COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: March 23, 2021

Resolution No.: 301

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Ms. Price, Mr. Pack

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO APPROVE A CAPITAL PROJECT FOR THE IMPROVEMENTS ASSOCIATED WITH THE WASTEWATER TREATMENT SYSTEM ON RUSTLING OAKS DRIVE, WYE MILLS, MARYLAND SHOWN ON TALBOT COUNTY TAX MAP 1, GRID 23 AS PARCEL 98 *(Preserve at Wye Mills)*

By the Council: March 23, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 13, 2021 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

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WHEREAS, the County Council of Talbot County (the "County Council") adopted Resolution 94 on January 22, 2002 to create a shared sanitary facility for the sixty-seven (67) residential lots within the community of the Preserve at Wye Mills; and

WHEREAS, fifty-four (54) of the residential lots at the Preserve at Wye Mills are improved and thirteen (13) of the residential lots are unimproved; and

WHEREAS, the wastewater treatment plant and the sewer collection systems are owned and operated by the Homeowners Association for the Preserve at Wye Mills (the "HOA"); and

WHEREAS, the wastewater treatment system for the Preserve at Wye Mills consists of pre-aerated treatment tankage, a Rotating Biological Contact ("RBC") treatment system, a clarifier, a denitrifying filter, ultraviolet disinfection, and a ninety (90)-day spray irrigation holding pond along with a spray field that is located on 23.633 acres; and

WHEREAS, the HOA has experienced issues with the wastewater treatment plant complying with the discharge limits outlined within the National Pollutant Discharge Elimination System ("NPDES") and State Discharge permits; and

WHEREAS, the County Council requested that the HOA prepare a Preliminary Engineering Report (the "PER") to review the problems with the wastewater treatment plant and identify the best option to maintaining long-term compliance with the NPDES and State Discharge permits; and

WHEREAS, the Maryland Department of the Environment ("MDE") has been working to develop and execute a consent order to assure the HOA's compliance with the NPDES and State Discharge permits; and

WHEREAS, the HOA, MDE, and Talbot County are reviewing grant and loan funding opportunities through MDE and the United States Department of Agriculture ("USDA") Rural Development to assist with the design and construction of the wastewater treatment plant improvements; and

WHEREAS, the County Engineer has processed the Talbot County Comprehensive Water and Sewer Plan (the "CWSP"), and requested that the Talbot County Office of Law prepare this amendment to the CWSP to create a capital project for the improvements associated with the wastewater treatment plant serving the residential lots at the Preserve at Wye Mills; and,

WHEREAS, in accordance with the requirements of Md. Code Ann., Environment § 9-506(a)(l), the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area; and

WHEREAS, before the County Council may adopt this proposed amendment, the Talbot County Planning Commission must certify that the same is consistent with the Talbot County Comprehensive Plan.

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: The State Discharge Permit No. 14-DP-3406 identifies the following discharge parameters:

1. Bio-chemical Oxygen Demand (5-day) [BOD_5]:	30 mg/l
2. Total Suspended Solids [TSS]:	30 mg/l
3. Total Nitrogen [TN]:	10 mg/l
4. Flow in gallons per day (GPD):	20,100 GPD
5. Fecal Coliform:	200 MPN/100 ml

SECTION THREE: The Preserve at Wye Mills wastewater treatment plant was designed to meet Biological Nutrient Removal ("BNR") standards and does not meet Enhanced Nutrient Removal ("ENR") standards that discharge an effluent quality of 3.0 mg/l of Total Nitrogen or less and 0.3 mg/l of Total Phosphorus or less.

SECTION FOUR: Per a telephone conference with representatives of MDE, the HOA, and Talbot County on November 19, 2020, MDE outlined funding opportunities and noted that Bay Restoration Funding would be available if the flow of the wastewater treatment plant remained the same.

SECTION FIVE: In accordance with the requirements of Md. Code Ann., Environment § 9-1605.2(h)(2)(i)(1)D, allowable uses of the Bay Restoration Fund include "[T]the cost of replacing multiple on-site sewage disposal systems with a community sewerage system that is owned by a local government and that meets enhanced nutrient removal (ENR) standards."

SECTION SIX: Talbot County shall adhere to the requirements outlined by MDE related to the ownership of the wastewater system, and the HOA and the owners of the residential lots in the Preserve at Wye Mills shall convey the wastewater treatment system and the sewer collection system and all appurtenances to Talbot County in the creation of a new, independent Sanitary District.

SECTION SEVEN: The existing Preserve at Wye Mills Wastewater Treatment Plant received a daily average flow that was consistently less than 9,000 GPD.

SECTION EIGHT: The proposed ENR wastewater treatment plant shall consist of two parallel treatment unit trains designed at 10,050 GPD or the manufacturer shall certify that the adequate treatment can be obtained with less than 50 percent of the wastewater treatment plant capacity being utilized.

SECTION NINE: For each EDU allocated above:

A. The connection to public sewer and allocation of treatment capacity as described in this Resolution shall be limited to serving approved residential uses on each lot.

B. In accordance with the requirements of the Talbot County Code § 139(1)(D), all costs incurred by Talbot County in the development of the project, including administrative costs, legal fees, and financing costs, shall be reimbursed to Talbot County in accordance with the pro rata distribution proposed in the petition by the property owners proposing or comprising the sanitary sewer construction district. All costs incurred by the property owners in the development of the project, including feasibility studies and design costs, shall be borne directly by the property owners but may be included in the overall project financing if the sanitary construction district is approved. Talbot County may establish a predevelopment improvement fund, wherein benefit assessments are charged and funds accrued before incurring costs, or create a post-development benefit assessment of lump sum or amortized costs, at such rate and term as authorized by the County Council.

C. The property owner shall pay all duly assessed charges, taxes, assessments, costs, and fees chargeable by Talbot County or the Sanitary District related to connecting such property owner's lot to public sewer and allocating wastewater treatment capacity.

D. The property owner shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the property owner's lot to the public sewer system. The design shall be consistent with reasonable designed standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his deputy may reasonably require.

E. No sewer service shall be available to any area beyond the foregoing properties to be served. No other property, lot, or parcel shall be entitled to service or capacity without further amendment to the Plan duly approved by the County Council.

SECTION TEN: After the new ENR wastewater treatment plant has demonstrated compliance with the State Discharge Permit, a review of the wastewater treatment plant capacity shall be completed and reviewed with MDE.

SECTION ELEVEN: In consultation with MDE and the Maryland Department of Planning, the remaining wastewater treatment plant capacity shall be identified for possible use to serve lots within the Wye Mills Village, a certified Priority Funding Area.

BE IT FURTHER RESOLVED, that 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, _____, 2021 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 -

Divilio -

Lesher -

Price -

Pack -

Effective Date: