Martin O'Malley
Governor

Anthony G. Brown Lt. Governor



Margaret G. McHale

Ren Serey
Executive Director

## STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax: (410) 974-5338 www.dnr.state.md.us/criticalarea/

January 25, 2012

Ms. Cynthia Gudenius City of Annapolis Department of Planning and Zoning 145 Gorman Street Annapolis, Maryland 21401

Re: Annapolis Water Reclamation Facility Improvements

City of Annapolis

Dear Ms. Gudenius:

Thank you for forwarding plan revisions for the Annapolis Water Reclamation Facility Improvements project to this office for review. On March 4, 2009, the Critical Area Commission unanimously approved the City of Annapolis' proposal and site plan to make improvements to the existing Water Reclamation Facility located on Edgewood Road in Annapolis, Maryland.

Because the revisions to the approved project are limited to the realignment of a pipe and because the newly proposed pipe alignment will decrease the amount of originally proposed disturbance within the Critical Area by 0.19 acres, the proposed plan revisions are acceptable and the project does not require further review.

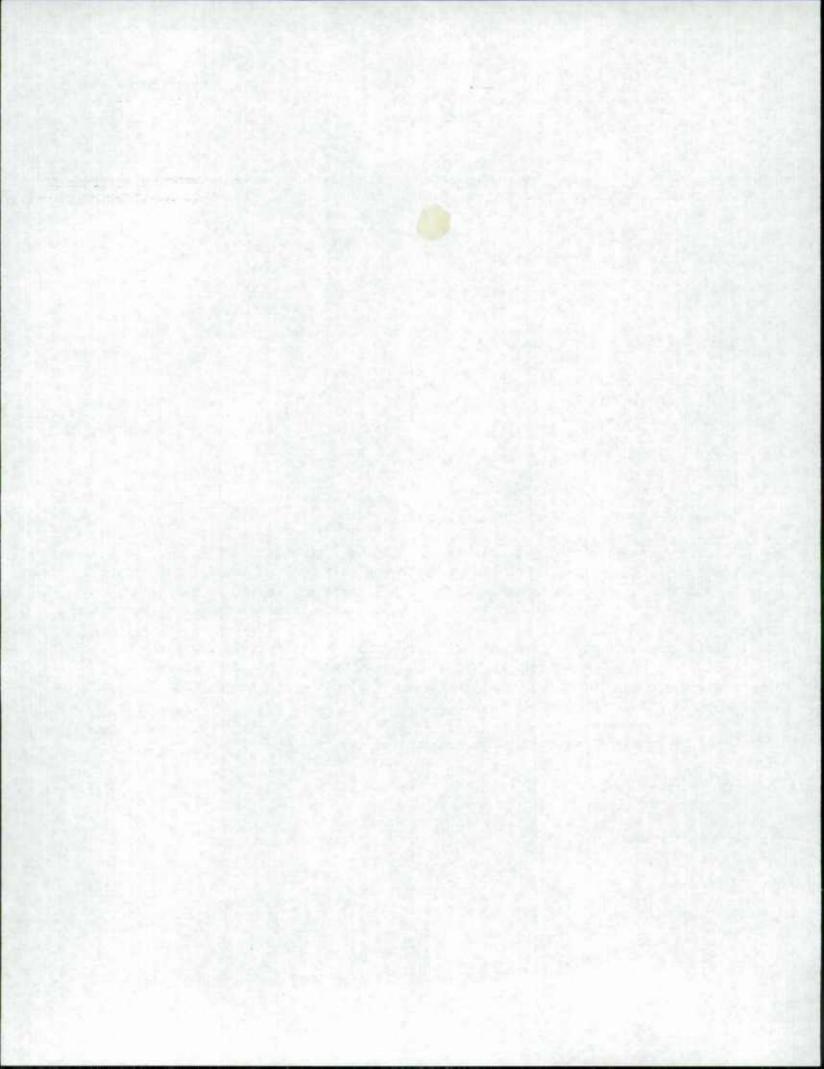
Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc: AN 501-08



Martin O'Malley Governor

Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

Ren Serey

Executive Director

## STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax: (410) 974-5338 www.dnr.state.md.us/criticalarea/

March 10, 2009

Ms. Sally Nash City of Annapolis Department of Planning and Zoning 145 Gorman Street Annapolis, Maryland 21401

Re: Annapolis Water Reclamation Facility Improvements

City of Annapolis

Dear Ms. Nash:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 4, 2009, the Critical Area Commission unanimously approved the City of Annapolis' proposal and site plan to make improvements to the existing Water Reclamation Facility located on Edgewood Road in Annapolis, Maryland. This approval included the following condition:

Prior to the start of construction, the City shall provide copies of the Erosion and Sediment Control and Stormwater Management authorizations to Commission staff.

The approval was also based on the mitigation package provided by the applicant and described in the enclosed signed planting agreement. Please notify me once the planting plan has been implemented.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Ms. Nash March 10, 2009 Page 2 of 2

Sincerely,

Amber Widmayer

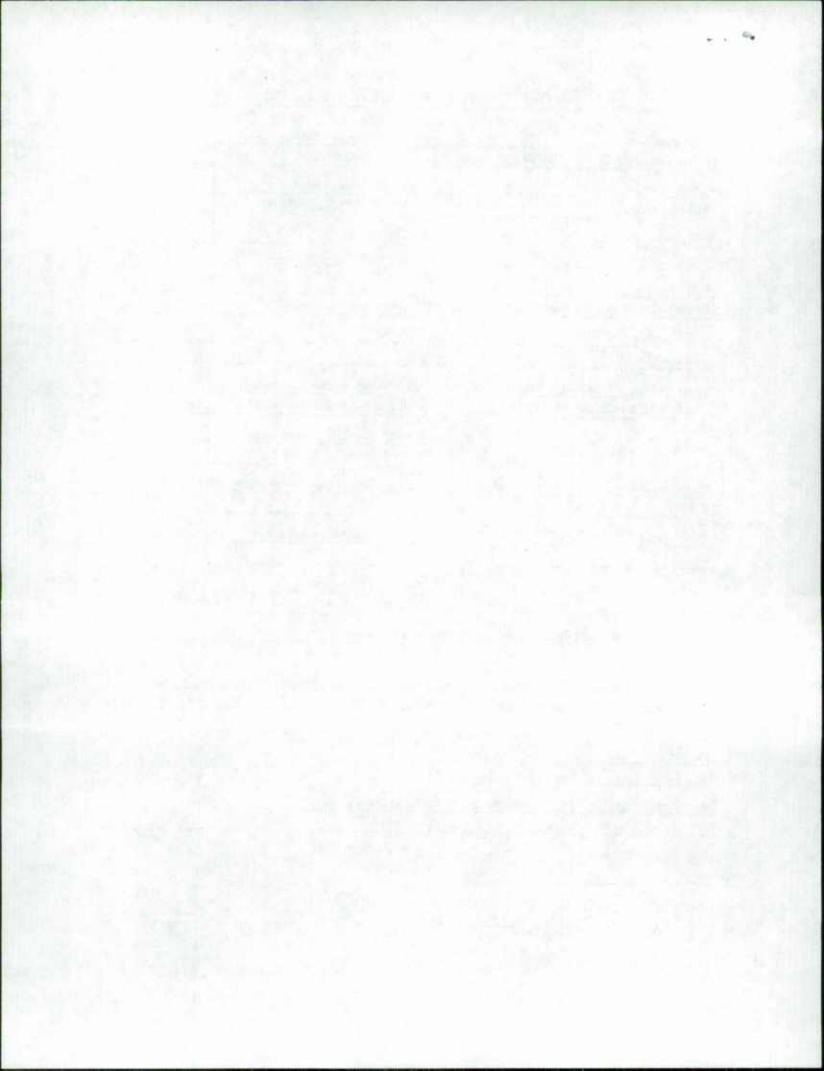
Natural Resources Planner

cc: AN 501-08

Sharon Cole, AA DPW Jeff Stam, Gannett Flemming

# Planting Agreement for State/Local Projects

State/Local Agency	Project Number
Anne Arundel County DPW	\$802901
Agency Contact	Phone Number
Sharon Cole	410-222-7976
Commision Approval Date	CAC Planner
4-Mar-0	Amber Widmayer
Project Name	
Annapolis Water Reclamation Facility	ENR Upgrade
Project Location	
Annapolis, MD	
Square Feet Cleared Outside 100ft Buffer	Mitigation Ratio for Clearing Outside Buffer
IDA = 54 trees, LDA 35,000sf	IDA per tree -5,220sf. LDA 35,000sf
	West and a Colombian Contains Bullion
	Mitigation Calculation Outside Buffer IDA: 89trees35,600sf LDA:
	105,000sf
Square Feet Disturbed/Cleared Within Buffer	Mitigation Ratio for Disturbance/Cleaning Within Buffer*
0 SF	0
15% Afforestation Requirement Met?	Mitigation Calculation Within Buffer
Yes	0
	Tantalina Camillamané
	Total Mitigation Requirement 353 trees, 1058shrubs
Planting and Natural Regeneration Plan (attach addition	nal sheets if necessary)
The mitigation plan for this project rec	quires planting of 353 trees and 1,059 shrubs. The
proposed planting plan identifies inst	allation of 325 trees, 180 whips, and 1,059 shrubs
to meet this requirement.	
Planting Date Year	
Planting Date Year	
First Site Visit Date Completed by	Second Site Visit Date Completed By
Date Mitigation Complete	
Sharon Cole, Project Mana	ger 3-8-09
Sharon Cole, Project Irana Responsible Contact for Mitigation (Print) Anne Ar Corent *See reverse for details	ne Signature Date
*See reverse for details	Revised 10/22/04
GAR TELESO IN COLONS	



## Critical Area Commission

## STAFF REPORT

March 4, 2009

APPLICANT:

City of Annapolis

PROPOSAL:

Annapolis Water Reclamation Facility Improvements

**COMMISSION ACTION:** 

Vote

STAFF RECOMMENDATION:

Approval

STAFF:

Nick Kelly

APPLICABLE LAW/

**REGULATIONS:** 

COMAR 27.02.06 Conditional Approval of State or Local

Agency Programs in the Critical Area

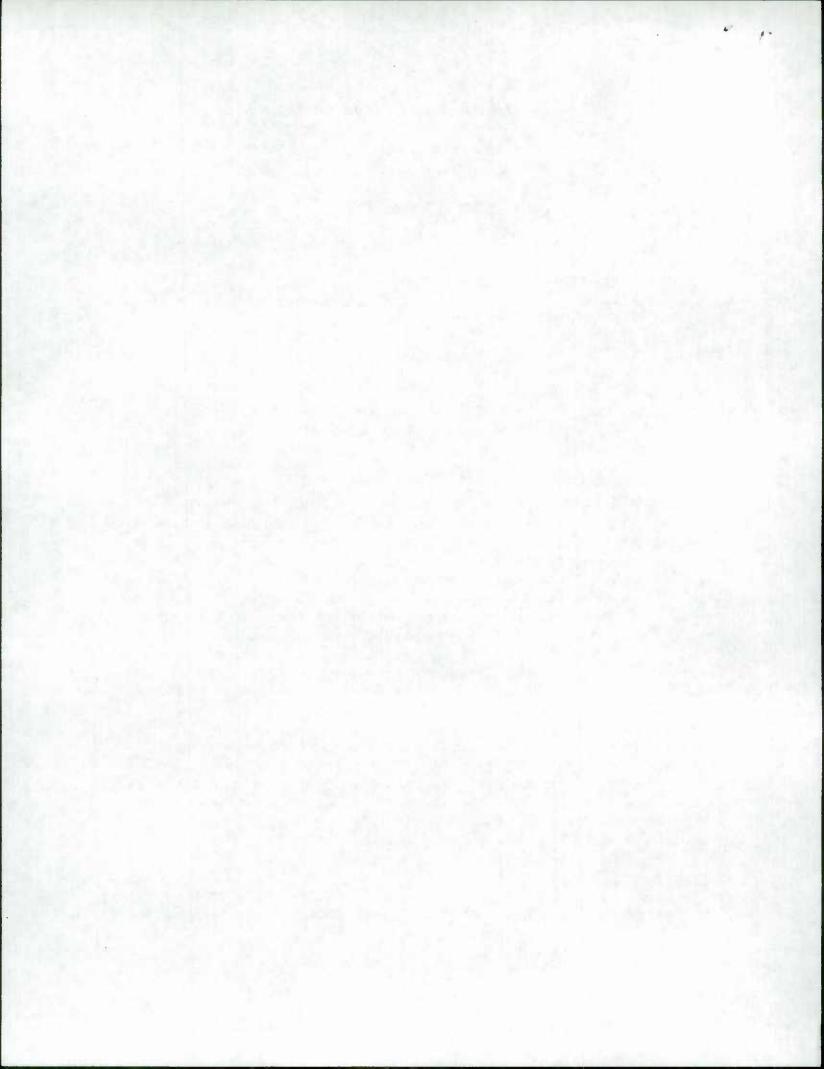
## DISCUSSION:

The City of Annapolis, in conjunction with Anne Arundel County, is proposing to improve its existing Water Reclamation Facility (WRF) in order to reduce the allowable nutrient discharge concentrations of nitrogen and phosphorus that are currently being produced onsite. The site is 35.5 acres in size, with 26.3 acres located within the City's limits; all work will be located on the City-owned portion of the site. Overall, 22.5 acres of the City property are located in the Critical Area [19.3 acres are designated as an Intensely Developed Area (IDA), and 3.2 acres are designated as Limited Development Area (LDA)]. The property is located on Tax Map 52G, Parcel 285, at the intersection of Edgewood Road and Chesapeake Harbor Drive.

The site is currently developed with several structures related to the water reclamation process, including buildings, aeration tanks, clarifiers, and holding ponds. The applicant proposes to install a wastewater filtration facility, methanol storage tanks, and a pumping station. These upgrades are necessary, as the Maryland Department of the Environment (MDE) has notified Anne Arundel County and the City of Annapolis that the National Pollutant Discharge Elimination System (NPDES) Wastewater Discharge Permit for the plant will be revised to reduce the allowable nutrient discharge concentrations of nitrogen and phosphorus. As a result of these improvements, the allowable nutrient discharge concentrations of nitrogen and phosphorus will be reduced from the current effluent limits of 6.0 mg/L nitrogen and 1.5 mg/L phosphorus to the proposed limits of 3.0 mg/L nitrogen and 0.3 mg/L phosphorus.

#### Lot Coverage

Current and proposed lot coverage are broken down as follows:



LDA

Site Area 3.2 acres

Current Lot Coverage: 0.3 acres (9.3%) Proposed Lot Coverage: 0.6 acres (18.7%)

<u>IDA</u>

Site Area 19.3 acres

Current Lot Coverage: 9.9 acres (51.3%) Proposed Lot Coverage 10.1 acres (52.3%)

Entire Site Within Critical Area

Site Area 22.5 acres

Current Lot Coverage: 10.2 acres (45.3%) Proposed Lot Coverage 10.7 acres (47.5%)

Due to the fact that the total amount of lot coverage within the LDA portion of the project exceeds 15%, a conditional approval is required.

## Afforestation/Forest Clearing

Existing forest coverage onsite within the Critical Area is 4.9 acres (21.7%), with 1.5 acres located within the LDA (46.8%) and 3.4 acres located within the IDA (17.6%). The City proposes to remove 0.8 acres (35,000 square feet) of forest in the LDA, and 0.1 acres (5,220 square feet) of forest in the IDA.

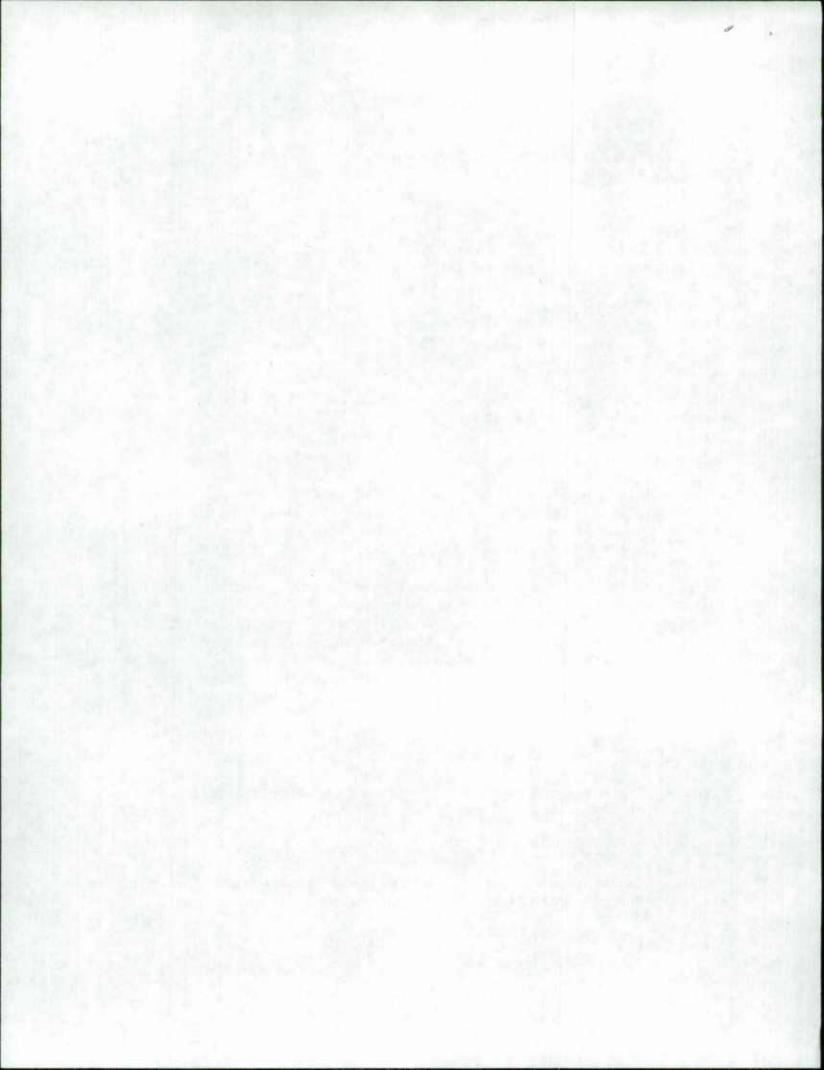
Since over 30% of forest clearing is occurring with the LDA portion of the site, 3:1 mitigation is required, and conditional approval for this project is necessary. The City will also provide mitigation for removal of vegetation within the IDA area, as required by the City of Annapolis' Critical Area program. In total, the City will meet these requirements by planting 375 trees and 1,074 shrubs onsite; a planting plan is attached to this staff report. Clustering will be used in most locations, with one tree planted with three shrubs (400 square feet of mitigation credit). Species planted include maple, beech, cherry and oak trees, serviceberry, American holly, winterberry, and other native species.

## 100-foot Buffer

No portion of the property is located with the 100-foot or expanded Buffer. Therefore, there are no Buffer impacts proposed.

#### **Habitat Protection Areas**

The Maryland Department of Natural Resources (DNR) Wildlife and Heritage Service (WHS), has found that no rare, threatened, or endangered plants or animals are located within the project site.



## 10% Phosphorus Reduction Requirement

To meet the 10% pollutant removal requirement within the IDA portion of the City's property, a total of 1.04 pounds of phosphorus must be removed. The City is meeting this requirement by installing an infiltration trench and dry swale (a total of 1.05 pounds/year of reduction will occur as a result of installing these Best Management Practices). Furthermore, the City will plant an extra twelve trees onsite to provide an additional 0.06 pound of phosphorus reduction.

## Sediment and Erosion Control/Stormwater Management

The City has applied for both sediment and erosion control (SEC) and stormwater management (SWM) permits, which will be issued by the City. Both permit applications are currently under review.

## **Conditional Approval Process**

Due to the fact that the total amount of lot coverage within the LDA portion of the project exceeds 15%, and since clearing of over 30% of forest cover within the LDA is occurring, a conditional approval is required. The City of Annapolis provided the following responses to the conditional approval requirements for a local project:

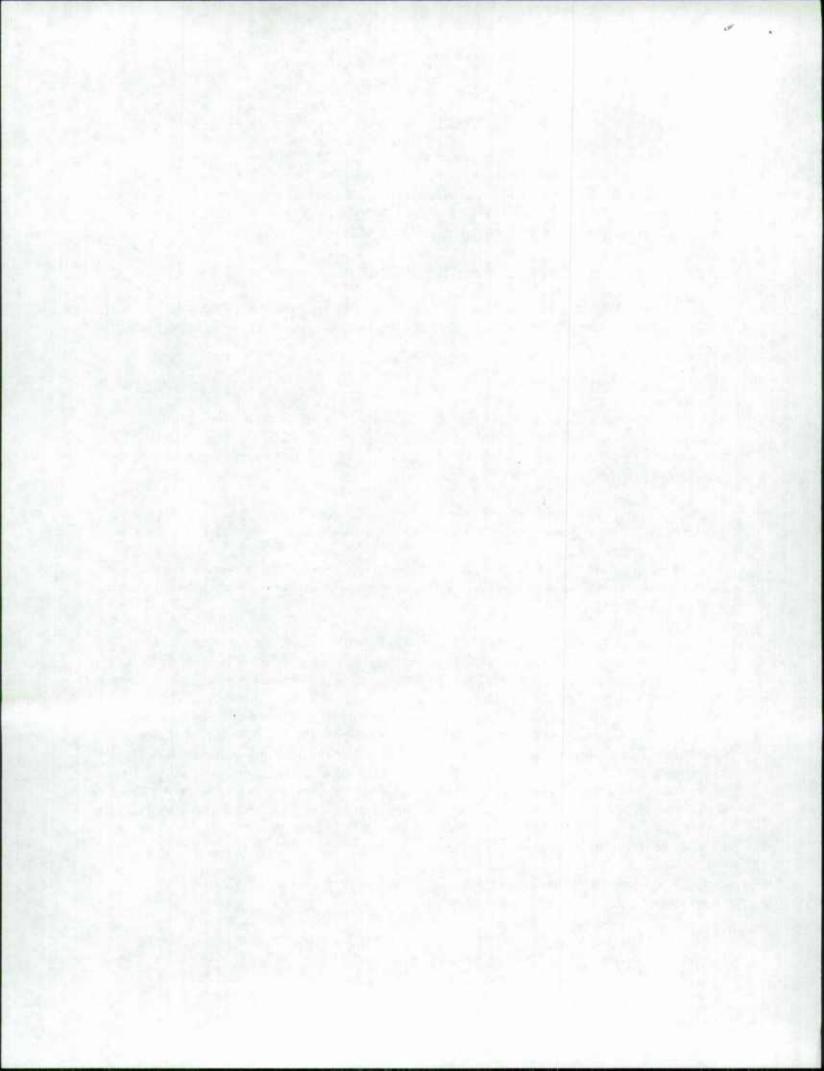
In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project has the following characteristics:

B.(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

The site on which the Annapolis Water Reclamation Facility is located is largely within the Critical Area. The Maryland Department of the Environment has notified Anne Arundel County and the City of Annapolis that the National Pollutant Discharge Elimination System Wastewater Discharge Permit for the plant will be revised to reduce the allowable nutrient discharge concentrations of nitrogen and phosphorus from the current effluent limits of 6 mg/L nitrogen and 1.5 mg/L phosphorus to the proposed limits of 3 mg/L nitrogen and 0.3 mg/L phosphorus. The appropriate location for the unit treatment process needed to accomplish the additional level of treatment is at the effluent end of the plant, adjacent to the existing disinfection facility. The only available undeveloped area at this location in the treatment process is located in both the IDA and LDA portions of the Critical Area. The literal enforcement of these regulations would severely impact the ability of the treatment plant to meet the future treatment standards mandated by MDE for nitrogen and phosphorus removal.

B.(2) That the project otherwise provides substantial public benefits to the Critical Area Program;

The proposed project involves an upgrade to the existing wastewater treatment plant for the purpose of achieving greater nutrient removal. Based on the permitted average daily flow of the



plant (13 million gallons/day), the increased nutrient removal efficiency will result in an annual reduction of approximately 118,000 pounds of nitrogen and 47,000 pounds of phosphorus discharged into the Chesapeake Bay. This project will result in a substantial public benefit to the Chesapeake Bay Critical Area Program.

B.(3) That the project is otherwise in conformance with this subtitle; the conditional approval request shall, at a minimum, contain the following:

The project is otherwise in conformance with this subtitle. The area of disturbance, facility footprint, new impervious area, and limits of tree removal have been reduced to the greatest extent possible. Pervious areas onsite have been revegetated with native plant species consistent with Critical Area goals.

C. (1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized local agency program or project;

Limitation or restriction of the proposed improvements within the Critical Area on this site would prevent Anne Arundel County/City of Annapolis from achieving the wastewater effluent treatment goal mandated by their upcoming NPDES Wastewater Discharge Permit.

C. (2) A proposed process by which the project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program;

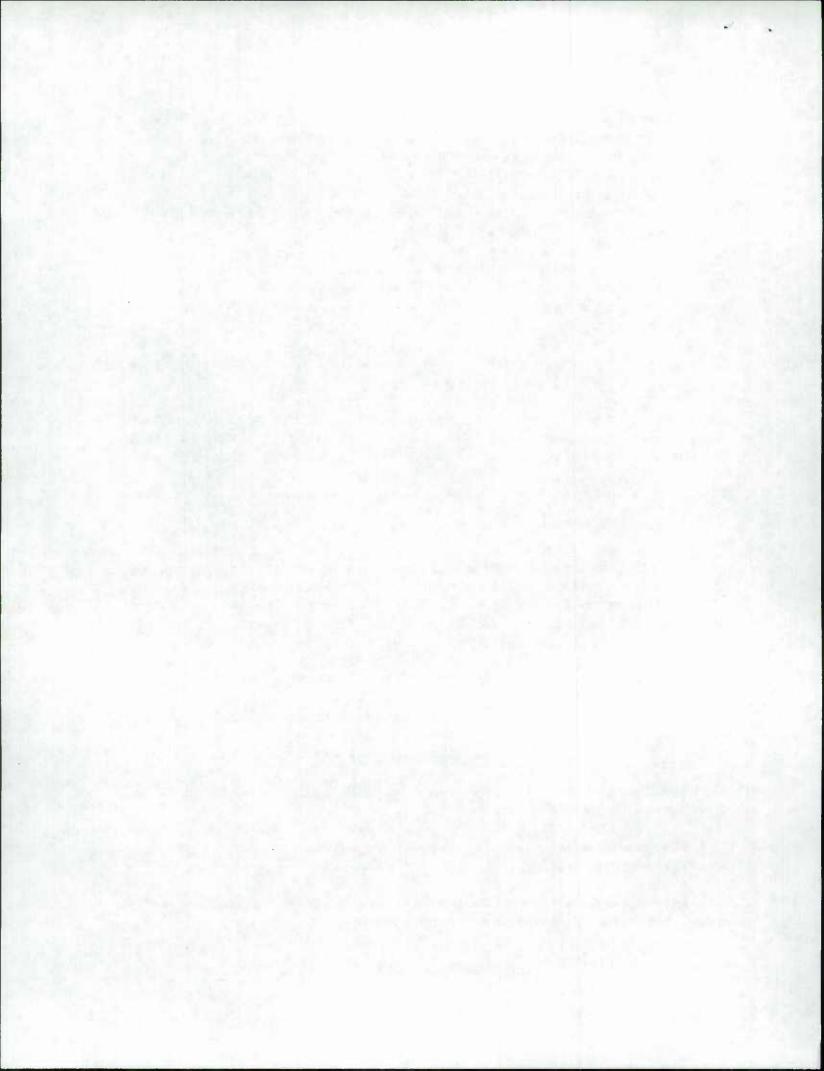
The project minimizes disturbance of steep slopes. The only disturbance of steep slopes will be on a temporary basis during the installation of inter-unit piping. Construction of the proposed improvements will not impact existing wetlands onsite. Based on information provided by the Maryland Department of Natural Resources Wildlife and Heritage Service there are no records of rare, threatened, or endangered species within the boundaries of the project site. The project area has no shoreline exposure and will not impact tidal waters.

C. (3) Measures proposed to mitigate adverse effects of the project.

Woodland clearing in the Critical Area is 40,220 square feet. Reforestation will occur onsite in accordance with the City of Annapolis requirements. The applicant is providing the necessary mitigation for the removal of this forest coverage, and all mitigation will be located onsite.

The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:

- E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;
- E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and

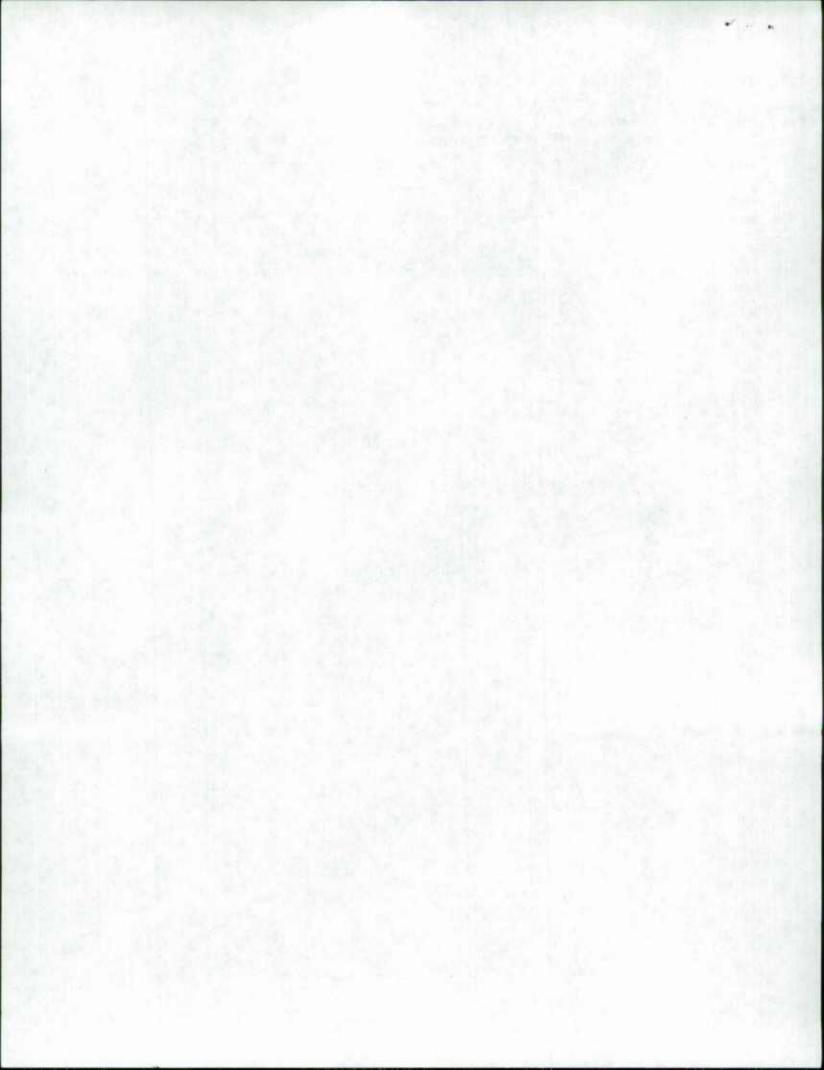


E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

## **Staff Recommendation**

Commission staff recommends that the project be approved with the following condition:

• Prior to the start of construction, the City will forward a copy of both the Sediment and Erosion Control and Stormwater Management permits to Commission staff for inclusion in the project file.



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale Chair

Ren Serey
Executive Director

## STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax: (410) 974-5338 www.dnr.state.md.us/criticalarea/

September 18, 2008

Mr. Kevin Scott City of Annapolis Department of Planning and Zoning 145 Gorman Street Annapolis, Maryland 21401

Re: Annapolis Water Reclamation Facility

City of Annapolis/Anne Arundel County

Dear Mr. Scott:

Thank you for forwarding the above-referenced project for the proposed improvements to the Annapolis Water Reclamation Facility. 22.5 acres of the 35.5 acre property are within the Critical Area with 3.2 acres classified as a Limited Development Area (LDA) and 19.3 acres classified as an Intensely Developed Area (IDA). The proposed improvements within the 1.54 acre limit of disturbance are located completely within the Critical Area. The purpose of the project is to provide enhanced nutrient removal (ENR) and to upgrade to facility to meet future annual discharge limits of 3 mg/L of phosphorus and nitrogen. In order to do so, a new filtration system, pumping station, methanol storage tanks and an additional paving area will be added to the facility. Because the project is inconsistent with the City of Annapolis' Critical Area program due to the proposed lot coverage exceeding the 15% limit within the LDA on the property, and because the proposed clearing of 65% of the existing forested area in the LDA exceeds the City's 30% clearing limit, the proposed project will need to be presented to the Critical Area Commission for conditional approval.

The City may seek a conditional approval from the Critical Area Commission for approval of a project on City lands under Code of Maryland Regulations 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area'. Under this section, if development proposed by a State or local agency located in the Critical Area is prohibited from occurring then the agency proposing the development may seek conditional approval for the project.

Mr. Scott September 18, 2008 Page 2 of 3

In order for the Critical Area Commission to process this request as a conditional approval, the applicant must submit information demonstrating how the proposed project meets the following criteria.

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

- B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;
- B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;
- B.(3) That the project or program is otherwise in conformance with this subtitle;

## The conditional approval request shall, at a minimum, contain the following:

- C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;
- C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;
- C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

In addition to providing the information above, a complete application will include any necessary State or local agency permits, a letter from Maryland Department of Natural Resources, Wildlife and Heritage Service stating that the proposed project will not impact rare, threatened or endangered species, and a letter from the Maryland Historical Trust that the proposed project will not impact any historic resources. I have included a copy of the application checklist for your reference.

As soon as we receive your complete application, and all of the Commission's comments have been addressed, we will be able to schedule the presentation of your proposed project on the agenda for a Critical Area Commission meeting. Projects, with all of the Commission's comments addressed, must be received at least six weeks prior to the next scheduled Commission meeting in order to be included on that meeting agenda. The Commission meets on the first Wednesday of each month, and the schedule is posted at <a href="http://www.dnr.state.md.us/criticalarea/aboutthecommission">http://www.dnr.state.md.us/criticalarea/aboutthecommission</a>.

Mr. Scott September 18, 2008 Page 3 of 3

This office has reviewed the submitted project plans and we have provided comments and recommendations below:

- 1) Because the project proposes to add lot coverage and to reconfigure existing impervious surfaces in the IDA, the applicant must submit 10% calculation worksheets, and plans showing how the resulting 10% pollutant removal requirement will be met on the site. Please provide drainage maps for the site and detailed information about any best management practices that are proposed. The 10% worksheets and more information about the 10% pollutant removal requirement are available on the Commission's website, at the following web address:
  - http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent\_rule.html.
- 2) COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a planting plan demonstrating that this requirement, in addition to the City's reforestation mitigation requirement, has been addressed on the site to the extent feasible. We recommend that the plantings consist of native species. A list of such native plants can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at http://www.nps.gov/plants/pubs/chesapeake/.

Please feel free to contact me at 410-260-3481 if you have any questions.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc: AN 501-08

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## **Consistency Report for Local Government Projects**

Project Name: Annapolis WRF Enhanced Nutrient Removal Upgrade	Jurisdiction: Anne Arundel County: Annapolis		
Project Description: Joint AA County/City of Annapolis project required to meet nutrient effluent requirements at the wastewater treatment plant.  This project has already received approval by the CAC; however, the mudwell discharge line is being rerouted to improve the operability of the plant. The original and revised routes are shown on the attached drawing.			
Local Agency proposing project: City of Annapolis and AA County DPW Contact Name and Phone Number: Sharon Cole, DPW PM, 410.222.7976			
Project Location (include street address, tax map and parcel number): Annapolis Water Reclamation Facility, 7228 Edgewood Road, Annapolis. Portion in Anne Arundel County: Tax ID = 200000214015, Map 52, Block 11, Parcel 1150			
Critical Area acreage and designation: Total site: 35.5 acres. 20.5 acres in IDA, 3.2 acres in LDA, 11.8 acres outside of critical area Original Mudwell Discharge Alignment: entire alignment (0.31 acres) in IDA Revised Mudwell Discharge Alignment: 0.001 acres in IDA, 0.12 acres in LDA, 0.32 acres outside of critical area			

Project Data which pertai	ns t	o Mudwell Discharge Alignment		
Existing forest/woodland/trees:		% of site:		
Proposed clearing:	0	% of existing forest:		
Mitigation to be provided: None				
Planting location & species (also show on site plan):				
Existing impervious surface:		% of site:		
Proposed new impervious: None				
Total impervious surface:		% of site:		
If the % of impervious cover exceeds the permitted amount in the LDA or RCA, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.				
temporarily disturbed by the installation of have been temporarily disturbed by the original slopes greater than 15% will be temporarily drainage swale south of the new filter area	the resident the r	allation of an underground pipeline. The stored to existing conditions. The Critical Area evised alignment is 0.19 acres less than would alignment. Two areas (both in the LDA) with urbed. One is a newly installed stormwater the other is the side slopes of existing Emergency ald be temporarily disturbed in these sloped areas.		
Stormwater Management: (If site is in the IDA, the 10% worksheets must be attached. Otherwise, local stormwater requirements must be addressed.)  Stormwater management will be similar to that which was approved for the original project.				
Has project received local approval of SWM and sediment and erosion control plans?  Original SWM and S&E control plans were approved by AACSCD and the City of Annapolis for the original project.				
Buffer impacts? None	4	Is project water dependent? No		
If there are Buffer impacts proposed and the project is not water dependent, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.				
Other Habitat Protection Areas:				
Colonial Nesting Waterbird site? Yes   No	(	Waterfowl Staging Area? Yes □ No x		
Endangered / threatened species? Yes □ No	x F	Forest Interior Dwelling Bird Habitat? Yes   No x		
Anadromous Fish Propagation Waters? Yes [	□ No	×		
Non-tidal Wetland Impacts? Yes	No :	x If yes, MDE permit #:		
Tidal Wetland Impacts? Yes ☐ No		If yes, MDE permit #:		

In accordance with COMAR 27.02.02, we hereby certify that this local agency project is consistent with the requirements of the local Critical Area Program.



Cyllus Fride (Signature

Please sign above, attach the site plan to this report and submit to the Critical Area Commission at 1804 West St., Suite 100, Annapolis, MD 21401

RECEVED

JAN 3 2012

CRITICAL AREA COMMISSION Chesapeake & Atlantic Coastal Bays

