



Maryland Department of Planning

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January 26, 2011

Mr. Philip R. Hager  
Executive Director  
Planning and Zoning Commission of Allegany County  
701 Kelly Road  
Cumberland, MD 21502

Mr. Hager: *Phil,*

The Maryland Department of Planning has completed the coordinated review of the 2010 Draft Water Resources Element which will be placed as an amendment in the 2002 Allegany County Comprehensive Plan. Thank you for your participation in the plan review process. The State of Maryland is committed to fighting the high financial, social, and environmental costs of sprawl development through effective Smart Growth and Neighborhood Conservation strategies.

The Draft Water Resources Element is a good faith effort to address many of the required elements of HB 1141, however, we recommend that you consider our comments and further refine the components contained in the legislation. The attachment includes comments and recommendations from the MDP. Comments that appear in bold sentence or paragraph form require additional attention in order to strengthen the Plan and gain compliance with the requirements of HB1141. Please review our comments to ensure the Plans compliance with HB1141. Additional comments that may be forthcoming from other State agencies will be forwarded as we receive them.

Thank you again for the opportunity to review the 2010 Water Resources Element amendment to the 2002 Allegany County Comprehensive Plan. If you have any questions and/or require assistance, please contact the review coordinator David V. Cotton at 301-777-2161.

Sincerely,

Peter G. Conrad, AICP  
Director of Local Government Assistance

cc: William M. Rudd, Allegany County Attorney  
Rich Josephson  
David Cotton  
Rita Elliott



Maryland Department of Planning  
Review Comments  
January 26, 2011

Draft 2010 Allegany County Water Resources Element

The WRE is incomplete, but would meet the requirements of HB1141 with recommended comments added. The most important comments to include are in **bold**. The WRE does not yet effectively address the following purposes of the law and/or State guidance, as follows:

- The WRE should, for each watershed, calculate the total forecasted nutrient load, which includes nutrient loads from current and future WWTP discharge, septic tanks, and stormwater runoff (MDP M&G 26, p. 13).
- Does the WRE estimate the future demand for water and sewer by reviewing non-residential demand (pp. 27, 33)
- Does the WRE identify strategies to meet future water quantity needs (p. 27).
- For each watershed, identify current WWTP discharge locations (p. 12).
- Does the WRE describe the actions planned for implementation to ensure that wastewater capacity is adequate (p. 33). In addition, for cases in which the point source cap might be exceeded, identify options for ensuring consistency with the cap, and identify the necessary studies that would be needed to support these alternatives (p. 12).

Overall WRE comments:

- The County should be commended for including information from the Cumberland and Frostburg Municipal Growth Elements within the County WRE.
- Although the WRE notes that particular systems have adequate water and sewer capacity (pp. 17, 25), the WRE should include a more comprehensive statement that notes which of the County's water and sewer systems will have a surplus or deficit in capacity within the planning period (by 2040).
- The WRE could include additional tables that translate the 2040 projected dwelling units by planning region (pp. 15, 23) to the projected dwelling units listed for each water and sewer system in Tables 6 (p. 16) and 10 (p. 24). For example, in adding the 2040 projected dwelling units within the planning regions served by the Evitts water system (p. 15), there appears to be only 1,291 future units forecasted (297 + 504 + 107 + 383); however, Table 6 indicates 2,115 projected dwelling units for the Evitts water system.

- The WRE should clarify the time period of growth represented by the 2040 projected dwelling units (pp. 14, 22). For example, are these units projected from 2010-2040 or from 2000-2040? For example, population projections are listed in the WRE from 2000-2030 (p. 7).
- Tables 6 (p. 16) and 10 (p. 24) should clarify which year (or years) are represented by the “Avg. Daily Production MGD”, which represents an estimate of current demand.
- The WRE notes that the County water/sewer service areas include areas with failing water and sewer systems planned for future connection to community systems (p. 6). The WRE could include an estimate of the amount of capacity needed from specific systems to serve these areas.
- The County should review its Land Preservation, Parks, and Recreation Plan and identify measures that will implement the Water Resources Element strategies.
- The WRE should include the following edits:
  - The WRE states that the intent of the WRE is to address the relationship of planned growth to water resources for both waste disposal and safe drinking water. Since the WRE addresses more than drinking water, the language should reference drinking water and “other water resources” (p. 1).
  - The first sentence of Section 2.8, Growth Projections (p. 7) should be revised to refer to the Allegany County Water and Sewerage Plan” not the Water and Sewer Plan.
  - On page 11, Section 3.2.2, since impoundments are not technically source waters, the language could be revised to state, “The source for the water supply for the municipalities of Cumberland, Frostburg, Westernport, and Lonaconing comes from outside of the jurisdiction. The water also is stored in reservoirs located outside of these jurisdictions.”
  - For Map 6 (p. 12), provide a footnote that defines the categories within the legend (i.e., least pervious, moderately pervious, and most pervious).

Comments on the water demand analysis:

- **Table 6 (p. 16) should be revised to include and separate out future water demand from non-residential uses (e.g., commercial, industrial, institutional) within the planning period (by 2040) and should list the current water treatment capacity (for those systems that require a separate water treatment system) since this presents an additional possible constraint.**
- A footnote to Table 6 should clarify whether “Safe Yield MGD” refers to the water appropriation permit limit. **If not, Table 6 also should include the water appropriation permit limit for each system.**

- Table 6 indicates that the Rawlings water system does not have adequate capacity to serve future growth. **Although Table 8 (p. 19) includes a “Rawlings Water Study” and “Rawlings Water System Improvements”, the WRE should provide details on whether these water projects will resolve the deficit at the Rawlings water system. If not, the WRE should include actions the County will take to resolve this deficit.**

Comments on the sewer demand analysis include:

- **Table 10 (p. 24) should be revised to include and separate out future sewer demand from non-residential uses within the planning period (by 2040).**
- Table 10 indicates that the Flintstone sewer system does not have adequate capacity to serve future growth. Table 11 (p. 26) does not appear to include a project to resolve the deficit at the Flintstone sewer system. **The WRE should describe actions the County will take to resolve this deficit.**
- To add clarity, the headings in Table 10 (p. 24) that refer to “Safe Yield MGD” and “Avg. Daily Production MGD” should be revised to read “WWTP Permitted Capacity MGD” and “Avg. Flow MGD 2008-2010”. **If the information under these headings does not represent the WWTP permitted capacity and average flow from each WWTP, then they should be replaced with the appropriate information.**
- **The WRE should resolve the discrepancy between sewer capacity and sewer demand figures listed for the Rocky Gap WWTP in Table 10 and within Section 3.11 (p. 29).** In Table 10, sewer capacity and sewer demand for the Rocky Gap WWTP appears to be 0.12 MGD and 0.043 MGD, respectively, while within Section 3.11, the sewer capacity and sewer demand is listed as 0.239 MGD and 0.3 MGD, respectively.
- **The WRE should list the Maryland Tributary Strategy point source caps for each of the WWTPs within the County and should compare the caps to 2040 forecasted point source loads.** The caps are listed on p. 11 of the *Maryland’s Chesapeake Bay Tributary Strategy Statewide Implementation Plan* at [http://www.dnr.state.md.us/bay/tribstrat/implementation\\_plan.html](http://www.dnr.state.md.us/bay/tribstrat/implementation_plan.html). MDE or MDP can assist the County in forecasting 2040 point source loads.

Comments on the proposed methods for protecting the county’s source water:

- The County should be commended for including strong source water protection policies in its WRE (p. 29) and for its discussion of Source Water Assessments (pp. 18-19).

Comments on identifying suitable receiving waters:

- The County should be commended for its tracking and mapping of stormwater management facilities and its analysis of impervious surface. The WRE could modify Policy 5 (p. 41) to

include impervious surface percentage goals for particular watersheds within the County since this would be more supportive of stream habitat protection than a countywide goal.

- **The WRE should include an evaluation of the nutrient pollution impact of implementation of the 2002 Allegany County Comprehensive Plan Update through the planning period (2040).** The evaluation should include future nutrient pollution from WWTPs, septic tanks, and stormwater runoff.
- **The WRE should identify the WWTP discharge locations.** This could be added to Table 9 (p. 21). This information is needed for the nutrient pollution analysis to determine the point source contribution by watershed.
- The WRE should include a recommendation (e.g., in Section 4.7 on p. 41) for new procedures to ensure that future nonpoint source and point source loading analyses are instituted within local government planning and decision-making processes. As Allegany County develops its 12 individual, small-area plans, the County should complete nutrient loading analyses as a method to compare the pollution impact of different land use plan options. The result of these analyses and how they inform the choice of land use plan should either be referenced in or included as an appendix to each small area plan. MDE and MDP are available to work with Allegany County to complete these analyses. In addition to reducing future impacts from new development, the analyses can be used to estimate and minimize the amount of nutrient offsets needed to meet the EPA Chesapeake Bay TMDL requirement to account for growth (see Section 10 of the Chesapeake Bay TMDL at <http://www.epa.gov/chesapeakebaytmdl/> and Section 3 of the Full Report of the Maryland Phase I Watershed Implementation Plan at [http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final\\_Bay\\_WIP\\_2010.aspx](http://www.mde.state.md.us/programs/Water/TMDL/TMDLHome/Pages/Final_Bay_WIP_2010.aspx)).
- **The WRE does not yet discuss the suitability of receiving waters.** To address this, one option would be to include the following sentences in the WRE: “the presence of a TMDL is a sign that pollution control efforts must outweigh additional pollution impacts from future land use change, septic tanks, and WWTP flows to prevent further degradation of the waterbody. For the receiving waters in Allegany County without a nutrient TMDL, a determination of the suitability of receiving waters cannot be made. However, for the Evitts Creek and Georges Creek watershed, which have nutrient TMDLs (p. A-4), a preliminary assessment can be made. Pollution forecasts, although capable of comparing the relative benefits of different land use plans, are not yet precise enough to allow for a direct comparison to nutrient TMDLs. Allegany County recognizes though that Evitts Creek and Georges Creek, because of the presence of a nutrient TMDL, can only be considered suitable receiving waters if future nutrient impacts are offset. This WRE includes recommendations for pollution control efforts to help achieve that goal.”