> <p>18 eight milligrams per liter?</p> <p>19 MR. CLARKE: That's correct.</p> <p>20 MR. COUNCELL: The applicant has testified</p> <p>21 to the ENR system, which is three. And I don't</p>	<p>1 from the wastewater treatment plant at that</p> <p>2 root zone will be net zero for total nitrogen.</p> <p>3 That's something that we don't have MDE's</p> <p>4 calculations on, but that would have to be</p> <p>5 provided by MDE.</p> <p>6 But at the same time, the applicant, the</p> <p>7 Town of Trappe, has proposed an ENR facility,</p> <p>8 which is three milligrams per liter for total</p> <p>9 nitrogen.</p> <p>10 And I think as Tony pointed out, what we</p> <p>11 would probably look at is if Resolution 281 and</p> <p>12 amendment one were adopted, then what we could</p> <p>13 then go back to the State on is that the Comp</p> <p>14 Water and Sewer Plan identifies an ENR</p> <p>15 facility. So that should be how the permit</p> <p>16 should be drafted based upon that ENR facility.</p> <p>17 MR. COUNCELL: Paul.</p> <p>18 MR. SPIES: So if this amendment passes,</p> <p>19 they're legally required to have an ENR system?</p> <p>20 MR. CLARKE: It's part of the plan.</p> <p>21 I think MDE, from what I've -- I've had</p>



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<p>1 some conversations with MDE related to this.</p> <p>2 They're a little reluctant to utilize a BNR --</p> <p>3 I'm sorry, an ENR permit requirement for spray</p> <p>4 irrigation because that would establish a</p> <p>5 precedent for spray irrigation that can be</p> <p>6 utilized elsewhere in the State.</p> <p>7 MR. SPIES: I guess what Chip needs an</p> <p>8 answer to is he's not okay with eight, but he's</p> <p>9 okay with three. So we need to know before</p> <p>10 passing this amendment --</p> <p>11 MR. CLARKE: Passing the amendment --</p> <p>12 MR. SPIES: It requires to three.</p> <p>13 MR. CLARKE: We would have a better</p> <p>14 argument with MDE of pushing three milligrams</p> <p>15 per liter.</p> <p>16 MR. SPIES: A better argument or it would</p> <p>17 require three?</p> <p>18 MR. CLARKE: I think at this point in</p> <p>19 time, the applicant has also indicated they're</p> <p>20 willing to move forward with the ENR facility.</p> <p>21 So I would say at this point three</p>	<p>1 I mean I just, in good conscience, I see</p> <p>2 no assurances.</p> <p>3 Anyway, let me just count the lines down</p> <p>4 where I am starting. And I'll count every line</p> <p>5 that has letters on it. One, two, three, four,</p> <p>6 five, six, seven, eight, nine, ten, 11, in the</p> <p>7 12th line, the underlined portion on page seven</p> <p>8 of the proposed amendment one to Resolution 281</p> <p>9 dated February 11, 2020.</p> <p>10 The initial treatment and disposal</p> <p>11 capacity -- I'm sorry, I should have started</p> <p>12 with -- next line. Startup wastewater</p> <p>13 treatment for the Lakeside project may be</p> <p>14 provided by a modular ENRB NBR WWTP capable of</p> <p>15 operating at the initial development flow rates</p> <p>16 or by a direct connection to the existing</p> <p>17 Trappe wastewater system.</p> <p>18 In reading this, I have no assurances that</p> <p>19 this is going to be what they're actually going</p> <p>20 to be doing. So how can I assure consistency</p> <p>21 if I have no assurance of what they're going to</p>
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<p>1 milligrams or ENR would be the way to go.</p> <p>2 MS. GHEZZI: Could I ask a question? What</p> <p>3 assurances do we have other than people nodding</p> <p>4 their heads? Do we have something in writing?</p> <p>5 MR. CLARKE: Well, one of the things that</p> <p>6 we do have is that they've submitted their</p> <p>7 application within the Comp Water and Sewer</p> <p>8 Plan with ENR. So that has been identified</p> <p>9 within the Comp Water and Sewer Plan.</p> <p>10 MS. GHEZZI: Is this amendment an</p> <p>11 assurance in your mind?</p> <p>12 MR. CLARKE: That's basically all we have.</p> <p>13 MS. GHEZZI: Okay. That's basically all</p> <p>14 we have.</p> <p>15 So here I'm seeing a may, not a shall, but</p> <p>16 a may. That to me is not an assurance.</p> <p>17 Could you help to interpret this for me,</p> <p>18 Mr. Clarke? This is on page seven of the green</p> <p>19 document I refer to because it's the only green</p> <p>20 document in our packet, proposed amendment</p> <p>21 number one to Resolution 281.</p>	<p>1 be doing?</p> <p>2 MR. CLARKE: That, as far as the drafting</p> <p>3 of the documents, has been in conjunction with</p> <p>4 the Town of Trappe as well as the developer.</p> <p>5 The question would be if they were willing</p> <p>6 to change that from may to a shall, that would</p> <p>7 be the question that would be posed to the Town</p> <p>8 of Trappe.</p> <p>9 MS. GHEZZI: And there's an either-or</p> <p>10 there. Let me further note, they may connect</p> <p>11 to the existing Town of Trappe wastewater</p> <p>12 system.</p> <p>13 When would they even switch over? We have</p> <p>14 no assurances.</p> <p>15 And could the current wastewater treatment</p> <p>16 plant even handle this?</p> <p>17 I have -- I understand that there may have</p> <p>18 been a grant application to connect 11 homes in</p> <p>19 Trappe and it was recently turned down because</p> <p>20 of something. Can you maybe go into that a</p> <p>21 little bit more for me?</p>

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<p>1 MR. CLARKE: Well, first off, yeah. I</p> <p>2 think the Howell Point, there were 11</p> <p>3 properties on Howell Point Road.</p> <p>4 The county basically worked with the Town</p> <p>5 of Trappe to amend the Comp Water and Sewer</p> <p>6 Plan to bring those 11 properties, they're</p> <p>7 currently on water from the Town of Trappe,</p> <p>8 bring those 11 properties into the sewer</p> <p>9 system.</p> <p>10 My understanding, again, you have to go</p> <p>11 back to the town, my understanding is the</p> <p>12 wastewater treatment plant for the Town of</p> <p>13 Trappe has a hydraulic design of</p> <p>14 200,000 gallons a day. They're currently</p> <p>15 doing -- they have about 100,000 gallons. So</p> <p>16 they have 50,000 -- or 50 percent capacity</p> <p>17 remaining at their wastewater treatment plant.</p> <p>18 I believe in the early 2000s, the Trappe</p> <p>19 wastewater treatment plant was upgraded with</p> <p>20 what they call Biolac, which is a BNR</p> <p>21 technology. That Biolac system was supposed to</p>	<p>1 convinced that we were going with an ENR</p> <p>2 technology with the three milligrams at the</p> <p>3 last three meetings we've had, but besides</p> <p>4 that, now we're hooking up to the local plant</p> <p>5 which is not meeting standards.</p> <p>6 So first, we have no assurances that</p> <p>7 they're going to use ENR.</p> <p>8 And second of all, they're hooking up to</p> <p>9 an existing plant and we don't even know when</p> <p>10 they're going to switch over, and a plant</p> <p>11 that's not -- that's been turned down</p> <p>12 apparently for not meeting standards.</p> <p>13 MR. CLARKE: My understanding is that</p> <p>14 they're also, the town is also pursuing or</p> <p>15 having a preliminary engineering report</p> <p>16 completed to actually upgrade their existing</p> <p>17 wastewater treatment plant with ENR</p> <p>18 technologies, but I don't know the time frame.</p> <p>19 That's a question for the Town of Trappe.</p> <p>20 I very quickly would just highlight that</p> <p>21 when it comes to I guess the management of the</p>
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<p>1 have met eight milligrams per liter of total</p> <p>2 nitrogen and possibly two milligrams per liter</p> <p>3 of total phosphorus.</p> <p>4 At that point in time when we were moving</p> <p>5 forward with the application to amend the Comp</p> <p>6 Water and Sewer Plan for the 11 properties on</p> <p>7 Howell Point Road, the hope was is that we</p> <p>8 could then turn around, once that was amended,</p> <p>9 to the State of Maryland and say okay, now we'd</p> <p>10 like to go ahead and get BRF money, Bay</p> <p>11 Restoration Funding or money, to assist those</p> <p>12 property owners in connecting to the town</p> <p>13 wastewater system.</p> <p>14 At that point in time, MDE said that they</p> <p>15 did not qualify for BRF funds because their</p> <p>16 plant was not consistently meeting the BNR</p> <p>17 requirements through their facility.</p> <p>18 MS. GHEZZI: Okay. So fast forward, we</p> <p>19 hook up the first 87 homes from the Trappe East</p> <p>20 development to the plant, as this may indicates</p> <p>21 may happen, which, by the way, I was pretty</p>	<p>1 Town of Trappe's water and wastewater system,</p> <p>2 typically they're referred to as the</p> <p>3 controlling authority. The Department of</p> <p>4 Public Works for Talbot County, we're the</p> <p>5 controlling authority for St. Michael's and our</p> <p>6 facilities.</p> <p>7 MDE basically is the regulator. And so</p> <p>8 ultimately they're the ones that are issuing</p> <p>9 the permits, they're overseeing and managing</p> <p>10 the permits. So in those scenarios, it's</p> <p>11 basically going to be the Town of Trappe</p> <p>12 meeting the requirements that are established</p> <p>13 by MDE.</p> <p>14 MR. COUNCELL: Tony, at this point, would</p> <p>15 you like to weigh in on amendment one, the may</p> <p>16 instead of the shall?</p> <p>17 And then the applicant says they have</p> <p>18 applied for an ENR system. So does that have</p> <p>19 teeth at this point in your analysis?</p> <p>20 MR. KUPERSMITH: My understanding of the</p> <p>21 may, of that sentence, is that the town wants</p>

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<p>1 to keep open the option of serving the initial</p> <p>2 phase of the development either by a new</p> <p>3 facility that they construct pursuant to the</p> <p>4 permits that they're seeking from MDE or from</p> <p>5 the existing Town of Trappe wastewater system.</p> <p>6 So that's what my understanding with the may</p> <p>7 is.</p> <p>8 So it seems that if this were approved,</p> <p>9 this amendment were approved, then if they</p> <p>10 decided to do the first phase of the</p> <p>11 development with the existing Trappe facility,</p> <p>12 I'm not certain what additional approvals from</p> <p>13 MDE would be needed at that stage, because the</p> <p>14 permits that they're applying for from MDE</p> <p>15 right now pertain to the construction of a new</p> <p>16 facility.</p> <p>17 So if they decided to exercise that</p> <p>18 clause, the may clause, and go with the</p> <p>19 existing system, the following sentence talks</p> <p>20 about connections to the existing Town of</p> <p>21 Trappe wastewater system is subject to the</p>	<p>1 a connection to its current facility, based on</p> <p>2 that projection they would need 40,000 gallons</p> <p>3 of free capacity.</p> <p>4 Ray has indicated that he believes that</p> <p>5 the facility has 50 percent capacity remaining.</p> <p>6 I think the facility is about</p> <p>7 200,000-gallon-per-day facility.</p> <p>8 So based on the current estimates, it</p> <p>9 would seem that they would have enough capacity</p> <p>10 to absorb that. But is the system operating up</p> <p>11 to MDE standards, I can't answer that right</p> <p>12 now.</p> <p>13 They collect monitoring reports I guess</p> <p>14 each month that has the data for what sort of</p> <p>15 output the facility is doing.</p> <p>16 As Ms. Ghezzi has pointed out, there I</p> <p>17 guess were some concerns earlier related to Bay</p> <p>18 Restoration Funding.</p> <p>19 So is there some uncertainty associated</p> <p>20 with that, I suppose you could draw that</p> <p>21 conclusion. However, that is an existing</p>
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<p>1 approval of the Town of Trappe, available</p> <p>2 wastewater capacity, and adequate access to the</p> <p>3 collection system.</p> <p>4 So Trappe is essentially through this</p> <p>5 saying these conditions would have to be met in</p> <p>6 order for us to allow that initial connection.</p> <p>7 The initial phase of the project is</p> <p>8 discussed a little bit in the preceding</p> <p>9 sentences. And it's talking about, it says</p> <p>10 phase one section one of the proposed Lakeside</p> <p>11 project is expected to include approximately 84</p> <p>12 family residential dwellings and a visitor and</p> <p>13 sales center and it projects that the capacity</p> <p>14 required will be 30 to 40,000 gallons per day.</p> <p>15 So presumably, and that's not binding</p> <p>16 language in the sense that it's basically</p> <p>17 saying that's the projected amount of homes in</p> <p>18 the initial phase will be 84 plus the sales</p> <p>19 center. So it's not saying that that's the</p> <p>20 absolute number, that's the projected number.</p> <p>21 And so if the Town of Trappe were to allow</p>	<p>1 facility that's approved by MDE and that</p> <p>2 appears to have or there's a suggestion that it</p> <p>3 has sufficient capacity to accommodate the 30</p> <p>4 to 40,000 gallons per day.</p> <p>5 And the alternative is the construction of</p> <p>6 a new facility. And I think that to get to the</p> <p>7 issues that have been raised about does this</p> <p>8 have teeth in terms of the discharge, the</p> <p>9 milligrams per liter, I think that you all</p> <p>10 would need to parse this language to decide</p> <p>11 whether is the language strong enough to say</p> <p>12 that this is the kind of facility, this is the</p> <p>13 only kind of facility that's envisioned as far</p> <p>14 as the new facility is concerned. How much is</p> <p>15 the door left open to some other kind of</p> <p>16 facility, it does clearly talk about an NBR ENR</p> <p>17 wastewater treatment plant. There's not a</p> <p>18 discussion of another type of plant.</p> <p>19 And so the question that it seems like</p> <p>20 you're looking at is if this all passes and</p> <p>21 then MDE now has the amended Comp Water and</p>

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<p>1 Sewer Plan in front of it and then they have</p> <p>2 this application for a discharge permit in</p> <p>3 front of them and if there was some</p> <p>4 modification to the application, how far could</p> <p>5 MDE go in allowing some sort of a change to the</p> <p>6 application?</p> <p>7 So I think Ray has said that the</p> <p>8 application is for an ENR system, which would</p> <p>9 be consistent with this amendment. But it</p> <p>10 becomes once the Comp Water and Sewer Plan</p> <p>11 amendment is passed, if you're looking at the</p> <p>12 next step, the discharge permit, that becomes</p> <p>13 an MDE question. And it's up to them to decide</p> <p>14 whether that application is consistent with</p> <p>15 what the county has done in the Comp Water and</p> <p>16 Sewer Plan.</p> <p>17 MR. SPIES: So Ray, so will MDE have the</p> <p>18 ability to require .3 nitrogen or will it, no</p> <p>19 matter what system they put in, their</p> <p>20 requirements are going to be the .8?</p> <p>21 MR. CLARKE: I think in my discussions,</p>	<p>1 treatment than that, that's up to you as the</p> <p>2 applicant.</p> <p>3 MR. COUNCELL: So Ray, I refer to you as</p> <p>4 expert. I'm also going to refer to you as the</p> <p>5 keeper of the gate.</p> <p>6 Are you comfortable with where MDE and the</p> <p>7 applicant are in regards to standard six, land</p> <p>8 use, protecting environmentally sensitive</p> <p>9 areas?</p> <p>10 MR. CLARKE: I mean from my perspective, I</p> <p>11 think yes.</p> <p>12 The hardest part right now for us is we're</p> <p>13 trying to go through the Comp Water and Sewer</p> <p>14 Plan process. I know there are a lot of</p> <p>15 concerns that have been raised by the</p> <p>16 applicants. I'm sorry, the citizens.</p> <p>17 The one thing I think that's kind of</p> <p>18 unique about this whole overall application,</p> <p>19 and I think one of the things I just want to</p> <p>20 highlight as I looked at it a little closer,</p> <p>21 the question like 60-day storage has been</p>
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<p>1 they're not going to change the permit. The</p> <p>2 permit will remain as eight. It will remain at</p> <p>3 eight milligrams per liter.</p> <p>4 The factor I think is Rauch, Incorporated</p> <p>5 is looking at the town, I think is also looking</p> <p>6 at by going ENR, they're protected into the</p> <p>7 future. So if the State were to ever change</p> <p>8 those discharge requirements on them, they</p> <p>9 already are meeting the best available</p> <p>10 (inaudible). So if I were them, I would leave</p> <p>11 them the same (inaudible).</p> <p>12 MR. SPIES: So no matter what equipment,</p> <p>13 so no matter what equipment they put in, the</p> <p>14 MDE permit is going to be for eight milligrams?</p> <p>15 MR. CLARKE: Right. I believe that is</p> <p>16 correct, yes.</p> <p>17 And I think the key is is that permit --</p> <p>18 the MDE is going to set the line. They don't</p> <p>19 care if you're below that line. They're going</p> <p>20 to say you've got to be at eight milligrams per</p> <p>21 liter. If you decide to be lower or better</p>	<p>1 outlined. One of the things that Rauch has</p> <p>2 identified is they're looking at 60-day</p> <p>3 storage. But in the addition to the 60-day</p> <p>4 storage, they're also looking at 14 inches of</p> <p>5 rainfall and they're looking at three feet of</p> <p>6 free board.</p> <p>7 Technically, I did a real quick</p> <p>8 calculation, by that volume, they actually</p> <p>9 have, if they were at the top of that spray</p> <p>10 irrigation, they had 245 days of storage. So</p> <p>11 from a storage perspective, they would have</p> <p>12 more than enough storage capacity.</p> <p>13 I know MDE in the past, they don't like to</p> <p>14 see free board less than 12 inches. I think</p> <p>15 they prefer 24 inches. So having three feet of</p> <p>16 free board is actually exceeding that 24 inches</p> <p>17 of free board requirement.</p> <p>18 MS. GHEZZI: Excuse me, Mr. Clarke. Could</p> <p>19 I just ask you, in your calculation, how much</p> <p>20 rainfall did you consider in that?</p> <p>21 MR. CLARKE: They have identified here</p>

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<p>1 14 inches.</p> <p>2 MS. GHEZZI: Fourteen inches annually?</p> <p>3 MR. CLARKE: I think they're adding here</p> <p>4 14 inches rainfall, whatever that is during</p> <p>5 that period of time. So that has been included</p> <p>6 in that volume of that.</p> <p>7 All they've done is they basically said</p> <p>8 that in their storage lagoons, they put in 14</p> <p>9 inches of rainfall. So that volume for 14</p> <p>10 inches is built into their total volume.</p> <p>11 MS. GHEZZI: So what period is this over?</p> <p>12 MR. CLARKE: If you took the total volumes</p> <p>13 that they've identified and then divided that</p> <p>14 by their 540,000 gallons per day, that would</p> <p>15 then establish 245 days.</p> <p>16 MS. GHEZZI: Rainfall is at 14 inches at</p> <p>17 different places. And we've had up to</p> <p>18 90 inches.</p> <p>19 How is that taken into consideration?</p> <p>20 MR. CLARKE: I think what you have to</p> <p>21 remember is this is going to be a dynamic</p>	<p>1 track. Sorry.</p> <p>2 MR. COUNCELL: Any more questions?</p> <p>3 MR. BOICOURT: Ray?</p> <p>4 MR. CLARKE: Yes.</p> <p>5 MR. BOICOURT: I'm looking at the letter</p> <p>6 from Corey Pack, which is your words as part of</p> <p>7 the November 19th. And there's an item six in</p> <p>8 there, and I just want to quote.</p> <p>9 As part of the permit review, MDE should</p> <p>10 consider the Bay TMDLs and the John D. Hynes &amp;</p> <p>11 Associates, Incorporated hydrological</p> <p>12 evaluation of the proposed spray site as it</p> <p>13 relates to (inaudible) storm water runoff and</p> <p>14 the proposed spray irrigation to determine the</p> <p>15 impacts of the proposed development on the</p> <p>16 streams within the Choptank Watershed.</p> <p>17 I just want to endorse that and say that</p> <p>18 it is clear we have no comeback from the</p> <p>19 Department of the Environment on this issue.</p> <p>20 And I think it's extremely important.</p> <p>21 MR. CLARKE: Yes, I agree.</p>
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<p>1 scenario.</p> <p>2 MS. GHEZZI: Right.</p> <p>3 MR. CLARKE: So effluent is going into</p> <p>4 that pond. As it's collected in that pond,</p> <p>5 there could be rainfall. And then they'll</p> <p>6 spray irrigate when the temperature or the</p> <p>7 weather is nice enough. They can spray</p> <p>8 irrigate with less strong winds. So it's</p> <p>9 always going to be going up and down for the</p> <p>10 lagoons.</p> <p>11 So I think if they were to get -- let's</p> <p>12 say they got 14 inches in one day, that's more</p> <p>13 than enough capacity in there. But again,</p> <p>14 they're going to be spray --</p> <p>15 MS. GHEZZI: So you're saying 14 inches in</p> <p>16 one day, then. Okay. That's clear, then.</p> <p>17 MR. CLARKE: What they've done is they've</p> <p>18 taken the volume. They've taken the volume and</p> <p>19 they've added 14 inches of depth for rainfall</p> <p>20 is probably the easiest --</p> <p>21 MS. GHEZZI: I didn't mean to take you off</p>	<p>1 MR. STRANNAHAN: If I may, just to bring</p> <p>2 myself up to speed with what we've been talking</p> <p>3 about today, both from Ray and Tony, that if</p> <p>4 working backwards a little bit, so with the 14</p> <p>5 inches of rainfall. If we get -- by the time</p> <p>6 we have 14 inches of rainfall, they need to</p> <p>7 start spray irrigating to bring the level down.</p> <p>8 Is that correct?</p> <p>9 MR. CLARKE: Typically what's going to</p> <p>10 happen, again, like I said, it's a dynamic</p> <p>11 scenario.</p> <p>12 MR. STRANNAHAN: Sure.</p> <p>13 MR. CLARKE: What is going to happen is</p> <p>14 that I don't believe the Town of Trappe as the</p> <p>15 operator of the facility is going to wait until</p> <p>16 the lagoons are full.</p> <p>17 MR. STRANNAHAN: Right.</p> <p>18 MR. CLARKE: Before they spray irrigate.</p> <p>19 So typically what's going to happen is</p> <p>20 they're going to let volumes build up into that</p> <p>21 spray lagoon.</p>

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<p>1 As those volumes build up, when the</p> <p>2 weather is nice like today, they'll be spray</p> <p>3 irrigating. And if I'm not mistaken, their</p> <p>4 permit is going to require them to put in as</p> <p>5 much as one inch a week out on the spray</p> <p>6 fields.</p> <p>7 MR. STRANNAHAN: Okay.</p> <p>8 MR. CLARKE: So I don't think any</p> <p>9 operator, other than like I said the biosolids</p> <p>10 facility, we are prohibited for spray</p> <p>11 irrigating let's say for the months of December</p> <p>12 through February. We actually have, for our</p> <p>13 20,000-gallon-per-day facility, we have over</p> <p>14 2 million gallons of capacity because we hold</p> <p>15 everything for that period. And the reason we</p> <p>16 do that is that for us, we cannot spray</p> <p>17 irrigate unless there is vegetation on the</p> <p>18 ground because that is our nutrient uptake at</p> <p>19 that facility.</p> <p>20 I believe here with the Town of Trappe,</p> <p>21 again, be associated with their nutrient</p>	<p>1 for approval, but with that application a</p> <p>2 nutrient management plan.</p> <p>3 And so at that time, if the nutrient</p> <p>4 management plan, which will have to state what</p> <p>5 crops will be planted and for whatever period</p> <p>6 of time the requirement is before that has to</p> <p>7 be updated, MDE will look at that and certify</p> <p>8 whether or not that meets their requirements.</p> <p>9 And if it does not meet their requirements,</p> <p>10 they will deny the applications to move forward</p> <p>11 at that point?</p> <p>12 MR. CLARKE: As far as discharge permit,</p> <p>13 yes.</p> <p>14 I think one of the things I would just</p> <p>15 also highlight for the Planning Commission as</p> <p>16 well is that the Hynes' report, which was</p> <p>17 actually given to us on the night of the public</p> <p>18 hearing that they had down in the Town of</p> <p>19 Trappe, also identifies the NBR treatment</p> <p>20 system. So it has been identified in their</p> <p>21 hydrogeological report of using the NBR as</p>
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<p>1 management plan, whatever the crops they're</p> <p>2 growing, they could spray irrigate. And MDE</p> <p>3 has allowed that as long as you have vegetation</p> <p>4 on the ground, that you could spray irrigate at</p> <p>5 any time of the year.</p> <p>6 MR. STRANNAHAN: Okay. So then moving</p> <p>7 back, we talked about much earlier in the</p> <p>8 meeting about the parallel tracks that we're</p> <p>9 on.</p> <p>10 I'm assuming we're somewhat on parallel</p> <p>11 because this thing started years ago, things</p> <p>12 got ahead, assumptions were made. But as of</p> <p>13 right now, if we pass this amendment, that then</p> <p>14 the tracks are no longer really parallel. They</p> <p>15 have to go to MDE for the permits moving</p> <p>16 forward. And then that with six months or more</p> <p>17 before they want to start operating the plant</p> <p>18 that they build, assuming that they hook up to</p> <p>19 the Trappe facility to start with for the</p> <p>20 initial phases and the initial houses, they</p> <p>21 will have to have not only their application in</p>	<p>1 well. So there's (inaudible) of utilizing the</p> <p>2 NBR ENR technology for that treatment system.</p> <p>3 MR. STRANNAHAN: Thank you.</p> <p>4 MR. COUNCELL: Further questions for</p> <p>5 either Ray or Tony?</p> <p>6 MS. GHEZZI: I have a question that may be</p> <p>7 applicable to Ray or to Miguel or to Mary Kay.</p> <p>8 And in terms of the Planning Commission,</p> <p>9 are we looking at adequate facilities and how</p> <p>10 they help to protect what's demonstrated in the</p> <p>11 Comprehensive Plan to be sensitive areas?</p> <p>12 It's my understanding that one area of</p> <p>13 testing for sensitive areas is the actual</p> <p>14 adequacy of that facility. And that's what</p> <p>15 we've been looking at, ENR versus the existing</p> <p>16 wastewater treatment plant, what technologies</p> <p>17 are going to be used. There's no assurances</p> <p>18 what's going to be used.</p> <p>19 So my question to Ray and Miguel, perhaps</p> <p>20 only because Miguel has prepared many of these</p> <p>21 documents, is are we to be utilizing the test</p>

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<p>1 of adequacy of the facilities to determine</p> <p>2 consistency with the Comprehensive Plan?</p> <p>3 MR. SALINAS: So a lot of the policies</p> <p>4 that you're referring to as well as text</p> <p>5 language in the Comprehensive Plan is located</p> <p>6 in Chapter six, which is the natural resources</p> <p>7 section.</p> <p>8 That section does point out that public</p> <p>9 wastewater systems that are not owned by Talbot</p> <p>10 County but one of them being the Town of</p> <p>11 Trappe. And there isn't a lot of specificity</p> <p>12 in that natural resources section related to</p> <p>13 the Town of Trappe other than pointing out its</p> <p>14 available capacity and then future demand</p> <p>15 projections for the capacity on that wastewater</p> <p>16 system that Trappe currently has.</p> <p>17 There is a reference in Chapter six about</p> <p>18 the lack of available capacity under the</p> <p>19 existing Town of Trappe wastewater treatment</p> <p>20 plant as it's projected I think to 2030, unless</p> <p>21 there is a proposed 540,000-gallon-per-day</p>	<p>1 the zoning ordinance stream protection buffers</p> <p>2 outside of the critical area (inaudible)</p> <p>3 perennial streams 50 feet and 100 feet</p> <p>4 respectively, but that's embedded in our zoning</p> <p>5 ordinance for Talbot County. That has no</p> <p>6 impact on the Town of Trappe's, any specific</p> <p>7 stream protection policies in their</p> <p>8 Comprehensive Plan or stream protection</p> <p>9 regulations in their zoning ordinance.</p> <p>10 And so to sum up my answer, there isn't a</p> <p>11 lot of specificity in Chapter six under natural</p> <p>12 resources that deals with the Town of Trappe's</p> <p>13 wastewater treatment plant system.</p> <p>14 MS. GHEZZI: Okay.</p> <p>15 MR. CLARKE: To answer your question about</p> <p>16 adequate facilities, I would just note that at</p> <p>17 this point in time I'm not aware of the consent</p> <p>18 order that has been imposed on the existing</p> <p>19 wastewater treatment at Town of Trappe.</p> <p>20 At the same time, I am not aware of any</p> <p>21 prohibition for them not moving forward with</p>
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<p>1 wastewater treatment plant upgrade and spray</p> <p>2 irrigation system, unless that's built to</p> <p>3 support the Lakeside project.</p> <p>4 And then it talks a little bit about</p> <p>5 alternative wastewater disposal as an</p> <p>6 alternative to doing a point source outfall</p> <p>7 directly into a stream, that spray irrigation</p> <p>8 may be appropriate for larger public systems</p> <p>9 due to the ability to have nutrient uptake.</p> <p>10 But everything else from my reading of the</p> <p>11 Comprehensive Plan under Chapter six,</p> <p>12 everything else really talks about -- it does</p> <p>13 talk about (inaudible) waters, but everything</p> <p>14 else really doesn't deal with what's happening</p> <p>15 inside of Trappe but what's happening outside</p> <p>16 of Trappe, outside of the incorporated</p> <p>17 municipalities in Talbot County.</p> <p>18 For instance, it talks about stream</p> <p>19 buffers in the critical area, for example. And</p> <p>20 it talks about stream buffers outside of the</p> <p>21 critical area. We do have, for instance, in</p>	<p>1 any new development within the Town of Trappe</p> <p>2 that would utilize that facility. That would</p> <p>3 actually come from the MDE through their</p> <p>4 enforcement. If there were issues that said</p> <p>5 you were not allowed to do anything, you would</p> <p>6 be prohibited from basically doing any new</p> <p>7 construction and connecting that to the</p> <p>8 treatment plant, MDE would have made that</p> <p>9 order.</p> <p>10 MS. GHEZZI: And is historically MDE on</p> <p>11 top of that in other jurisdictions as well as</p> <p>12 ours if those issues come up at a local level</p> <p>13 where they have the jurisdiction?</p> <p>14 MR. CLARKE: They would make that call.</p> <p>15 MS. GHEZZI: I'm just asking historically</p> <p>16 have they made that call?</p> <p>17 MR. CLARKE: They have, yes. Sometimes it</p> <p>18 takes them a while to do so, but they have made</p> <p>19 those calls.</p> <p>20 MS. GHEZZI: So in the meantime, runoff</p> <p>21 may occur?</p>

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<p>1 MR. CLARKE: Or I would probably say with</p> <p>2 this, with the facilities with the wastewater</p> <p>3 treatment plant, if they're not meeting the</p> <p>4 permit, that would be something that has to</p> <p>5 come through MDE. They have to delegate</p> <p>6 authority from the EPA.</p> <p>7 So if they're finding that the Town of</p> <p>8 Trappe has what they call a significant notice</p> <p>9 of violations, then what would end up happening</p> <p>10 is MDE would say okay, you've got to address</p> <p>11 that. Then as part of that addressing of those</p> <p>12 issues, MDE would then issue a consent order to</p> <p>13 the town. And through that, there would be I</p> <p>14 guess milestones that would have to be met</p> <p>15 within that consent order that would come</p> <p>16 through the AG's office.</p> <p>17 As it relates to storm water, that storm</p> <p>18 water actually would be something that would</p> <p>19 probably, as part of the development's concern,</p> <p>20 that would have to be incorporated as part of</p> <p>21 the town's review of the developer's storm</p>	<p>1 MR. COUNCELL: Thank you very much.</p> <p>2 At this time, then what's the pleasure of</p> <p>3 the group? If you want to go into executive</p> <p>4 session, now is the time to make that motion.</p> <p>5 MS. GHEZZI: Yeah. I understand. I would</p> <p>6 like to have Mr. Kupersmith respond to your</p> <p>7 question from earlier. I'd like to get</p> <p>8 legal. . .</p> <p>9 MR. COUNCELL: So it's my understanding</p> <p>10 that Commissioner Ghezzi is making a motion to</p> <p>11 go into executive session to consult with our</p> <p>12 attorney on legal matters at five minutes of</p> <p>13 ten.</p> <p>14 MR. SALINAS: Mr. Chairman, may I suggest</p> <p>15 that given that we don't have phones now, we're</p> <p>16 not using the phones in the room for our</p> <p>17 meeting, that when we go into executive</p> <p>18 session, that we actually leave the room.</p> <p>19 I think there's adequate space out in the</p> <p>20 lobby to social distance and have executive</p> <p>21 session.</p>
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<p>1 water management strategies. And then at that</p> <p>2 point, it would be monitored.</p> <p>3 MR. COUNCELL: Okay.</p> <p>4 MS. GHEZZI: Thank you, Mr. Clarke.</p> <p>5 MR. COUNCELL: Further questions?</p> <p>6 Mr. Strannahan?</p> <p>7 MR. STRANNAHAN: No.</p> <p>8 MR. COUNCELL: Ms. Ghezzi?</p> <p>9 MS. GHEZZI: Are we going to go into</p> <p>10 session, closed-door session?</p> <p>11 MR. COUNCELL: If anybody feels the need</p> <p>12 to, they're more than welcome to make that</p> <p>13 motion.</p> <p>14 Questions?</p> <p>15 MR. SPIES: Nothing further.</p> <p>16 MR. COUNCELL: Mr. Boicourt, do you have</p> <p>17 any further questions for either Ray or Tony at</p> <p>18 this time?</p> <p>19 MR. BOICOURT: No, I don't. And I thank</p> <p>20 Ray for being here this morning.</p> <p>21 MS. GHEZZI: Yes. Thank you.</p>	<p>1 I would ask anybody listening, either</p> <p>2 through live stream YouTube or on Webex call,</p> <p>3 to just if they want to wait, to please don't</p> <p>4 hang up or don't leave the live stream meeting</p> <p>5 and we'll be back once executive session has</p> <p>6 ended.</p> <p>7 MR. SPIES: (Inaudible.)</p> <p>8 MR. BOICOURT: Here is a request from</p> <p>9 Bill, who is on the phone call. Could somebody</p> <p>10 at the end of that executive session just give</p> <p>11 me a synopsis by phone call? And I can give</p> <p>12 you another --</p> <p>13 MR. SALINAS: Actually, Bill, we have set</p> <p>14 up a separate call-in for executive session.</p> <p>15 So one of us will be -- either you'll be able</p> <p>16 to call us or we'll connect you in.</p> <p>17 MR. BOICOURT: So I just should hang up;</p> <p>18 is that correct?</p> <p>19 MR. SALINAS: Yes. For you, yes. You'll</p> <p>20 call back in once we come back from executive</p> <p>21 session.</p>



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<p>1 MR. BOICOURT: But right at the moment,</p> <p>2 what should I do?</p> <p>3 MR. SALINAS: So you can hang up now and</p> <p>4 then we'll connect with you for executive</p> <p>5 session.</p> <p>6 MR. KUPERSMITH: But we still need a</p> <p>7 second and a vote.</p> <p>8 MR. STRANNAHAN: I'll second that.</p> <p>9 MR. COUNCELL: So we have a motion by</p> <p>10 Commissioner Ghezzi, a second by Commissioner</p> <p>11 Strannahan to go into executive session.</p> <p>12 Miguel, would you please call for the roll</p> <p>13 vote.</p> <p>14 MR. SALINAS: Sure. Mr. Boicourt.</p> <p>15 MR. BOICOURT: Aye.</p> <p>16 MR. SALINAS: Mr. Strannahan.</p> <p>17 MR. STRANNAHAN: Aye.</p> <p>18 MR. SALINAS: Ms. Ghezzi.</p> <p>19 MS. GHEZZI: Aye.</p> <p>20 MR. SALINAS: Mr. Spies.</p> <p>21 MR. SPIES: Aye.</p>	<p>1 And we will go through the Commission one</p> <p>2 more time to make sure that everybody has had</p> <p>3 their concerns addressed or, again, if there</p> <p>4 are additional questions for staff or the</p> <p>5 attorney.</p> <p>6 So yes, Ray.</p> <p>7 MR. CLARKE: I just learned when you all</p> <p>8 were in your executive session that MDE</p> <p>9 actually has now incorporated the ENR facility</p> <p>10 into the permit. So I just wanted to let you</p> <p>11 all know that.</p> <p>12 MR. COUNCELL: So to make the record</p> <p>13 clear, we just learned that MDE is</p> <p>14 incorporating the ENR process in their permit.</p> <p>15 Bill, are you back on? Did you hear that?</p> <p>16 MR. BOICOURT: I did. Thank you.</p> <p>17 MR. SPIES: Just a point of clarification,</p> <p>18 is that including the ENR into application? Is</p> <p>19 that just the equipment or the flow rate or the</p> <p>20 nutrient load rates?</p> <p>21 MR. CLARKE: That's actually going to be</p>
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<p>1 MR. SALINAS: Mr. Councell.</p> <p>2 MR. COUNCELL: Aye.</p> <p>3 MR. SALINAS: Motion approved.</p> <p>4 MS. VERDERY: Mr. Boicourt, before you</p> <p>5 hang up, can you give me just the last two</p> <p>6 numbers of the number you want us to call</p> <p>7 because I have four numbers for you? So just</p> <p>8 give me the last two numbers.</p> <p>9 MR. BOICOURT: 1579.</p> <p>10 MS. VERDERY: Okay. We'll contact you on</p> <p>11 that number.</p> <p>12 MR. COUNCELL: Stay with us. We will</p> <p>13 return shortly.</p> <p>14 (Recess taken.)</p> <p>15 MR. COUNCELL: We will reconvene the</p> <p>16 meeting at 10:26. We met with the attorney for</p> <p>17 matters of law and procedure as we move</p> <p>18 forward.</p> <p>19 So at this time, I would remind everybody</p> <p>20 that we did go through the seven standards for</p> <p>21 the consistency with the Comprehensive Plan.</p>	<p>1 the equipment. The NDR is an ENR.</p> <p>2 So what I understand, just learned from</p> <p>3 Ryan is that the MDE is now incorporating that</p> <p>4 ENR technology into their discharge permit.</p> <p>5 MR. SPIES: Permit.</p> <p>6 MR. CLARKE: So that's now part of the</p> <p>7 permit.</p> <p>8 MR. SPIES: But the nitrogen and</p> <p>9 phosphorus loading will still remain the</p> <p>10 same --</p> <p>11 MR. CLARKE: I'm assuming if they're</p> <p>12 incorporating that, it would be at the three</p> <p>13 milligram (inaudible).</p> <p>14 MR. SPIES: Okay. Thank you.</p> <p>15 MS. GHEZZI: And just for clarification,</p> <p>16 what does that mean? Can you just -- is it</p> <p>17 from a timing perspective? When will the ENR</p> <p>18 equipment be put into use per what they've just</p> <p>19 added?</p> <p>20 MR. CLARKE: I think with the permit, once</p> <p>21 the permit has been issued and requires ENR</p>

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<p>1 components, that when they're moving forward</p> <p>2 with their let's say construction, they've</p> <p>3 receive their MDE construction permit to</p> <p>4 construct that wastewater treatment plant, that</p> <p>5 would be the time it would be required to go in</p> <p>6 the NDRs for the ENR treatment. It would be at</p> <p>7 that time of the issuance of the construction</p> <p>8 permit.</p> <p>9 MR. COUNCELL: Okay. Bill, questions at</p> <p>10 this time?</p> <p>11 MR. BOICOURT: Not of Ray, no. Thank you.</p> <p>12 Well, I have comment. You want me to go</p> <p>13 forth with the comment?</p> <p>14 MR. COUNCELL: Sure. Let's do everything</p> <p>15 at one time. Go ahead, bill.</p> <p>16 MR. BOICOURT: I don't want to rehash too</p> <p>17 much, but where we stood last time, where I</p> <p>18 stood last time, I think you want to recall</p> <p>19 that my objections to the amendment were</p> <p>20 two-fold.</p> <p>21 One, environmentally. I thought that</p>	<p>1 And I think that what has changed this</p> <p>2 morning since I got the Ray Clarke letter and</p> <p>3 the letter from Corey Pack to MDE is sort of a</p> <p>4 greater discomfort with the fact that there's</p> <p>5 the uncertainty with regard to giving, if we</p> <p>6 approve this amendment, approval of two-thirds</p> <p>7 of the proposed development without any</p> <p>8 controls or checks and balances along the way</p> <p>9 on the part of the county, I think is incorrect</p> <p>10 or not advisable.</p> <p>11 And that's what the Public Works Advisory</p> <p>12 Board said very clearly. And that's what I</p> <p>13 read in Ray Clarke's letter to the MDE, to the</p> <p>14 county. Those are included in MDE.</p> <p>15 The fact that MDE has not come back, as</p> <p>16 Tony listed some possible reasons why that was</p> <p>17 the case. And I take that as evidence that if</p> <p>18 they're not forthcoming, that increases the</p> <p>19 uncertainty.</p> <p>20 So in that space of uncertainty, I would</p> <p>21 propose that we find this not consistent with</p>
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<p>1 there was inadequate protection for the</p> <p>2 sensitive areas. Not just to Miles Creek</p> <p>3 headwaters, but also Trappe Creek.</p> <p>4 But I also want to -- most of our</p> <p>5 discussion this morning has been focusing on</p> <p>6 the MDE permit in terms of the environment,</p> <p>7 that's my name and what I do.</p> <p>8 But the other issue that I want to bring</p> <p>9 us back to just briefly is the ability for the</p> <p>10 county to assert some approval and control over</p> <p>11 what we intended to have in the Comprehensive</p> <p>12 Plan. That hasn't changed. And Tony I think</p> <p>13 properly said, there's a lot of different</p> <p>14 things now. But what hasn't changed in the</p> <p>15 Comprehensive Plan is the land use policies</p> <p>16 state that -- it says support concentration of</p> <p>17 growth within the town and then incrementally</p> <p>18 within the growth areas adjacent to the town</p> <p>19 after annexation.</p> <p>20 The intent is to support the orderly</p> <p>21 expansion of the town. That remains.</p>	<p>1 the Comprehensive Plan, and only to protect the</p> <p>2 county from the great uncertainties. And I</p> <p>3 think that the ENR versus BNR, those are</p> <p>4 important issues. But they're down in the</p> <p>5 weeds as far as I'm concerned.</p> <p>6 This is a broad concern about the</p> <p>7 development and its impact on the sensitive</p> <p>8 areas. And it's a broad concern with regard to</p> <p>9 the development of this number, even if it's a</p> <p>10 20-year process, on the county's</p> <p>11 infrastructure.</p> <p>12 So both of those, I think the county</p> <p>13 should not aggregate this responsibility or</p> <p>14 those responsibilities it has. And I think</p> <p>15 that for that reason, I'm against this</p> <p>16 proposal, this amendment.</p> <p>17 MR. COUNCELL: Thank you, Mr. Boicourt.</p> <p>18 Mr. Strannahan.</p> <p>19 MR. STRANNAHAN: Just one quick question</p> <p>20 for the staff. Referring back to the paperwork</p> <p>21 for our May 15, 2020, meeting, is there</p>

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<p>1 anything, additions, deletions, or any changes</p> <p>2 to your recommendation and the background</p> <p>3 information that you gave us at that time?</p> <p>4 MR. SALINAS: There is not.</p> <p>5 MR. STRANNAHAN: Thank you. That's all.</p> <p>6 MR. COUNCELL: Commissioner Ghezzi.</p> <p>7 MS. GHEZZI: Yes. Not to get back in the</p> <p>8 weeds, but there is one. Just if I didn't ask</p> <p>9 it, I would not lose sleep at night. And this</p> <p>10 is for Mr. Clarke.</p> <p>11 In doing my due diligence, we've poured</p> <p>12 over documents in preparation for the last four</p> <p>13 meetings, and there's just a lot to take in.</p> <p>14 And I have very similar feelings as</p> <p>15 Mr. Boicourt. And details matter in this case</p> <p>16 because we're looking at consistency with the</p> <p>17 Comprehensive Plan. And to me, I just, I need</p> <p>18 to understand better.</p> <p>19 In the May 18th Public Works Advisory</p> <p>20 Board letter to the Talbot County Council, they</p> <p>21 attach a memorandum, or perhaps this was -- it</p>	<p>1 applicant. And it kind of throws -- to me it</p> <p>2 throws all the other numbers out the window.</p> <p>3 MR. CLARKE: Unfortunately, wastewater,</p> <p>4 you design a system. And what you have is a PE</p> <p>5 factor. So what would happen is you'd have a</p> <p>6 daily average flow of 540,000 gallons a day.</p> <p>7 But then you would ultimately have let's say a</p> <p>8 daily over peaking factor, a daily of</p> <p>9 1.5 million gallons a day.</p> <p>10 Part of that is like, to give you an</p> <p>11 example, at the St. Michael's wastewater</p> <p>12 treatment plant, we have a hydrologic design</p> <p>13 flow rate of 660,000 gallons a day. Currently</p> <p>14 we are discharging anywhere from 300 to</p> <p>15 340,000 gallons a day on a daily average.</p> <p>16 There can be periods let's say with heavy</p> <p>17 wet weather event that we could actually see</p> <p>18 our flow rates go to as much as two million</p> <p>19 gallons a day or a million and a half gallons a</p> <p>20 day because we have what we call inflow and</p> <p>21 infiltration numbers. So that's more of a</p>
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<p>1 looks like it was attached. That's how I</p> <p>2 received it. Regarding another number of a</p> <p>3 daily maximum of 1.5 million gallons per day.</p> <p>4 And in the hydrogeological report, it</p> <p>5 bases all of its calculations on two numbers</p> <p>6 that President Pack notes in his January letter</p> <p>7 of being the hydrogeologic report is utilizing</p> <p>8 a rainfall number that is not representative of</p> <p>9 our area. It's based on Salisbury numbers.</p> <p>10 But the second part of it is this</p> <p>11 1.5 million gallons. The hydrogeologic report</p> <p>12 uses the average as the maximum, and I believe</p> <p>13 incorrectly. The 540,000 gallons per day is an</p> <p>14 average number, not a maximum number. And</p> <p>15 that's what's pointed out in this May 18th</p> <p>16 memo.</p> <p>17 So Mr. Clarke, if you could just help me</p> <p>18 to understand. I mean that's pretty huge</p> <p>19 because all the numbers are based on the</p> <p>20 540,000 gallons per day as a "maximum,"</p> <p>21 according to that report provided to the</p>	<p>1 peaking factor that would occur, again, on a</p> <p>2 daily maximum. So that's roughly about three</p> <p>3 times the peaking factor.</p> <p>4 But again, it's because of the dynamics.</p> <p>5 Sometimes you can have things happen that</p> <p>6 you've got inflow coming in that you need to</p> <p>7 address or something of that nature. But nine</p> <p>8 times out of ten, the daily average and then</p> <p>9 ultimately from the permit perspective, there's</p> <p>10 going to be loading factors that you'll have to</p> <p>11 calculate. And then under those loading</p> <p>12 factors, whatever that -- in this situation,</p> <p>13 the applicant or the operator would actually</p> <p>14 have to report what those loading factors are</p> <p>15 on their permit and then assure compliance with</p> <p>16 those loading factors at the end of the year.</p> <p>17 So this is probably one of those -- this</p> <p>18 is more of a peaking factor at that one day of</p> <p>19 a three times the daily average flow.</p> <p>20 MS. GHEZZI: So you're not concerned about</p> <p>21 the number and that there may be potential,</p>

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<p>1 especially if it went from three to eight 2 milligrams per liter, which is 2.4 or so times 3 the nitrogen load, I'm just looking at 4 nitrogen, not even phosphorus, which is 5 actually -- well, so you're not concerned that 6 that will push the system beyond and that there 7 will be a lot of nitrogen load, additional 8 nitrogen load on the soils?</p> <p>9 MR. CLARKE: Again, going back to like the 10 St. Michael's wastewater treatment plant, let's 11 say in 2018 the wet issue we had on record. We 12 had 90 inches recorded at our wastewater 13 treatment facility. We saw an uptick on our 14 daily average flows. But during dry water 15 events, we were let's say less than 16 300,000 gallons a day. During let's say a very 17 wet weather event, we may see our flows up to 18 one and a half million gallons a day.</p> <p>19 What ended up happening over time, that 20 averaged out to let's say maybe about 380 to 21 400 gallons a day for that year.</p>	<p>1 are many areas that shed doubts still for me. 2 And as I've tried to understand those, I'm just 3 not convinced that we're offering the 4 protections, we're not being mindful of the 5 sensitive areas in our area as well as a major 6 influx of growth in our area.</p> <p>7 And for that, I just find it very 8 difficult to find that the proposal as 9 presented and the uncertainties that it itself 10 proposes, I'd love to see a revision to the MDE 11 language, for instance, and the underlying 12 edits to this particular amendment.</p> <p>13 So I appreciate the explanations of staff 14 to help me to understand these better, but I'm 15 still just very unsettled that they don't 16 completely answer the questions that would 17 cause our inability to really protect the areas 18 that we need to.</p> <p>19 MR. COUNCELL: Thank you. 20 Commissioner Spies. 21 MR. SPIES: Yeah. This is one of these</p>
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<p>1 At the same time, if we had a very wet 2 month, it could have been that we might, I 3 don't think we did, but we could have exceeded 4 our loading factor for that month. But then 5 it's through those other months that we brought 6 those averages down. So we met permit on a 7 loading perspective.</p> <p>8 But typically, treatment plants don't 9 operate as let's say like us driving our car. 10 We don't go 55 miles an hour when it's 55. We 11 sometimes go a little higher, sometimes a 12 little lower depending upon the situation. So 13 it's kind of the same thing with a wastewater 14 treatment plant. Flows are going to go up and 15 down throughout a period of time.</p> <p>16 MS. GHEZZI: Okay. Thank you for that.</p> <p>17 MR. COUNCELL: Anything further, 18 Commissioner Ghezzi?</p> <p>19 MS. GHEZZI: I'd just like to reiterate 20 that while I think the staff has pointed out 21 many good reasons for consistency, that there</p>	<p>1 difficult ones being a commissioner up here. 2 It's where it crosses the line of personal 3 preference and personal desire and how this 4 county is developed and moved forward based 5 comes in direct conflict with what we're 6 required to vote on.</p> <p>7 How we've set this up as the county and 8 the State, I believe that the project, not my 9 personal favorite project, but how this project 10 and this development has moved forward and what 11 we're tasked with on voting on a month ago, two 12 weeks ago, and now today has followed the 13 requirements that we've set forward.</p> <p>14 Again, just for the record, we're voting 15 on whether this not was this project designed 16 right, is it too big for the county, not too 17 big for the county. We're voting on a time 18 frame that in my mind has already been passed. 19 We're voting on whether this should move from a 20 S-2 W-2 to an S-1 W-1, which meaning it moves 21 into a category where they plan to develop it</p>

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<p>1 in the next five years, a portion of it in the</p> <p>2 next five years.</p> <p>3 So in my mind --</p> <p>4 MR. BOICOURT: Paul, I can't hear you.</p> <p>5 Can you speak (inaudible)? I'm sorry.</p> <p>6 MR. SPIES: So basically the gist of it is</p> <p>7 is that through the last, the multiple days of</p> <p>8 testimony, even with my uncomfot level, I</p> <p>9 think we've shown that in my opinion it is</p> <p>10 consistent with the Comprehensive Plan. And</p> <p>11 that even though that we do have some concerns</p> <p>12 with permitting and other things, but the</p> <p>13 overall arching testimony for me, it shows that</p> <p>14 this resolution or this amendment to Resolution</p> <p>15 281 is consistent with our Comprehensive Plan.</p> <p>16 MR. COUNCELL: Thank you, Commissioner</p> <p>17 Spies.</p> <p>18 The only additional comment that I would</p> <p>19 make, again, I mentioned at our last meeting I</p> <p>20 have friends, family that work, live, and play</p> <p>21 in the Trappe area. It's very important.</p>	<p>1 The specific recommendation is that the</p> <p>2 program go forth with the ability for the</p> <p>3 county to provide checks and balances. And</p> <p>4 that's consistent with the Public Works</p> <p>5 Advisory Board position it seems.</p> <p>6 And so I'm not saying that I'm against the</p> <p>7 program going forth or the project going forth.</p> <p>8 I'm against having no control if we happen to</p> <p>9 say this is consistent with the plan, which I</p> <p>10 think it's not, I think that's incorrect. I</p> <p>11 think the county should maintain its control.</p> <p>12 That's all.</p> <p>13 MR. COUNCELL: Sure. Understood. Thank</p> <p>14 you, Commissioner Boicourt.</p> <p>15 Commissioner Ghezzi.</p> <p>16 MS. GHEZZI: And my level of discomfort is</p> <p>17 that I don't think we have adequate assurances</p> <p>18 that things are going to be done as possibly</p> <p>19 indicated, and that's my discomfort.</p> <p>20 Yes, control. I agree with Commissioner</p> <p>21 Boicourt that control and checks and balances</p>
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<p>1 Ray's answers to some of the questions we had</p> <p>2 this morning eased my mind considerably. I</p> <p>3 hope it did some others as well. When we just</p> <p>4 heard that the permit will go to an ENR</p> <p>5 technology instead of the BNR technology, that</p> <p>6 helps a lot.</p> <p>7 So I think additionally, the comments that</p> <p>8 I've made along the way probably still stand.</p> <p>9 So if everybody is comfortable and felt</p> <p>10 that they have expressed their views, so forth</p> <p>11 and so on, we are probably ready to entertain a</p> <p>12 motion.</p> <p>13 MR. BOICOURT: Mr. Chairman, if I can make</p> <p>14 one more comment, if that's okay.</p> <p>15 MR. COUNCELL: Sure. Commissioner</p> <p>16 Boicourt.</p> <p>17 MR. BOICOURT: Yeah. My now (inaudible)</p> <p>18 statement that this is not in my opinion</p> <p>19 consistent with the Comprehensive Plan, I want</p> <p>20 to emphasize that this is not because I think</p> <p>21 that the program should not go forth.</p>	<p>1 along the way would be even better. But even</p> <p>2 with what we have, I don't have the confidence,</p> <p>3 the assurances that what's been presented, all</p> <p>4 of those pieces, will take place to help us to</p> <p>5 protect the sensitive areas aspects of the</p> <p>6 environment.</p> <p>7 This area is a remarkably special area,</p> <p>8 Talbot County. We have just a wonderful,</p> <p>9 wonderful community and a very special place</p> <p>10 that I think in part is demonstrated in our</p> <p>11 ability to come together as a community and</p> <p>12 have such a low COVID impact, which is pretty</p> <p>13 amazing. And we care about our community, and</p> <p>14 I want to be in a position to have the</p> <p>15 assurances to say that this is going to go</p> <p>16 forward with the standards that MDE has set,</p> <p>17 and yet I have so many questions regarding will</p> <p>18 these pieces really be carried through.</p> <p>19 So that's my last comment.</p> <p>20 MR. COUNCELL: Thank you.</p> <p>21 Commissioner Strannahan.</p>

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<p>1 MR. STRANNAHAN: I intend to parrot what</p> <p>2 Commissioner Spies said earlier. This is</p> <p>3 probably not my favorite project that could</p> <p>4 come before us, although it's been before the</p> <p>5 county for many, many years now.</p> <p>6 However, with the advent of this new</p> <p>7 amendment, and that is what our job is here</p> <p>8 today I believe, is to certify this specific</p> <p>9 amendment with the compliance to our plan. I</p> <p>10 believe that it has.</p> <p>11 I agree with the concerns of Commissioner</p> <p>12 Ghezzi and Commissioner Boicourt, but I don't</p> <p>13 believe that that is the issue in front of us</p> <p>14 today. I believe that we're beyond that and</p> <p>15 that those specific concerns should or will be</p> <p>16 addressed by MDE moving into the next phase of</p> <p>17 things.</p> <p>18 MR. COUNCELL: Thank you.</p> <p>19 MR. SPIES: Chairman, I propose we make a</p> <p>20 recommendation to the County Council that</p> <p>21 amendment number one to Resolution 281 is</p>	<p>1 MS. GHEZZI: No.</p> <p>2 MR. SALINAS: Commissioner Spies.</p> <p>3 MR. SPIES: Aye.</p> <p>4 MR. SALINAS: Chairman Councill.</p> <p>5 MR. COUNCELL: Aye.</p> <p>6 MR. SALINAS: That motion passes three to</p> <p>7 two.</p> <p>8 MR. COUNCELL: Again, motion carries three</p> <p>9 to two. Thank you very much.</p> <p>10 At this point, I'd entertain a motion to</p> <p>11 adjourn our Planning Commission meeting.</p> <p>12 MR. SPIES: So moved.</p> <p>13 MR. STRANNAHAN: Second.</p> <p>14 MR. COUNCELL: We have a motion by</p> <p>15 Commissioner Spies, a second by Commissioner</p> <p>16 Strannahan to adjourn at 10:50.</p> <p>17 Miguel, would you call the vote again.</p> <p>18 MR. SALINAS: Commissioner Boicourt.</p> <p>19 MR. BOICOURT: Aye.</p> <p>20 MR. SALINAS: Commissioner Strannahan.</p> <p>21 MR. STRANNAHAN: Aye.</p>
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<p>1 consistent with the Comprehensive Plan based on</p> <p>2 the multiple days of testimony, mainly that on</p> <p>3 the June 3rd, that we went through the seven</p> <p>4 regulations to find something consistent with</p> <p>5 the Comprehensive Plan and that they've met</p> <p>6 those standards to be found consistent with the</p> <p>7 Comprehensive Plan.</p> <p>8 MR. COUNCELL: We have a motion.</p> <p>9 MR. STRANNAHAN: I'll second.</p> <p>10 MR. COUNCELL: We have a motion by</p> <p>11 Commissioner Spies, a second by Commissioner</p> <p>12 Strannahan that the amendment is consistent</p> <p>13 with the Comprehensive Plan. Is there any</p> <p>14 further discussion?</p> <p>15 Hearing none, I'll ask Miguel for the roll</p> <p>16 voice vote.</p> <p>17 MR. SALINAS: Commissioner Boicourt.</p> <p>18 MR. BOICOURT: No.</p> <p>19 MR. SALINAS: Commissioner Strannahan.</p> <p>20 MR. STRANNAHAN: Aye.</p> <p>21 MR. SALINAS: Commissioner Ghezzi.</p>	<p>1 MR. SALINAS: Commissioner Ghezzi.</p> <p>2 MS. GHEZZI: Aye.</p> <p>3 MR. SALINAS: Commissioner Spies.</p> <p>4 MR. SPIES: Aye.</p> <p>5 MR. SALINAS: Chairman Councill.</p> <p>6 MR. COUNCELL: Aye.</p> <p>7 Meeting is adjourned. Thank you very much</p> <p>8 for your time and business.</p> <p>9 MR. BOICOURT: Thank you.</p> <p>10 (Meeting concluded at: 10:50 a.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

1 STATE OF MARYLAND

2 I, Diane Houlihan, a Notary Public in and  
3 for the State of Maryland, County of Anne Arundel,  
4 do hereby certify that the within named, Talbot  
5 County Planning Commission Audio, personally  
6 appeared before me at the time and place herein set  
7 according to law, was interrogated by counsel.

8 I further certify that the examination was  
9 recorded stenographically by me and then transcribed  
10 from my stenographic notes to the within printed  
11 matter by means of computer-assisted transcription  
12 in a true and accurate manner.

13 I further certify that the stipulations  
14 contained herein were entered into by counsel in my  
15 presence.

16 I further certify that I am not of counsel  
17 to any of the parties, not an employee of counsel,  
18 nor related to any of the parties, nor in any way  
19 interested in the outcome of this action.

20 AS WITNESS my hand Notarial Seal this 15th  
21 day of June, 2020, at Easton, MD.



Diane Houlihan  
Notary Public

My commission expires September 16, 2021

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