

COUNTY COUNCIL

OF

TALBOT COUNTY

2012 Legislative Session, Legislative Day No.: September 25, 2012

Resolution No.: 199

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN (THE "PLAN"), TABLE 18, "OXFORD SEWERAGE SYSTEM CAPITAL IMPROVEMENT PROJECTS" TO ELIMINATE EARLIER CAPITAL IMPROVEMENT PROJECTS PROPOSED THROUGH FY 2006, AND TO ADD A NEW CAPITAL PROJECT TO UPGRADE THE EXISTING WASTE-WATER TREATMENT PLANT TO BIOLOGICAL NUTRIENT REMOVAL (BNR) STANDARDS, AND TO ENHANCED NUTRIENT REMOVAL (ENR) STANDARDS IF ECONOMICALLY FEASIBLE

By the Council: September 25, 2012

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, November 13, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN (THE "PLAN"), TABLE 18, "OXFORD SEWERAGE SYSTEM CAPITAL IMPROVEMENT PROJECTS" TO ELIMINATE EARLIER CAPITAL IMPROVEMENT PROJECTS PROPOSED THROUGH FY 2006, AND TO ADD A NEW CAPITAL PROJECT TO UPGRADE THE EXISTING WASTEWATER TREATMENT PLANT TO BIOLOGICAL NUTRIENT REMOVAL (BNR) STANDARDS, AND TO ENHANCED NUTRIENT REMOVAL (ENR) STANDARDS IF ECONOMICALLY FEASIBLE

1 **WHEREAS**, the Town of Oxford ("Town") utilizes a lagoon-based wastewater treatment
2 plant constructed in 1963 and upgraded in 1981; and,
3

4 **WHEREAS**, in 2006, the Town retained Stearns & Wheler to conduct a feasibility study to
5 upgrade the existing facility and the results of that study are summarized in the *Town of*
6 *Oxford Wastewater Treatment Plant Upgrade Study* submitted by Stearns & Wheler dated
7 April 2007; and,
8

9 **WHEREAS**, the 2007 study included proposals to upgrade the existing facility to Biological
10 Nutrient Removal (BNR) standards and evaluated options to add Enhanced Nutrient
11 Removal (ENR) technologies to the treatment facility; and,
12

13 **WHEREAS**, the hydraulic design capacity of the lagoon-based wastewater treatment system
14 is 150,000 gallons per day (gpd) and it currently serves approximately 800 Town residents;
15 and,
16

17 **WHEREAS**, effluent from the wastewater treatment facility is discharged at the head of
18 Town Creek, which flows into the Tred Avon and Lower Choptank Rivers and eventually to
19 the Chesapeake Bay; and,
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21 **WHEREAS**, in 1996, the U.S. Environmental Protection Agency (EPA) listed the Lower
22 Choptank River as impaired under Section 303(d) of the 1972 Clean Water Act; and,
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24 **WHEREAS**, in 2003, EPA also listed Town Creek as impaired under Section 303(d) of the
25 1972 Clean Water Act; and,
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27 **WHEREAS**, Town Creek is subject to a Total Maximum Daily Load (TMDLs) and the
28 Town anticipates that as new TMDLs are promulgated wastewater treatment and discharge
29 requirements will become more restrictive; and,
30

31 **WHEREAS**, on May 24, 2012, MDE issued the Town a new draft preliminary permit that
32 requires the facility to meet the ammonia-nitrogen limits during colder months and during
33 significant rainfall events; and,
34

35 **WHEREAS**, given the age and technological limitations of the Town's existing wastewater
36 treatment system, the Town has concern that it may not be able to reliably meet the
37 ammonia-nitrogen limits included in the MDE discharge permit during colder months and

38 during significant rainfall events; additionally, it is difficult for the plant to meet dissolved
39 oxygen limits in the warmer months; and,

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41 **WHEREAS**, in 2011, the Town retained George, Miles and Buhr, LLC (GMB) to update
42 construction cost estimates and operation and maintenance (O&M) costs for the various
43 options in the 2007 study; and.

44

45 **WHEREAS**, based on GMB's updated report, the Town is seeking grant and/or loan funding
46 to upgrade the plant to BNR standards, and if funding allows, to upgrade the plant to ENR
47 standards.

48

49 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Talbot County,
50 Maryland as follows:

51

52 Section 1. The above recitals are incorporated by reference as a substantive part of this
53 Resolution.

54 Section 2. Upon introduction of this Resolution, a public hearing will be scheduled and
55 advertised in a newspaper of general circulation in Talbot County advising the public of the
56 date, time, place, and purpose of the public hearing, at which time this application will be
57 open for receipt and consideration of public comment.

58 Section 3. In accordance with the requirements of Environment Article § 9-506(a)(1),
59 Md. Ann. Code, the proposed amendment shall be submitted to the Talbot County Planning
60 Commission and the Talbot County Public Works Advisory Board for review and comment,
61 within a 30 day period, for consistency with planning programs for the County. Pursuant to
62 the requirements set forth in the above State statute, before the County Council may adopt
63 the proposed amendment, the Talbot County Planning Commission must first certify that the
64 amendment is consistent with the County Comprehensive Plan prepared under Article 25A,
65 §5 (X), Md. Ann. Code.

66 Section 4. Upon conclusion of the public hearing(s), closing of the public record, receipt
67 and consideration of certifications and recommendations from the Planning Commission and
68 Public Works Advisory Board, the County Council will consider and act upon the proposed
69 amendment and approve Findings of Fact and Conclusions of Law.

70 Section 5. The proposed amendment is as follows:

71 1. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to
72 update Table 18 Capital Improvement Projects provided in Chapter Two, page 35 as
73 follows:

74 2. Capital projects shown in Table 18 prior to FY 2006 are hereby deleted.

TABLE 18. OXFORD SEWERAGE SYSTEM CAPITAL IMPROVEMENT PROJECTS		
PROJECT DESCRIPTION	PROPOSED FISCAL YEAR	COMMENTS
Upgrade existing WWTP to BNR standards, and to ENR standards if economically feasible	FY 2013	Town application for grant funding
Engineering WWTP Upgrade	TBD	Dependent upon funding
Construction of WWTP	TBD	Dependent upon funding

75 3. As used in this Resolution, treatment levels for BNR standards are: 8.0 mg/l for total
76 nitrogen (TN) and 1.0 mg/l for total phosphorus (TP); treatment levels for ENR
77 standards are: 4.0 mg/l for TN and 0.3 mg/l for TP.

78 4. The Town will be seeking a grant/loan package available through the Rural Utility
79 Service, an agency within the United State Department of Agriculture.

80 5. No increase in sewage treatment capacity is authorized for either the existing or new
81 wastewater treatment plant, whether it be constructed to BNR standards or ENR
82 standards.

83 6. Adoption of this amendment to the Plan authorizes the Department of Public Works
84 to update the Talbot County Comprehensive Water and Sewerage Plan subject to the
85 terms of this Resolution and compliance with applicable requirements, rules, and
86 regulations of all local, State, and federal authorities.

87

88

89 BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its
90 adoption.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 199 having been published, a public hearing was held on Tuesday, November 13, 2012 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: November 27, 2012

By Order: 
Susan W Moran, Secretary

Pack - Aye

Hollis - Aye

Bartlett - Aye

Price - Aye

Duncan - Aye