



## Maryland DEPARTMENT OF PLANNING

November 24, 2020

Mr. Chris Homeister, Liaison  
Maryland Department of Natural Resources  
580 Taylor Avenue, B-3  
Annapolis, MD 21401

### **STATE CLEARINGHOUSE RECOMMENDATION**

**State Application Identifier:** MD20201019-0916

**Applicant:** Maryland Department of Natural Resources (DNR)

**Project Description:** Easement: Maryland Department of Transportation (MDOT) State Highway Administration (SHA) is Requesting a 0.037-Acre Fee Simple and a 0.899-Acre Permanent Easement from DNR for the MD24 Section A Project. The Requests are Being Made to Accommodate Roadway and Safety Improvements on MD24. These were Reviewed in 2013 (MD20130715-0535), but Never Processed.

**Project Address:** 3318 Rocks Chrome Hill Road, Jarrettsville, MD 21084

**Project Location:** Harford County

**Approving Authority:** Maryland Board of Public Works (BPW)

**Recommendation:** That the easements be approved contingent upon consideration of the Maryland Department of the Environment's qualifying comments

Dear Mr. Homeister:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation (COMAR) 34.02.02.04-.07, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation based upon comments received. As a result of the review, it is recommended to approve the 0.037-acre fee simple and 0.899-acre permanent easements from DNR for the MDOT SHA MD24 Section A project, contingent upon consideration of the Maryland Department of the Environment's qualifying comments.

Review comments were requested from the Maryland Departments of General Services, Transportation, and the Environment; Harford County; and the Maryland Department of Planning, including the Maryland Historical Trust.

The Maryland Departments of General Services, and Transportation; Harford County; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have "no adverse effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

Harford County provided the following comments: "Safety improvements are supported in this vicinity. No buildings are within the areas of this proposed project. As a result, no wells or septic systems will be impacted."

The Maryland Department of the Environment (MDE) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. "Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
2. The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
3. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please contact the Land Restoration Program at (410) 537-3437.
4. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details.
5. Additional comments from the Water and Science Administration were emailed to Sylvia Mosser [enclosed]."

It is requested that this matter be brought before the Board of Public Works at the earliest possible time. The attached Clearinghouse review recommendation paragraph should be included on the project's agenda item brought before the Board.

The State Clearinghouse should be kept informed of all decisions made in regard to this project. We appreciate your attention to the intergovernmental review process and look forward to continued cooperation. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at [sylvia.mosser@maryland.gov](mailto:sylvia.mosser@maryland.gov).

Thank you for your cooperation with the Maryland Intergovernmental Review and Coordination process.

Sincerely,



Myra Barnes, Lead Clearinghouse Coordinator

MB:SM  
Enclosures—BPW Agenda Item Request & MDE Additional Comments

cc:

Tanja Rucci - DGS  
Ian Beam - MDOT

Amanda Redmiles - MDE  
Jennifer Freeman - HRFD

Joseph Griffiths - MDPL  
Beth Cole - MHT

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## Maryland DEPARTMENT OF PLANNING

### BOARD OF PUBLIC WORKS AGENDA ITEM REQUEST

The following comment should be included on the project's agenda item brought before the Board of Public Works:

**STATE CLEARINGHOUSE:** The Clearinghouse conducted an intergovernmental review of the project under **MD20201019-0916**. It is recommended to approve the 0.037-acre fee simple and 0.899-acre permanent easements from the Maryland Department of Natural Resources for the Maryland Department of Transportation State Highway Administration MD24 Section A project, contingent upon consideration of the Maryland Department of the Environment's qualifying comments.

A handwritten signature in blue ink, appearing to read "Myra Barnes".

\_\_\_\_\_, 11/24/2020  
Myra Barnes, Lead Clearinghouse Coordinator

**Easement MDOT SHA is requesting a 0.037-acre fee simple and a 0.899-acre permanent easement from DNR for the MD24 Section A project. The requests are being made to accommodate roadway and safety improvements on MD24.**

**Maryland Department of the Environment – WSA/IWPP**

**REVIEW FINDING: R1 Consistent with Qualifying Comments  
(MD2020 1019-0916)**

Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy.

**Anti-degradation of Water Quality:** Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called "anti-degradation policies." This policy states that "proposed amendments to county plans or discharge permits for discharge to Tier II waters that will result in a new, or an increased, permitted annual discharge of pollutants and a potential impact to water quality, shall evaluate alternatives to eliminate or reduce discharges or impacts." Satisfactory completion of the Tier II Antidegradation Review is required to receive numerous State permits, such as those for wastewater treatment, nontidal wetlands disturbance, waterways construction, and coverage under the general construction permit.

**Deer Creek 7, which is located within the vicinity of the Project, has been designated as a Tier II stream. The Project is within the Catchment (watershed) of the segment. (See attached map).**

**The project letter indicates that there is no further construction is needed at this time. If future construction is needed the project may be subject to Tier II review if State permits or authorizations are required.**

MDE's website provides the most current forms and information.  
[https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/Antidegradation\\_Policy.aspx](https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/Antidegradation_Policy.aspx)

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on Tier II waters can be obtained online at: <http://www.dsd.state.md.us/comar/comarhtml/26/26.08.02.04.htm> and policy implementation procedures are located at <http://www.dsd.state.md.us/comar/comarhtml/26/26.08.02.04-1.htm>

Planners should also note as described in the Code of Maryland Regulations (COMAR) 26.08.02.04-1(C), "Compilation and Maintenance of the List of High Quality Waters", states that "When the water quality of a water body is better than that required by water quality standards to support the existing and designated uses, the Department shall list the water body as a Tier II water body. *All readily available information may be considered to determine a listing. The Department shall compile and maintain a public list of the waters identified as Tier II waters.*"

The public list is available in PDF from the following MDE website:  
[http://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Documents/Tier\\_II\\_Updates/Antidegradation-Tier-II-Data-Table.pdf](http://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Documents/Tier_II_Updates/Antidegradation-Tier-II-Data-Table.pdf).

The interactive Tier II webmap is located at the following website:  
(<https://mdewin64.mde.state.md.us/WSA/TierIIWQ/index.html>).

Direct any questions regarding the Antidegradation Review to Angel Valdez via email at [angel.valdez@maryland.gov](mailto:angel.valdez@maryland.gov), or by phone at 410-537-3606.

## **ADDITIONAL COMMENTS**

### **Stormwater**

Planners should consider all Maryland Stormwater Management Controls and during Site Design the planner should consider all Environmental Site Design to the Maximum Extent Practicable and "Green Building" Alternatives. Designs that reduce impervious surface and BMPs that increase runoff infiltration are highly encouraged.

Further Information:

<http://www.mde.state.md.us/programs/water/StormwaterManagementProgram/Pages/swm2007.aspx>

Environmental Site Design (Chapter 5):

<http://www.mde.state.md.us/programs/water/StormwaterManagementProgram/Documents/www.mde.state.md.us/assets/document/Design%20Manual%20Chapter%205%2003%2024%202009.pdf>

Redevelopment Regulations:

<http://www.dsd.state.md.us/comar/comarhtml/26/26.17.02.05.htm>

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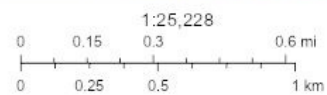


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Tier II Catchments 2016

- Assimilative Capacity Remaining
- No Assimilative Capacity Remaining
- Tier II Stream Segments 2016
- Tier II Baseline Stations 2016
- Maryland County Boundaries



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