

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND
AGENDA**

February 1, 2022

6:00 PM Call to Order/Pledge of Allegiance/Moment of Silence

Meeting Announcements

Building is Open for In-Person Attendance, for Remote Participation Dial 1-872-239-8359,
Conference ID 335 695 977#

Consent Items

#1 - Regular Session Minutes, January 25, 2022

#2 - Liquor Minutes, January 25, 2022

#3 - Closed Session Minutes, January 25, 2022

Appointments

Major General Robert L. Edmonson II, Senior Commander, Aberdeen Proving Ground,
U.S. Army Communications-Electronics Command
Current State of Aberdeen Proving Ground

County Attorney

Thomas N. Yeager, County Attorney
Alcoholic Beverage Public Hearing Protocol
Thomas N. Yeager, County Attorney
Public Hearing Protocol

Public Hearing

Alcoholic Beverage License Hearing
Andrew M. Carroll, President
Casey C. Carroll, Vice-President
Bayside Market, Inc. trading as Bayside Market
Class A, Beer, Wine, and Liquor License
Bill Mackey, Director, Planning, Housing and Zoning
Second Reading (Public Hearing) of Code Home Rule Bill 1-2022

American Rescue Plan Act Funds

Wayne Darrell, Director, Emergency Services
Requests Approval to Purchase Video Conferencing Equipment and Software

Departmental Appointments

Wayne Darrell, Director, Emergency Services
911 Recorder Upgrade
Wayne Darrell, Director, Emergency Services

Approval to Purchase LifePak 15 Heart Monitor/Defibrillators

County Administrator

Morgnec Road Solar, LLC Case No. 9499

Potential Litigation

Brian F. Frosh, Maryland Attorney General

Letter in Support of Lawsuit for Environmental Violations at Two Baltimore Area
Wastewater Treatment Plants

County Administrator Report

Clay B. Stamp, County Manager, Talbot County

Annual Transportation Plan for FY2023 Transportation Services

Harris P. Murphy, Associate Judge, Kent County Circuit Court

Thank You Letter

Kent Alcohol and Tobacco Enforcement KATE

Sallie Watson, Deputy Clerk II

License Updates

Letters for Signature

Citizen Interest Forms

Planning Commission

Public Comment/Media Review

Procedures for Public Comment

For Your Information

Carla Gerber, Deputy Director, Planning, Housing, and Zoning

Major Site Plan Review

Contingency Fund

Contingency and Use of Fund Balance Report

Closed Session

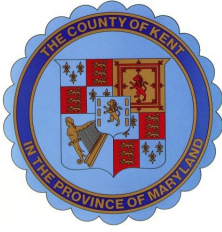
Thomas N. Yeager, County Attorney and Bill Mackey, Director, Planning, Housing, and
Zoning

Legal Advice / Potential Litigation

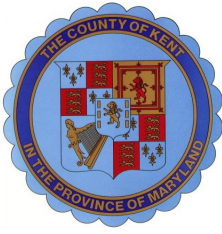
STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Art. § 3-305(b) (7) To consult with counsel to obtain legal advice
and (8) To consult with staff, consultants, or other individuals about pending or
potential litigation

(Meetings are conducted in Open Session unless otherwise indicated. All or part of County Commissioners' meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the Commissioners. Breaks are at the call of the President. Please note that times listed for specific items on the agenda are only estimates, and that the order of agenda items may change as time dictates or allows. Meetings are subject to audio and video recordings.)



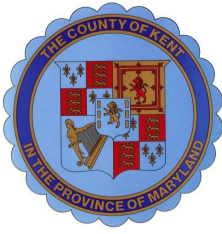
**Building is Open for In-Person Attendance, for Remote Participation
Dial 1-872-239-8359, Conference ID 335 695 977#
2/1/2022
County Commissioners Meeting**



**#1 - Regular Session Minutes, January 25, 2022
2/1/2022
County Commissioners Meeting**

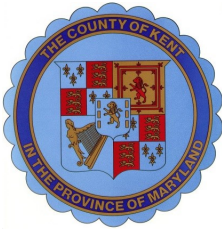
ATTACHMENTS:

Description



#2 - Liquor Minutes, January 25, 2022
2/1/2022
County Commissioners Meeting

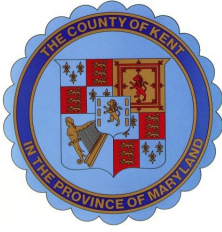
ATTACHMENTS:
Description



#3 - Closed Session Minutes, January 25, 2022
2/1/2022
County Commissioners Meeting

ATTACHMENTS:

Description



**Major General Robert L. Edmonson II, Senior Commander, Aberdeen
Proving Ground, U.S. Army Communications-Electronics Command
2/1/2022
County Commissioners Meeting**

Item Summary:

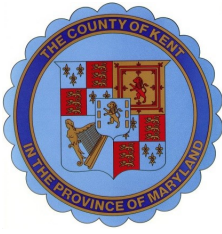
Current State of Aberdeen Proving Ground

ATTACHMENTS:

Description

APG video

<https://youtu.be/NWj9wk6LjU>



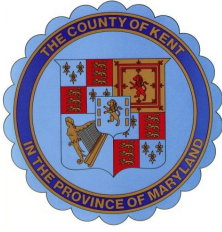
Thomas N. Yeager, County Attorney
2/1/2022
County Commissioners Meeting

Item Summary:

Alcoholic Beverage Public Hearing Protocol

ATTACHMENTS:

Description



Thomas N. Yeager, County Attorney
2/1/2022
County Commissioners Meeting

Item Summary:

Public Hearing Protocol

ATTACHMENTS:

Description

Procedures for Testifying In-Person and Live Call-In

BOARD OF COUNTY COMMISSIONERS OF KENT COUNTY

PROCEDURES FOR TESTIFYING

It is our desire that everyone who wishes to contribute to this democratic process be given a fair and uninterrupted opportunity to be heard. To ensure equal opportunity for individual input for the topic under discussion, certain rules must be followed by all persons who are to testify.

Hearings are open to the public, and public comment is encouraged. The rules to govern our hearings are few but are intended to guide our proceedings. The hope is that each person testifying will be self-governed, thereby contributing to fairness for all.

The Chair will remind anyone who testifies when he/she has violated the rules of the proceeding.

- Rule 1:** Anyone who wishes to testify must identify themselves.
- Rule 2:** Each person testifying will have three minutes for his/her remarks.
- Rule 3:** The Chair will maintain order via voice commands.
- Rule 4:** Stick to the issues at hand.

In-Person comments will be taken first, then live call-in comments will be taken in the order in which they were received. Staff will acknowledge each caller and announce the last 4 digits of the phone number that was used to call in with. Staff will ask the caller to unmute their phone allowing them to testify at that time. All written comments will be read into record by a County Staff member immediately after all calls have been taken.

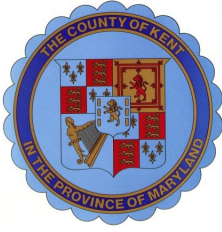
Written comments will be accepted until Friday, February 4, 2022 at 12:00 p.m. by the following methods:

By email:

kentcounty@kentgov.org

By letter:

The County Commissioners of Kent County
400 High Street
Chestertown, MD 21620



Alcoholic Beverage License Hearing 2/1/2022 County Commissioners Meeting

Item Summary:

Andrew M. Carroll, President
Casey C. Carroll, Vice-President
Bayside Market, Inc. trading as Bayside Market
Class A, Beer, Wine, and Liquor License

ATTACHMENTS:

Description

02.01.22 Bayside Market, Inc. Public Hearing Notice
01.22.22 Memorandum, Bayside Market, Inc.
01.18.22 Memorandum, Brandon McFayden, Bayside Market, Bulk Transfer Request
02.01.22 Testimony Log, Public Hearing, Bayside Market, Inc., Trading as Bayside Market - Class A, Beer, Wine, and Liquor License

The Board of License Commissioners of Kent County

P. THOMAS MASON
PRESIDENT
CHESTERTOWN, MD

RONALD H. FITHIAN
MEMBER
ROCK HALL, MD

ROBERT N. JACOB, JR.
MEMBER
WORTON, MD

R. Clayton Mitchell, Jr.
Kent County Government Center
400 High Street
Chestertown, Maryland 21620
TELEPHONE Cell: 443-282-5785

www.kentcounty.com/alcoholic-beverage

SHELLEY L. HELLER
COUNTY ADMINISTRATOR

THOMAS N. YEAGER
COUNTY ATTORNEY

BRANDON MCFAYDEN
INSPECTOR

NOTICE

Application has been made by Andrew M. Carroll, President, and Casey C. Carroll, Vice-President, representing Bayside Market, Inc. trading as Bayside Market for a Class A, Beer, Wine, and Liquor License on the premises known as:

Bayside Market
21309 Rock Hall Avenue
Rock Hall, MD 21661

which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for off-premises consumption. A hearing on the said application will be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on February 1, 2022, at 6:00 p.m. at which time any exceptions to the application will be heard.

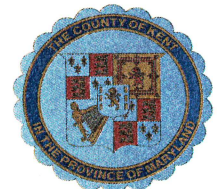
By order of:

THE BOARD OF LICENSE COMMISSIONERS
FOR KENT COUNTY, MARYLAND



Sondra M. Blackiston
Clerk

PUBLISH KCN 01/13/22, 01/20/22





Kent Alcohol and Tobacco Enforcement

To: Commissioners Mason, Fithian, and Jacob
From: Sondra M. Blackiston, Clerk/KATE Manager
Date: January 24, 2022
Subject: Bayside Market, Inc. trading as Bayside Market

Memorandum

My records date back to 1961 when Bobby Clark operated the site with a Class A Beer license as Clark's Self-Service. The license was upgraded to Beer and Wine in 1977, and over the years the location evolved into Bayfitters Food Store, K-Foods, and Bayside Foods. Jeffery and Debra Carroll have operated Bayside Foods since 2002.

The applicants, Andrew and Casey Carroll plan to operate this family-owned business as a food market. There is one change with the new ownership which is to add liquor to the alcoholic beverage license. Andrew and Casey Carroll have met all the requirements to obtain a license. Staff recommends approval.



Kent Alcohol and Tobacco Enforcement

To: K.A.T.E.
From: Inspector Brandon McFayden
Date: January 18, 2022
Subject: Bulk Transfer Request Bayside Foods

Memorandum

On January 18, 2022 I responded to Bayside Food located at 21309 Rock Hall Avenue in Rock Hall Maryland. The purpose of my visit was to inspect the store for a pending bulk transfer request. I inspected the alcohol inventory and compared it with the inventory that was provided on the bulk transfer request. The alcohol on hand was consistent with the reported inventory on the bulk transfer request.

Testimony Log

PUBLIC HEARING

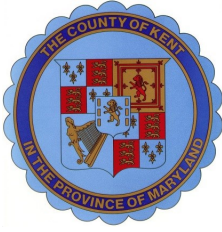
February 1, 2022

**BAYSIDE MARKET, INC. TRADING AS BAYSIDE MARKET - CLASS A, BEER, WINE,
AND LIQUOR LICENSE**

PLEASE SIGN IF YOU WISH TO SPEAK:

NAME (Please Print)

1. _____
2. _____
3. _____
4. _____
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16. _____
17. _____
18. _____



Bill Mackey, Director, Planning, Housing and Zoning
2/1/2022
County Commissioners Meeting

Item Summary:

Code Home Rule Bill 1-2022 would amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to add a new provision to allow for bona fide intrafamily transfers in the Rural Character district and to add a definition for immediate family.

The proposal includes nine subsections (A through I) which set forth limitations on the use and require a process by which intrafamily transfers may occur in the Rural Character zoning district, which are similar to those processes for intrafamily transfers already provided for in the Employment Center, various Industrial zoning districts, and RCD.

On November 16, 2021, the Board of County Commissioners adopted Resolution No. 2021-17, including Exhibit A that provides the text for CHR 10-2021. A copy of the Resolution and the CHR are attached.

On December 2, 2021, the Kent County Planning Commission held a public hearing and reviewed the proposed CHR 10-2021. The Planning Commission voted favorably for the proposed change with recommendations for amendments to the proposed text that §15. E be simplified to state that the maximum lot size be two acres and to amend Article XI, Section 2 to add the State's definition of immediate family. Per Md. Ann. Code., Nat. Resources, Sec. 8-1801.2, related to Intrafamily transfers, "Immediate family" means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter. A letter from the Planning Commission is attached. No member of the public spoke at the public hearing.

On January 4, 2022, the Board of County Commissioners introduced CHR 1-2022 including the changes that were recommended by the Planning Commission. A review of the proposed revisions recommended by the Planning Commission with the other sections in the Land Use Ordinance that address intrafamily transfers was requested.

- The proposed simplification of lot size to a maximum of two acres is already contained in the provisions under Employment Center and the Industrial zoning districts. The Planning Commission recommendation has the effect of making the provisions match. RCD does not include a lot size limit. Since the provisions for RCD are part of the Critical Area regulations, change is not recommended.
- The proposed definition would apply to all intrafamily transfers and incorporates State language.

ATTACHMENTS:

Description

CHR Bill No. 1-2022 Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers Public Hearing Notice

CHR Bill No. 1-2022 Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers DRAFT Legislation

Planning Commission Letter re ZTA Intrafamily in RC

02.01.22 Testimony Log, Public Hearing, Code Home Rule Bill No. 1-2022, Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer

The County Commissioners of Kent County

P. THOMAS MASON
PRESIDENT
CHESTERTOWN, MD

RONALD H. FITHIAN
MEMBER
ROCK HALL, MD

ROBERT N. JACOB, JR.
MEMBER
WORTON, MD

R. Clayton Mitchell, Jr.
Kent County Government Center
400 High Street
Chestertown, Maryland 21620
TELEPHONE 410-778-4600
E-MAIL kentcounty@kentgov.org
www.kentcounty.com

SHELLEY L. HELLER
COUNTY ADMINISTRATOR

THOMAS N. YEAGER
COUNTY ATTORNEY

January 4, 2022
Legislative Session Day

Legislative Session Day
January 4, 2022

CODE HOME RULE **BILL NO. 1-2022**

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers in accordance with these Regulations, in order to allow for two-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district and to amend Article XI. Definitions, Section 2., in order to add a definition for "Intrafamily Transfers, Immediate Family Member".

A hearing will be held on February 1, 2022, at 6:00 p.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online at www.kentcounty.com/commissioners/meeting-agenda, 24 hours in advance of the meeting, and it will include a unique call-in number, citizens are encouraged to participate in the Public Hearing and offer comments at the meeting either by phone or by attending in-person. If you require communication assistance, please contact the County Commissioners' Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than January 28, 2022.

A complete copy of the proposed legislative bill is available in the Commissioners' Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m. and on the County's website at www.kentcounty.com/commissioners/draft-legislation.

By order of:

THE COUNTY COMMISSIONERS OF KENT
COUNTY, MARYLAND



Sondra M. Blackiston
Clerk

PUBLISH: KCN 01/13/22, 01/20/22



THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**January 4, 2022
Legislative Session Day**

**Legislative Session Day
January 4, 2022**

**CODE HOME RULE
BILL NO. 1-2022**

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers in accordance with these Regulations, in order to allow for two-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district and to amend Article XI. Definitions, Section 2., in order to add a definition for “Intrafamily Transfers, Immediate Family Member”.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason, President

INTRODUCED, read the first time, January 4, 2022, ordered posted and public hearing scheduled February 1, 2022, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on February 1, 2022. Reported favorably [with] [without] amendments; read a second time and ordered to be considered on February 15, 2022, a legislative session day.

**A BILL ENTITLED CHR 1-2022 PRIMARY RESIDENCE LOCATED ON A NEW LOT
CREATED BY A BONA FIDE INTRAFAMILY TRANSFER**

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
KENT COUNTY, MARYLAND** that the Kent County Land Use Ordinance is hereby amended
as follows:

ARTICLE V.
DISTRICT REGULATIONS

SECTION 3. RURAL CHARACTER DISTRICT

...

3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A building or land shall be used for only the following purposes.

1. Agriculture including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.

...

14. Mobile homes existing and in use as of January 16, 1996 may be continued in use and may be replaced with another mobile home, provided the replacement mobile home complies with the Kent County Codes and all Health Department regulations. It is not the intent of this provision to allow additional mobile homes in the County, but rather to allow the continued use and improvement (including replacement) of mobile homes, existing as of January 16, 1996. A mobile home that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these regulations.

15. **PRIMARY RESIDENCE LOCATED ON A NEW LOT CREATED BY A BONA FIDE INTERFAMILY TRANSFER IN ACCORDANCE WITH THESE REGULATIONS.**

- A. **THE OWNER OF THE PARCEL SHALL ATTEST, IN WRITING, TO THE BONA FIDE FAMILY RELATIONSHIP AND THAT THE INTENT OF THE SUBDIVISION/USE IS NOT FOR ULTIMATE TRANSFER TO A THIRD PARTY.**

- B. **ANY DEED FOR A LOT THAT IS CREATED BY A BONA FIDE INTRAFAMILY TRANSFER SHALL CONTAIN A COVENANT STATING THAT THE LOT IS CREATED SUBJECT TO THE PROVISIONS OF THIS**

SECTION AND THAT THE PROVISIONS OF THIS SECTION SHALL CONTROL AS LONG AS THE PROPERTY CONTINUES TO BE ZONED RURAL CHARACTER.

- C. A LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER MAY NOT BE CONVEYED SUBSEQUENTLY TO ANY PERSON OTHER THAN A MEMBER OF THE OWNERS IMMEDIATE FAMILY EXCEPT UNDER THE FOLLOWING PROCEDURES:

THE KENT COUNTY PLANNING COMMISSION SHALL DETERMINE THAT:

- I. THE LOT WAS CREATED AS A PART OF BONA FIDE INTRAFAMILY TRANSFER AND NOT WITH THE INTENT OF SUBDIVIDING THE ORIGINAL PARCEL OF LAND FOR PURPOSES OF ULTIMATE TRANSFER TO A THIRD PARTY; OR
 - II. THE OWNER OF THE TRANSFERRED PROPERTY DIES; OR
 - III. A CHANGE OF CIRCUMSTANCES HAS OCCURRED SINCE THE ORIGINAL TRANSFER WAS MADE THAT IS CONSISTENT WITH THE INTENT OF THIS ORDINANCE.
- D. THIS SUBSECTION SHALL NOT PREVENT THE CONVEYANCE OF SUCH A LOT TO A THIRD PARTY AS SECURITY FOR A MORTGAGE OR DEED OF TRUST OR SUBSEQUENT CONVEYANCES RESULTING FROM A FORECLOSURE.
- E. THE MAXIMUM LOT SIZE SHALL BE TWO (2) ACRES.
- F. LAND SHALL BE SUBDIVIDED AS INDICATED:
- I. A PARCEL THAT IS SEVEN (7) ACRES OR MORE AND LESS THAN TWELVE (12) ACRES IN SIZE MAY BE SUBDIVIDED INTO TWO (2) LOTS; OR
 - II. A PARCEL THAT IS TWELVE (12) ACRES OF MORE AND LESS THAN SIXTY (60) ACRES IN SIZE MAY BE SUBDIVIDED INTO THREE (3) LOTS. THE LOTS MAY BE CREATED AT DIFFERENT TIMES.
- G. ANY DEED OR SUBDIVISION PLAT FOR A LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER SHALL CONTAIN A STATEMENT THAT THE ADJACENT PROPERTY IS ZONED RURAL CHARACTER.

- H. THE PARCEL IS CREATED FOR THE CONSTRUCTION OF A PRIMARY RESIDENCE ONLY; AND
- I. THESE PROVISIONS APPLY TO THOSE INDIVIDUALS OWNING CURRENTLY RURAL CHARACTER ZONED LAND, WITH OWNERSHIP PRIOR TO DECEMBER 3, 2002.

...

ARTICLE XI.
DEFINITIONS

SECTION 2. DEFINITIONS

...

166. Intrafamily Transfers - A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

166.5 INTRAFAMILY TRANSFERS, IMMEDIATE FAMILY MEMBER - A FATHER, MOTHER, SON, DAUGHTER, GRANDFATHER, GRANDMOTHER, GRANDSON, OR GRANDDAUGHTER

...

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ____ day of _____, 2022.

Read Third Time _____

PASSED this ____ day of _____, 2022

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

(SEAL)

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

BILL NO. 1-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.



Kent County Planning Commission
Department of Planning, Housing, and Zoning
400 High Street, Suite 130
Chestertown, MD 21620
410-778-7423 (voice/relay)

December 8, 2021

The Honorable P. Thomas Mason, President
Kent County Board of County Commissioners
400 High Street
Chestertown, MD 21620

RE: Zoning Text Amendment related to Intrafamily Transfers in the Rural Character zoning district

Dear President Mason:

At its December 2, 2021, meeting, the Kent County Planning Commission reviewed an application for the zoning text amendment to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. *Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer in accordance with these Regulations*, in order to allow for one-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district.

Following discussion, the Planning Commission voted to make a favorable recommendation to add the proposed use to the Land Use Ordinance with the following recommendations for amendments to the proposed text:

- Amend "15 e" to be a maximum lot size of 2 acres.
- Amend Article XI, Section 2 to add the State's definition of immediate family

Per Md. Ann. Code., Nat. Resources, Sec. 8-1801.2, related to *Intrafamily transfers*, "Immediate family" means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

Sincerely,
Kent County Planning Commission

Kim Kohl
Chairman

cc: Shelley L. Heller, County Administrator

Testimony Log

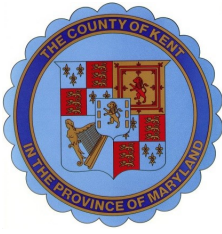
PUBLIC HEARING

**CODE HOME RULE BILL NO. 1-2022, PRIMARY RESIDENCE LOCATED ON A NEW
LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER**

PLEASE SIGN IF YOU WISH TO SPEAK:

NAME (Please Print)

1. Paula Beedle
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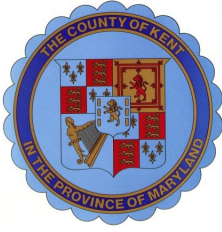
Wayne Darrell, Director, Emergency Services
2/1/2022
County Commissioners Meeting

Item Summary:

Requests Approval to Purchase Video Conferencing Equipment and Software

ATTACHMENTS:

Description



Wayne Darrell, Director, Emergency Services
2/1/2022
County Commissioners Meeting

Item Summary:

911 Recorder Upgrade

ATTACHMENTS:

Description

recorder proposal

BILL AND SHIP TO:

Kent County Emergency Services, Brad Russum
104 Vickers Dr
Unit D
Chestertown MD 21620
United States
+1 410-778-3758

Quote #: SO40021 Quote Date: 01/19/2022 Prepared By: Bill Ridenour Payment Terms: NET 30 Expiration Date: 02/15/2022

IMAGE	DESCRIPTION	QUANTITY	PRICE	DISC	TAXES	AMOUNT
 Eventide Eventide Eventide Eventide Eventide	Eventide NexLog740 DX Series Recorder Base System	2.0 Each	\$7,995.00 \$ 6475.95	19%	Exempt	\$ 12,951.90
	Eventide DX701 7" Color LCD Touch Screen Display	2.0 Each	\$1,595.00 \$ 1291.95	19%	Exempt	\$ 2,583.90
	Eventide 271083 8 Pack MediaWorks DX Web License	2.0 Each	\$995.00 \$ 805.95	19%	Exempt	\$ 1,611.90
	Eventide DX706 Upgrade 740 DX-Series HotSwap 1TB Storage - 3 TB per Location	2.0 Each	\$4,190.00 \$ 3393.90	19%	Exempt	\$ 6,787.80
	Eventide DXANA24 24-Channel Analog PCIe Card, License - NexLog 740	4.0 Each	\$6,000.00 \$ 4860.00	19%	Exempt	\$ 19,440.00
	Eventide 271052 Internal IP Recorder - NexLog 740	2.0 Each	\$3,850.00 \$ 3118.50	19%	Exempt	\$ 6,237.00
	Eventide 271071 Windows Screen Recording - 10 PC's	2.0 Each	\$3,000.00 \$ 2430.00	19%	Exempt	\$ 4,860.00

IMAGE	DESCRIPTION	QUANTITY	PRICE	DISC	TAXES	AMOUNT
Eventide®	Eventide 271098 Geo Search/View (Requires Lat/Lon, MediaWorks, Google Maps on each Workstation)	2.0 Each	\$ 995.00 \$ 805.95	19%	Exempt	\$ 1,611.90
Eventide®	Eventide DX912 Motorola VESTA NG911 Call Recording Bundle Includes Text to 9-1-1	2.0 Each	\$ 9,995.00 \$ 8095.95	19%	Exempt	\$ 16,191.90
Eventide®	Eventide 115021 NexLog Enhanced Reporting Engine DX Option at Main Center	1.0 Each	\$ 1,495.00 \$ 1210.95	19%	Exempt	\$ 1,210.95
Eventide®	Eventide 271176 RapidSOS Integration for Wireless 9-1-1 Caller Location Display	2.0 Each	\$ 5,000.00 \$ 4050.00	19%	Exempt	\$ 8,100.00
Eventide®	Eventide 271113 NexLog Access Bridge License	1.0 Each	\$ 3,995.00 \$ 3235.95	19%	Exempt	\$ 3,235.95
Eventide®	Eventide 209029 911 NENA ANI/ALI Spillman Integration	2.0 Each	\$ 3,495.00 \$ 2830.95	19%	Exempt	\$ 5,661.90
Eventide®	Eventide DX754 Dual Port 100MB/1000 PCIe Network Card	2.0 Each	\$ 660.00 \$ 534.60	19%	Exempt	\$ 1,069.20
Options						
Eventide®	Eventide 271112 Quality Assurance Speech Option	1.0 Each	\$ 0.00 \$ 0.00	19%	Exempt	\$ 0.00
						Subtotal \$ 0.00
Software Subscription and Services						
	Installation, Programming, Optimization, and Equipment Removal at Main & Backup Centers	1.0 Hour(s)	\$ 4,200.00	0%	Exempt	\$ 4,200.00



Delivering Mission Critical Communications

DUNS: 786404830 CAGE CODE: 0XU03 TAX ID: 161684716

Magnum Electronics, Inc.

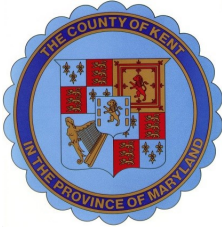
927 Horsepond Road

Dover DE 19901

United States

IMAGE	DESCRIPTION	QUANTITY	PRICE	DISC	TAXES	AMOUNT
	Five Year Service Agreement Includes On-site Technical Service, Eventide NMS Monitoring, Eventide Software Subscription Updates	1.0 Each	\$ 56,017.40	0%	Exempt	\$ 56,017.40
Pricing per GSA Contract: GS-35F-0415v						
						Subtotal \$ 60,217.40

Subtotal	\$ 151,771.70
Taxes	\$ 0.00
Total	\$ 151,771.70



Wayne Darrell, Director, Emergency Services
2/1/2022
County Commissioners Meeting

Item Summary:

Approval to Purchase LifePak 15 Heart Monitor/Defibrillators

ATTACHMENTS:

Description

Stryker quote

21 SHSP Grant

22 MIEMSS CDG grant



Kent County EMS LP15 Jan2022 p1

Quote Number: 10330756

Remit to: **Stryker Medical**

P.O. Box 93308

Version: 1

Chicago, IL 60673-3308

Prepared For: KENT COUNTY EMS

Rep: Bruce Awtry

Attn: David Rice

Email: bruce.awtry@stryker.com

drice@kentgov.org

Phone Number: (302) 540-3037

(443) 282-6401

Mobile: +1 3025403037

Quote Date: 01/19/2022

Expiration Date: 01/31/2022

Delivery Address

Name: KENT COUNTY EMS

Account #: 1327325

Address: 11528 LYNCH RD

WORTON

Maryland 21678-1857

End User - Shipping - Billing

Name: KENT COUNTY EMS

Account #: 1327325

Address: 11528 LYNCH RD

WORTON

Maryland 21678-1857

Bill To Account

Name: KENT COUNTY EMS

Account #: 1327325

Address: 11528 LYNCH RD

WORTON

Maryland 21678-1857

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	99577-001958	LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, Temp, BT. Incl at N/C: 2 pr QC Electrodes (11996-000091) & 1 Test Load (21330-001365) per device, 1 Svc Manual CD (26500-003612) per order	3	\$19,055.00	\$57,165.00
2.0	41577-000290	Ship Kit -QUIK-COMBO Therapy Cable; 2 rolls100mm Paper; RC-4, Patient Cable, 4ft.; NIBP Hose, Coiled; NIBP Cuff, Reusable, adult; 12-Lead ECG Cable, 4-Wire Limb Leads, 5ft; 12-Lead ECG Cable, 6-Wire Precordial attachment; Temperature Adapter Cable, 5ft	3	\$0.00	\$0.00
3.0	11171-000082	Masimo™;RC Patient Cable - EMS, 4 FT.	3	\$162.50	\$487.50
4.0	11171-000049	Masimo™Rainbow™ DCI Adult Reusable SpO2, SpCO, SpMet Sensor, 3 FT. For use with RC Patient Cable.	3	\$416.00	\$1,248.00
5.0	11577-000002	LIFEPAK 15 Basic carry case w/right & left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device	3	\$276.34	\$829.02
6.0	11220-000028	LIFEPAK 15 Carry case top pouch	3	\$39.65	\$118.95
7.0	11260-000039	LIFEPAK 15 Carry case back pouch	3	\$56.55	\$169.65
8.0	21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	2	\$321.10	\$642.20
9.0	11130-000061	Standard hard paddles for use w/LIFEPAK 15	1	\$746.20	\$746.20
10.0	11133-000007	Pediatric paddle, external 1ea (2 required)	2	\$82.00	\$164.00
11.0	21300-005847	Signagel, gel	1	\$4.55	\$4.55
Equipment Total:					\$61,575.07



Kent County EMS LP15 Jan2022 p1

Quote Number: 10330756

Version: 1

Prepared For: KENT COUNTY EMS

Attn: David Rice

drice@kentgov.org

(443) 282-6401

Quote Date: 01/19/2022

Expiration Date: 01/31/2022

Remit to: **Stryker Medical**

P.O. Box 93308

Chicago, IL 60673-3308

Rep: Bruce Awtry

Email: bruce.awtry@stryker.com

Phone Number: (302) 540-3037

Mobile: +1 3025403037

Price Totals:

Grand Total: \$61,575.07

Comments:

V1/V2 PROMO PART 1

INCLUDES TRADE-IN ALL V1

Prices: In effect for 90 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.



2021 Sub-Recipient Agreement

for

Kent County, County Commissioners of

Date of Award

10/8/2021

1. Sub-Recipient Name and Address	2. Prepared by: <i>Whitstone, Danielle</i>	3. MEMAGMS Award Number: 21-SR 8851-03
Kent County, County Commissioners of	4. Federal Grant Information	
	Federal Grant Title:	State Homeland Security Grant Program
	Federal Grant Award Number/CFDA Number:	EMW-2021-SS-00047 SHSP / 97.067
	Federal Granting Agency:	U.S. Department of Homeland Security

5. Award Amount	
Total Award Amount \$97,986.00	2021 State Homeland Security Program Performance Period: FROM Sep 1, 2021 – Apr 30, 2024

6. Statutory Authority for Grant: This project is supported under the Homeland Security Act of 2002 as amended as amended (Public Law 107-296),(6USC603)
Appropriations Authority for Grant: The Department of Homeland Security Appropriations Act, 2017

7. Method of Payment: Primary method is reimbursement.

8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at <https://www.sam.gov/content/exclusions>

9. Agency Approval	
Approving SAA Official: Janet Moncrieffe, Manager of Business Operations Maryland Department of Emergency Management DBA Maryland Emergency Management Agency	Signature of SAA Official: Date:

10. Sub-Recipient Acceptance	
I have read and understand the attached Special Terms and Conditions and Certifications and Assurances.	
Type name and title of Authorized Sub-Recipient official: P. Thomas Mason, President	Signature of Sub-Recipient Official: <i>P. Thomas Mason</i>

11. Enter Federal Employer Identification Number (FEIN) and DUNS number: 526000974	12. Date Signed : 10/26/21
---	-------------------------------

13. DUE DATE: 11/22/2021
Signed award must be returned to the SAA on or before the above due date.

PURCHASE ORDER

STATE OF MARYLAND

PURCHASE ORDER NO: D53P2600226

PRINT DATE: 12/20/21

PAGE: 01

DELIVER TO: CHUCK ROLLMAN MIEMSS 653 WEST PRATT ST.: RM. 114 BALTIMORE MD 21201	BILL TO: CHUCK ROLLMAN MIEMSS 653 WEST PRATT ST.: RM. 114 BALTIMORE MD 21201
VENDOR ID: KENT COUNTY EMS 81528 LYNCH ROAD WORTON MD 21678	REFER QUESTIONS TO: SHERYL A ALBAN (410) 706-3145 SALBAN@MIEMSS.ORG
DELIVER BY: 12/27/21	
ITB: BPO:	EXPR DATE: POST DATE: 12/20/21
DISC TERMS: . NET 30 F.O.B. POINT: DESTINATION	

TERMS:

ARTICLES HEREIN ARE EXEMPT FROM MARYLAND SALES AND USE TAXES BY EXEMPTION CERTIFICATE NUMBER 3000256-3 AND FROM FEDERAL EXCISE TAXES BY EXEMPTION NUMBER 52-73-0358K. IT IS THE VENDOR'S RESPONSIBILITY TO ADVISE COMMON CARRIERS THAT AGENCIES OF THE STATE OF MARYLAND ARE EXEMPT FROM TRANSPORTATION TAX.

PLEASE FURNISH THE STATE OF MARYLAND WITH THE FOLLOWING:

LINE #	STATE ITEM ID	QUANTITY	U/M	UNIT COST	TOTAL
0001	94631	1.00	EA	20,000.0000	20,000.00

GRANT PAYMENTS

REIMBURSEMENT FROM THE FY 2022 MIEMSS CDG GRANT PROGRAM.

REQUISITION	LINE	SHIP/BILL CODE	SHIPPING CONTACT
D53P2600226	001	D532300	CHUCK ROLLMAN

DOCUMENT TOTAL: 20,000.00

***** LAST PAGE *****

AUTHORIZED BY: Sherry Alban **DATE:** 12-20-2021

BUYER AUTHORIZED DESIGNEE

INSTRUCTIONS TO VENDOR

EACH SHIPPING CONTAINER OR PACKAGE SHALL HAVE CLEARLY MARKED A COMPLETE DESCRIPTION AS TO CONTENTS AND QUANTITY CONTAINED THEREIN, THE PURCHASE ORDER NUMBER AND THE STOCK NUMBER, IF LISTED IN DESCRIPTION ABOVE. EACH SHIPMENT SHALL HAVE ATTACHED TO THE CONTAINER OR PACKAGE A PACKAGING SLIP AND SAID CONTAINER OR PACKAGE MUST BE READILY MARKED FOR IDENTIFICATION.

EACH INVOICE MUST BE SUBMITTED IN DUPLICATE AND INCLUDE THE FOLLOWING INFORMATION: 1) DATE AND METHOD OF SHIPMENT. 2) PURCHASE ORDER NUMBER. 3) DESCRIPTION AS IT APPEARS ON PURCHASE ORDER. 4) QUANTITY SHIPPED. 5) UNIT PRICE AND EXTENSIONS. 6) DATE OF INVOICE. 7) VENDOR'S FEDERAL TAX IDENTIFICATION OR SOCIAL SECURITY NUMBER. NOTE: INVOICE INFORMATION MUST BE IN ACCORDANCE WITH THAT CONTAINED ON PURCHASE ORDER. FAILURE TO COMPLY WITH THE FOREGOING WILL RESULT IN THE INVOICE BEING REJECTED FOR PAYMENT.

PURCHASE ORDER
STATE OF MARYLAND

PURCHASE ORDER NO: D53P2600226

PRINT DATE:

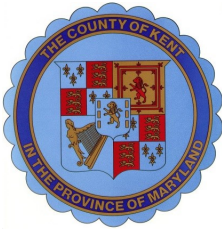
12/20/21

PAGE: 02

SUMMARY ACCOUNTING INFORMATION (STATE OF MARYLAND USE ONLY)

<u>SF</u>	<u>AGY</u>	<u>YR</u>	<u>INDEX</u>	<u>PCA</u>	<u>OBJECT</u>	<u>AOBJ</u>	<u>GRANT/PH</u>	<u>PROJ/PH</u>	<u>AG1</u>	<u>AG2</u>	<u>AMOUNT / %</u>
01	D53	22		19AED		1297					20,000.00

TOTAL ENCUMBRANCE:											20,000.00



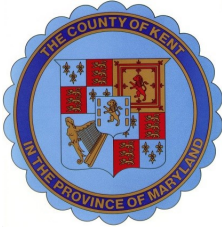
Morgnec Road Solar, LLC Case No. 9499
2/1/2022
County Commissioners Meeting

Item Summary:

Potential Litigation

ATTACHMENTS:

Description



Brian F. Frosh, Maryland Attorney General
2/1/2022
County Commissioners Meeting

Item Summary:

Letter in Support of Lawsuit for Environmental Violations at Two Baltimore Area Wastewater Treatment Plants

ATTACHMENTS:

Description

02.01.22 Brian E. Frosh, Maryland Attorney General, Lawsuit for Environmental Violations at Two Baltimore Area Wastewater Treatment Plants

Brian E. Frosh, MD Attorney General, Lawsuit for Environmental Violations at 2 Baltimore Area Wastewater Treatment Plants

012122_Balt_WWTPs_complaint

The County Commissioners of Kent County

P. THOMAS MASON
PRESIDENT
CHESTERTOWN, MD

RONALD H. FITHIAN
MEMBER
ROCK HALL, MD

ROBERT N. JACOB, JR.
MEMBER
WORTON, MD

R. Clayton Mitchell, Jr.
Kent County Government Center
400 High Street
Chestertown, Maryland 21620
TELEPHONE 410-778-4600
E-MAIL kentcounty@kentgov.org
www.kentcounty.com

SHELLEY L. HELLER
COUNTY ADMINISTRATOR

THOMAS N. YEAGER
COUNTY ATTORNEY

February 1, 2022

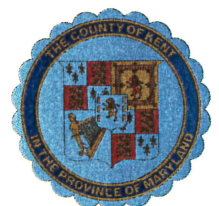
The Honorable Brian E. Frosh
Attorney General, State of Maryland
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202

Re: Lawsuit to Eliminate Unpermitted Discharges

Dear Attorney General Frosh:

We recently learned of a lawsuit filed on behalf of the Maryland Department of the Environment regarding the illegal discharge of pollutants by Wastewater Treatment Plants operated by Baltimore City. Thank you for filing the complaint, and we support these efforts. A healthy and clean Chesapeake Bay is critically important to all Marylanders; however, for Kent County, it is central to our ecological and economic existence. Baltimore City has been a significant source of pollutants that have found their way into the Chesapeake Bay and its tributaries for many years. Kent County is surrounded by water on three sides. The impact of unpermitted discharges devastates the health of the Bay and many of its tributaries, and the waterman of Kent County experience firsthand its effects.

There is a long-standing perception, based on actions taken, that enforcement efforts are made disproportionately against rural jurisdictions with limited resources. Kent County farmers are innovators in modern nutrient management practices. The County diligently participates in efforts to reduce pollutants in keeping with the goals of the Total Maximum Daily Load (TMDL) and the Watershed Implementation Plan (WIP). We are, therefore, pleased to see that enforcement action is now being taken against a major source of Bay pollution. We are hopeful that justice will be swift in this case.



The Honorable Brian E. Frosh, Attorney General, State of Maryland
Lawsuit to Eliminate Unpermitted Discharges
February 1, 2022
Page 2 of 2

Very truly yours,
THE COUNTY COMMISSIONERS
OF KENT COUNTY MARYLAND



P. Thomas Mason, President



Ronald H. Fithian, Member



Robert N. Jacob, Jr., Member

KCC/sw

cc: The Honorable Ben Grumbles, Secretary, Maryland Department of the Environment
The Honorable Nathan P. Short, Assistant Attorney General, State of Maryland



BRIAN E. FROSH, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Frosh Files Lawsuit for Environmental Violations at Two Baltimore Area Wastewater Treatment Plants *Lawsuit Seeks Civil Penalties and Injunction to Halt Polluting Discharges*

BALTIMORE, MD (January 21, 2022) – Maryland Attorney General Brian E. Frosh today filed a [lawsuit](#) today in Baltimore City circuit court on behalf of the Maryland Department of the Environment (MDE) to eliminate unpermitted discharges from the two largest wastewater treatment plants in Maryland: the Back River Wastewater Treatment Plant and the Patapsco Wastewater Treatment Plant. Both plants are owned and operated by Baltimore City.

During multiple MDE inspections of the plants in 2021 and after review of information submitted by Baltimore City, MDE observed extensive violations of MDE-issued discharge permits. These violations include exceeding effluent limits, failing to report sampling results, failing to report non-compliance, failing to comply with effluent sampling and testing protocols, failing to maintain sampling equipment, failing to provide various required reports, failing to comply with stormwater discharge permit requirements, failing to provide adequate operating staff, and failing to efficiently operate the plants and conduct necessary maintenance.

“The violations outlined in our complaint allege significant and repeated violations of State and federal water pollution laws, endangering our waterways and drinking water,” said Attorney General Frosh. “Wastewater treatment plants are critical in our efforts to improve the health of the Bay and they must adhere to State permits and environmental laws.”

In addition to seeking civil penalties, the complaint also seeks an injunction requiring Baltimore City to take all necessary and appropriate actions to immediately stop unpermitted discharges of pollutants from the Back River and Patapsco Wastewater Treatment Plants, and to take all necessary and appropriate actions to prevent future unpermitted discharges of pollutants from the plants.

Blue Water Baltimore has also taken independent action to address violations at the Back River and Patapsco plants, and on December 15, 2021, filed a citizen suit against Baltimore City under the federal Clean Water Act in the U.S. District Court. MDE is issuing two notice-of-intent-to-

sue letters under the Clean Water Act, preserving its rights to intervene in the federal action as may be appropriate.

Patapsco WWTP

NOI: https://www.marylandattorneygeneral.gov/news%20documents/012122_PatapscoNOI.pdf

Back River WWTP

NOI: https://www.marylandattorneygeneral.gov/news%20documents/012122_BackriverNOI.pdf

<https://www.marylandattorneygeneral.gov/press/2022/012122.pdf>

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND *
DEPARTMENT OF THE *
ENVIRONMENT *
1800 Washington Boulevard *
Baltimore, Maryland 21230, *

Plaintiff, *

v. *

MAYOR AND CITY COUNCIL *
OF BALTIMORE, MARYLAND *
250 City Hall *
Baltimore, Maryland 21202 *

Case No: _____

Serve on: *
James L. Shea, City Solicitor *
Baltimore City Solicitor's Office *
Baltimore City Department of Law *
100 North Holliday Street, Suite 101 *
Baltimore, Maryland 21202, *

Defendant. *

* * * * *

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

The Maryland Department of the Environment (the "Department"), by and through its attorneys, Brian E. Frosh, Attorney General, and Jonathan E.C. May and Nathan P. Short, Assistant Attorneys General, files this complaint against the defendant, the Mayor and City Council of Baltimore, Maryland ("Baltimore City"), and alleges as follows:

I. INTRODUCTION

1. The Department brings this civil action against Baltimore City to eliminate the unpermitted discharge of pollution into the waters of this State in violation of State and federal water pollution statutes and regulations, and for civil penalties.

2. Baltimore City owns and operates the two largest wastewater treatment plants in the State of Maryland: the Back River Wastewater Treatment Plant, located at 8201 Eastern Avenue, Baltimore, Maryland (“Back River WWTP”), and the Patapsco Wastewater Treatment Plant, located at 3501 Asiatic Avenue, Baltimore, Maryland (“Patapsco WWTP”).

3. Baltimore City’s operation of the Back River and Patapsco WWTPs and the unauthorized discharge of pollutants—including nitrogen and phosphorus—undermines the efforts by Maryland and the other states in the Chesapeake Bay watershed to restore clean water in the Chesapeake Bay and the region’s streams, creeks, and rivers.¹

II. WASTEWATER TREATMENT PLANTS

4. For the Back River WWTP, the Department issued Baltimore City, State

¹ The State of Maryland is responsible for reducing pollution that emanates from this State and travels to the Chesapeake Bay pursuant to the Chesapeake Bay Total Maximum Daily Load (“Chesapeake Bay TMDL”), which is a “pollution diet” intended to restore clean water in the Bay and the region’s streams, creeks, and rivers. The Chesapeake Bay TMDL sets 2025 as the deadline for the State to achieve significant reductions of total nitrogen (“TN”) and total phosphorus (“TP”) discharges. To achieve these significant reductions, the Department issued Maryland’s Phase III Watershed Implementation Plan to Restore the Chesapeake Bay by 2025 (“Phase III WIP”). This plan identifies Department-issued discharge permits for wastewater treatment plants as a tool to reduce TN and TP.

Discharge Permit Number 15-DP-0581A, NPDES Number MD0021555,² which became effective May 1, 2018 (the “Back River Discharge Permit”). The Back River Discharge Permit was modified on January 1, 2020, and expires on April 30, 2023. The Back River Discharge Permit is attached hereto as “Exhibit BR1.”

5. The Back River Discharge Permit (a) details the actions that Baltimore City is required to take to operate the Back River WWTP, and (b) limits Baltimore City’s discharges of pollutants to (i) Outfall 001A in the Back River, and (ii) Outfall 002A at Bear Creek, which flows into the Back River. The Back River then flows into the Baltimore Harbor which flows to the Chesapeake Bay, the largest estuary in the United States and among the most productive and valuable ecosystems in the world. The Back River and the Baltimore Harbor waters are designated as Use II waters protected for estuarine and marine aquatic life.

6. For the Patapsco WWTP, the Department issued Baltimore City, State Discharge Permit Number 15-DP-0580, NPDES Number MD0021601, which became effective October 1, 2017, and expires on September 30, 2022 (the “Patapsco Discharge Permit” or “2015 Patapsco Discharge Permit”) (attached hereto as “Exhibit PT1”).

7. The Patapsco Discharge Permit (a) details the actions that Baltimore City is

² The Federal Water Pollution Control Act (the “Clean Water Act”), 33 U.S.C. § 1251 *et seq.*, prohibits the discharge of pollutants into waters of the United States, unless the U.S. Environmental Protection Agency (“EPA”) issues a National Pollutant Discharge Elimination System (“NPDES”) permit. The EPA may delegate its NPDES authority to a state, 33 U.S.C. § 1342(b), and has done so here to the Department. The Department thus issues NPDES permits that authorize discharges under both federal and State law.

required to take to operate the Patapsco WWTP, and (b) limits Baltimore City's discharges of pollutants to Outfall 001A in the Patapsco River. The Patapsco River also flows to the Chesapeake Bay, and is designated as Use II waters protected for estuarine and marine aquatic life.

8. The Back River and Patapsco Discharge Permits contain requirements and limitations that are identified as "General Conditions" or "Special Conditions." General Conditions are those that are standard requirements in discharge permits issued by the Department, and Special Conditions are those that are tailored to a specific facility, here the Back River and Patapsco WWTPs.

9. Baltimore City has violated numerous General Conditions and Special Conditions contained in both Discharge Permits, including exceeding effluent limits, failing to report sampling results, failing to report discharge report non-compliance, failing to comply with effluent sampling and testing protocols, failing to maintain sampling equipment, failing to provide various required reports, failing to comply with stormwater discharge permit requirements, and failing to efficiently operate the plants and conduct necessary maintenance.

10. As a result of Baltimore City's responsibility to comply with the various permit requirements at both the Back River and Patapsco WWTPs and its liability for failing to do so, the Department seeks, and is entitled to recover from Baltimore City: (a) civil penalties; (b) pre- and post-judgment interest; and (c) attorneys' fees and costs.

11. The Department also seeks an injunction requiring Baltimore City to take all necessary and appropriate actions to immediately stop unpermitted discharges of pollutants from the Back River and Patapsco WWTPs into the waters of this State, and to take all necessary and appropriate actions to prevent future unpermitted discharges of pollutants from the Back River and Patapsco WWTPs into the waters of this State.

III. JURISDICTION & VENUE

12. This Court has subject matter jurisdiction under §§ 1-501 and 4-401 of the Courts and Judicial Proceedings Article.

13. This Court has personal jurisdiction by virtue of the Department's authority to obtain civil penalties and injunctive relief pursuant to §§ 9-322, 9-339, and 9-342 of the Environment Article and Maryland Rule 2-124(l).

14. This Court is the proper venue for this action under § 6-201 of the Courts and Judicial Procedures Article.

IV. PARTIES

15. Plaintiff is a State agency within the Executive Branch of the State of Maryland. The Secretary of the Environment is charged with the responsibility to regulate water pollution and to enforce the State's water pollution laws under Title 9, Subtitle 3 of the Environment Article.

16. Defendant Mayor and City Council of Baltimore City, Maryland is a body corporate and politic and authorized under the laws of Maryland.

V. STATUTORY & REGULATORY AUTHORITY

17. “[T]he quality of the waters of this State is vital to the public and private interests of its citizens and because pollution constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water.” Envir. § 9-302(b).

18. “[I]t is State public policy to improve, conserve, and manage the quality of the waters of the State and protect, maintain and improve the quality of water for public supplies, propagation of wildlife, fish and aquatic beneficial uses.” Envir. § 4-402; *see also id.* § 9-302(b).

19. “[I]t is State public policy to provide that no waste is discharged into any waters of this State without first receiving necessary treatment or other corrective action to protect the legitimate beneficial uses of this State’s waters.” Envir. § 4-402; *see also id.* § 9-302(b).

20. As such, “[no] person . . . may discharge any pollutant into the waters of this State” without obtaining authorization (i.e., a discharge permit) from the Department. *See* Envir. §§ 9-322, 9-323.

21. This State’s waters are broadly defined to “include . . . surface and underground waters within the boundaries of this State subject to its jurisdiction . . . , the Chesapeake Bay and its tributaries, and all ponds, lakes, river, streams, storm drain

systems, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage.” Envir. § 9-101(l).

22. Also broadly defined are the terms “pollutant,” “pollution,” and “discharge,” *see id.* § 9-101(b), (g), & (h), the breadth of which echoes the public policy that the waters of this State are vital, and further provides the Department with expansive authority and a mandate to preserve the quality of the waters of this State.

23. Therefore, before any person may “construct, install, modify, extend, alter, or operate” a system for disposing of wastes in the waters of this State, that person must “hold a discharge permit issued by the Department.” Envir. § 9-323.

24. Any discharge permit issued by the Department must “meet[] . . . [a]ll applicable State and federal water quality standards and effluent limitations.” Envir. §§ 9-314(c), 9-324(a); *see* COMAR 26.08.01-04 (Maryland water quality standards and effluent limitations).

25. Additionally, “[t]he Department may make the issuance of a discharge permit contingent on any conditions the Department considers necessary to prevent violation of” Title 9, Subtitle 3, titled “Water Pollution Control.” Envir. § 9-326(a).

26. The Department has established regulations governing the issuance of discharge permits for disposal systems. COMAR 26.08.04.

27. The Department may also require an “owner or operator of any source of a

discharge of pollutants” to keep records, report to the Department, adhere to monitoring standards, sample effluent, and provide the Department with information about pollutant discharges. Envir. § 9-331.

28. The Department is further empowered to administer and enforce a permittee’s adherence to the requirements of a discharge permit issued under the Water Pollution Control Subtitle. Envir. § 9-319(a)(1).

29. Section 9-342(a) provides for the imposition of civil penalties of up to \$10,000 for each violation of the Water Pollution Control Subtitle, or any regulation, permit, or order issued thereunder in a civil action.

30. Under § 9-339(a), the Department may seek injunctive relief to address violations of any rule, regulation, order, or permit issued pursuant to the Water Pollution Control Subtitle.

VI. FACTUAL ALLEGATIONS

Back River WWTP

31. On or about June 16, 2021, September 20, 2021, and December 29, 2021, the Department conducted inspections at the Back River WWTP. During these inspections, and as a result of reviewing information and materials submitted by Baltimore City before and after these inspections in accordance with the terms of the Permit, the Department observed extensive violations of General and Special Conditions contained in the Back River Discharge Permit.

A. Effluent Limit Exceedances

32. Special Conditions II(A)(1-2) of the Back River Discharge Permit, entitled “Effluent Limitations,” are the conditions that limit the amount and characteristics of pollution that the Back River WWTP can discharge to the surface waters of the Back River and Bear Creek.

33. From May 2017 through November 2021, the Back River WWTP violated the Back River Discharge Permit’s daily, weekly, monthly, quarterly, and annual Effluent Limitations, which include excess discharges of biochemical oxygen demand (“BOD”), E. coli, TN, TP, total suspended solids (“TSS”), and toxicity.

34. Attached hereto as Exhibit BR2 is a table of the Back River WWTP’s daily, weekly, monthly, and quarterly effluent limit exceedances from May 2017 through November 2021, which total 131 total violations, and amount to 2,742 days in violation of the NPDES Permit.

35. Attached hereto as Exhibit BR3 is a table of the Back River WWTP’s TSS, TN, and TP annual effluent limit exceedance for 2021, which total three violations and amounts to 696 days in violation of the Back River Discharge Permit. The data indicating the number of days in violation of the TN and TP effluent limits reflected in Exhibit BR3 are preliminary, as December 2021 effluent data have not yet been submitted to the Department. Upon receipt of TN and TP effluent data for December 2021, the Department will calculate the days in violation based on load data for all twelve months of 2021.

36. Effluent limit exceedances at the Back River WWTP are ongoing.

B. Failure to Report Effluent Limit Exceedances

37. General Condition III(B)(1) of the Back River Discharge Permit requires Baltimore City to notify the Department within 24 hours if the Back River WWTP cannot or will not meet “any permit condition.”

38. From August 2020 through May 2021, Baltimore City failed to report effluent limit exceedances at the Back River WWTP 125 times.

39. Attached hereto as Exhibit BR4 is a table of these effluent limit exceedances from the Back River WWTP that Baltimore City did not notify the Department of within 24 hours.

C. Failure to Report Sampling Results

40. General Condition III(A) of the Back River Discharge Permit, entitled “Monitoring and Reporting,” requires Baltimore City to take representative samples of the water being discharged from the Back River WWTP, to accurately analyze these samples and record the results, to create and submit certain reports (e.g., discharge monitoring reports (“DMRs”), monthly operating reports) to the Department, and to retain all records and information resulting from these monitoring requirements.

41. Special Condition II(B) of the of the Back River Discharge Permit, entitled “Minimum Monitoring Requirements,” then fills in General Condition III(A) with the requisite what, how, how long, when of sampling and testing. After sampling and testing,

General Condition III(A)(2)(a) then requires Baltimore City to have “summarized and submitted electronically” the Back River WWTP sampling “results obtained during each calendar month” in a DMR.

42. On eight occasions, from January 2017 through June 2021, Baltimore City failed to submit sampling results for at least one parameter in its DMRs in violation of the Back River Discharge Permit. Failing to submit sampling results in a DMR is a violation for each day of the monthly or quarterly monitoring period; here, resulting in 420 days of violation.

43. Attached hereto as Exhibit BR5 is a table of the incomplete DMR sampling results that Baltimore City did not submit to the Department for the Back River WWTP.

D. PCB Testing and Reporting Failures

44. General Condition III(A) of the Back River Discharge Permit requires Baltimore City to follow appropriate testing protocols to ensure the accuracy of the sampling results.

45. To ensure the accuracy of PCB sampling results, Special Condition II(B)(1)n.16 of the Back River Discharge Permit requires Baltimore City to collect “rinsate blanks” to assess the adequacy of sampling equipment decontamination. After sampling equipment is decontaminated, a “rinsate” or “equipment” blank is obtained. A rinsate blank is a sample of uncontaminated water that has been poured over or through the sampling equipment. The rinsate blank results indicate whether the sampling equipment itself is

artificially introducing PCB contamination into the samples; for the Back River WWTP, rinsate blanks sample results may not exceed 600 pg/L.

46. Special Condition II(F)(4) of the Back River Discharge Permit requires the submission by Baltimore City of the PCB criteria and the sampling results for “method blanks” to ensure the accuracy of PCB sampling results. While rinsate/equipment blanks assess the adequacy of equipment decontamination, “method blanks” assess the artificial introduction of PCB contamination during sample preparation activities.

47. Special Condition II(F)(4) of the Back River Discharge Permit requires Baltimore City to submit Back River WWTP sampling results for the total concentration of both (a) Polychlorinated Biphenyls (“Total PCBs”), and (b) 12 extremely toxic individual, unique, well-defined PCB chemical compounds (“PCB Congeners”).

48. From June 2018 through December 2020, 10 of the 11 quarterly reports that Baltimore City submitted to the Department for the Back River WWTP indicated that rinsate or method blank samples (a) were broken in transit, (b) not reported, or (c) exceeded the 600 pg/L concentration limit. In these same 11 reports, Baltimore City also failed to submit PCB sampling results, PCB method blank criteria and sampling results, or PCB Congeners results. These errors or omissions are in violation of the Back River Discharge Permit.

49. Errors or omissions in a quarterly report constitute a violation for each day of that quarter, here totaling 990 days of violation.

50. Attached hereto as Exhibit BR6 is a table of these errors and omissions which raise doubt regarding the validity and accuracy of Baltimore City's Back River WWTP PCB sampling results.

E. Failure to Conduct Confirmatory Whole Effluent Toxicity ("WET") Testing

51. Special Condition II(B)(1) of the Back River Discharge Permit requires Baltimore City to conduct quarterly acute and chronic Whole Effluent Toxicity ("WET") testing at the Back River WWTP.

52. If two consecutive WET tests show acute or chronic toxicity, Special Condition II(D)(10) of the Back River Discharge Permit requires Baltimore City to conduct a third confirmatory WET test within 30 days. Consecutive WET test results for February 25, 2021, and May 25, 2021, showed chronic toxicity at the Back River WWTP.

53. Baltimore City did not conduct a third confirmatory WET test within 30 days, which is a violation of the Back River Discharge Permit.

F. Failure to Maintain Sampling Equipment

54. General Condition III(A)(5) of the Back River Discharge Permit requires Baltimore City to "calibrate and maintain all monitoring and analytical instrumentation to ensure accuracy of measurements."

55. During a June 16, 2021 inspection, the Department observed a slight accumulation of solids on the automatic sampler container for Outfall 001 at the Back River WWTP. The accumulation of solids on this monitoring and analytical instrumentation is

a violation of the Back River Discharge Permit.

G. Failure to Efficiently Operate the Back River WWTP & Conduct Necessary Maintenance

56. General Condition III(B)(3)(a) of the Back River Discharge Permit requires Baltimore City to operate the Back River WWTP efficiently to minimize upsets and discharges of excessive pollution.

57. General Condition III(B)(3)(c) requires ongoing maintenance of equipment at the Back River WWTP necessary to avoid adverse effects on the quality of discharge water.

58. After the June 16, 2021 inspection of the Back River WWTP, Baltimore City informed the Department that the main centrifuge began malfunctioning in January 2021, reducing the Back River WWTP's dewatering capacity. However, the onset of effluent limit exceedances in August of 2020 indicates that the centrifuge may have begun malfunctioning earlier than January 2021.

59. The Department also observed throughout the Back River WWTP various broken and malfunctioning equipment that affects discharge water quality. The malfunctioning and broken equipment appeared to have not been properly repaired, replaced, or maintained.

60. The Department also learned that construction was conducted in the "Activation Area," an area of the Back River WWTP that affects discharge water quality.

61. The lack of preventative maintenance, replacement, and repair of equipment

at the Back River WWTP, which occurred concurrently with the onset of adversely affected discharge water quality and effluent limit exceedances, constitutes a violation of the Back River Discharge Permit.

H. Failure to Provide Adequate Operating Staff

62. General Condition III(B)(3)(b) of Back River Discharge Permit requires Baltimore City to adequately staff the Back River WWTP with sufficient qualified personnel.

63. The June 16, 2021 inspection revealed that only 2 of 76 certified operators at the Back River WWTP were permanently licensed; the remaining 74 had temporary licenses.

64. This staffing of mostly temporary licensed operators indicates that inadequate staffing likely contributed to plant-wide Back River Discharge Permit violations, and is itself a violation of the Back River Discharge Permit.

I. Industrial Stormwater Discharge Permit Violations

65. General Condition III(B)(19) of the Back River Discharge Permit requires Baltimore City to “maintain coverage under [Maryland’s] ‘General Permit for Discharges from Storm[w]ater Associated with Industrial Activities.’”

66. Baltimore City applied for, and the Department issued, industrial stormwater discharge permit coverage for the Back River WWTP under State Discharge Permit Number 12SW0630, NPDES Number MD000630 (“Back River Stormwater Permit”),

which became effective May 1, 2018, and expires February 13, 2022.

67. On June 16, 2021, the Department conducted an inspection of the Back River WWTP for Back River Stormwater Permit compliance. This inspection revealed that Baltimore City failed to:

- a. conduct quarterly routine facility inspections, in violation of Part V(A)(1) of the Back River Stormwater Permit,
- b. correct violations identified in its annual inspection report, in violation of Parts IV(C-D) and V of the Back River Stormwater Permit,
- c. perform the visual inspections, in violation of Part V(A) of the Back River Stormwater Permit,
- d. conduct at least one quarterly visual assessment during a snow melt, in violation of Part V(A)(4) of the Back River Stormwater Permit,
- e. update its stormwater pollution prevention plan (“SWPPP”), in violation of Part II(C)(3) of the Back River Stormwater Permit,
- f. provided stormwater pollution prevention training for all employees, in violation of Part III(B)(1)(b)(ix) of the Back River Stormwater Permit, and
- g. maintain a SWPPP site map with required information, in violation of Part III(C)(2)(c) of the Back River Stormwater Permit.

68. Baltimore City's failure to comply with the Back River Stormwater Permit is a violation of the Back River Discharge Permit.

J. Failure to Minimize Adverse Impacts

69. General Condition III(B)(4) of the Back River Discharge permit requires Baltimore City to "take all reasonable steps to minimize any adverse impact to the waters of this State, human health or the environment."

70. Baltimore City's unauthorized discharge of pollutants from the Back River WWTP and other Back River Discharge Permit exceedances observed by the Department and detailed above violate General Condition III(B)(4), constitute significant violations of State and federal water pollution laws, and have contaminated the surface waters of Back River and Bear Creek and caused an adverse impact on the environment.

Patapsco WWTP

71. On or about May 6 through June 4, 2021, October 6 through 11, 2021, and on December 28, 2021, the Department conducted inspections at the Patapsco WWTP. During these inspections, and as a result of reviewing information and materials submitted to the Department by Baltimore City both before and after these inspections in accordance with the terms of the Permit, the Department observed extensive violations of General and Special Conditions contained in the Patapsco Discharge Permit.

A. Effluent Limit Exceedances

72. Special Conditions II(A)(1-2) of the Patapsco Discharge Permit, entitled

“Effluent Limitations,” are the conditions that limit the amount and characteristics of pollution that the Patapsco WWTP can discharge to the surface waters of Patapsco River.

73. From January 1, 2020, through December 31, 2021, the Patapsco WWTP violated the Patapsco Discharge Permit’s weekly, monthly, seasonal, and annual Effluent Limitations, which include excess discharges of BOD, enterococci, TN, TP, and TSS.

74. Attached hereto as Exhibit PT2 is a table of the Patapsco WWTP’s weekly and monthly effluent limit exceedances from January 1, 2020, through November 30, 2021, which total 23 violations and amount to 575 days in violation of the Patapsco Discharge Permit.

75. Attached hereto as Exhibit PT3 are tables of the Patapsco WWTP’s TN and TP seasonal and annual effluent limit exceedances from January 1, 2020, through November 30, 2021, which total eight violations and presently amount to 1,411 days in violation of the Patapsco Discharge Permit.

76. The data indicating the number of days in violation of the TN and TP effluent limits reflected in Exhibit PT3 are preliminary, as December 2021 effluent data have not yet been submitted to the Department. Upon receipt of TN and TP effluent data for May and December 2021, the Department will calculate the days in violation based on effluent data for all twelve months of 2021.

77. Effluent limit exceedances at the Patapsco WWTP are ongoing.

B. Failure to Report Sampling Results

78. General Condition III(A) of the Patapsco Discharge Permit, entitled “Monitoring and Reporting,” requires Baltimore City to take representative samples of the water being discharged from the Patapsco WWTP, to accurately analyze these samples and record the results, to create and submit certain reports (e.g., DMRs, monthly operating reports) to the Department, and to retain all records and information resulting from these monitoring requirements.

79. Special Condition II(B) of the Patapsco Discharge Permit, entitled “Minimum Monitoring Requirements,” then fills in General Condition III(A) with the requisite what, how, how long, when, of sampling and testing. After sampling and testing, General Condition III(A)(2)(a) then requires Baltimore City to have “summarized and submitted electronically” the Patapsco WWTP sampling “results obtained during each calendar month” in a DMR.

80. On 18 occasions, from June 2017 through August 2021, Baltimore City failed to submit sampling results for at least one parameter in its DMRs in violation of the Patapsco Discharge Permit. Failure to submit sampling results in a DMR is a violation for each day of that calendar month, here totaling 540 days of violation.

81. Attached hereto as Exhibit PT4 is a table of the incomplete DMR sampling results that Baltimore City did not submit to the Department for the Patapsco WWTP.

C. Sampling, Analysis, & Reporting Failures

82. Additionally with respect to General Condition III(A), entitled “Monitoring and Reporting,” during an inspection and review of the Patapsco WWTP’s operation from May 6 through June 4, 2021, the Department observed numerous violations of the Patapsco Discharge Permit associated with:

- a. sample collection/holding time,
- b. sample preservation/filtration,
- c. laboratory analysis,
- d. quality assurance sample collection,
- e. total residual chlorine analysis,
- f. 40 C.F.R. Part 136 sample preservation, and
- g. the collection of rinsate and equipment blanks.

83. These broad operational deficiencies bring into question the accuracy of reported sampling data.

D. PCB Testing and Reporting Failures

84. General Condition III(A) of the Patapsco Discharge Permit requires Baltimore City to follow appropriate testing protocols to ensure the accuracy of the sampling results.

85. To ensure the accuracy of PCB sampling results, Special Condition II(B)(1)n.16 of the Patapsco Discharge Permit requires Baltimore City to collect “rinsate blanks”

to assess the adequacy of sampling equipment decontamination. After sampling equipment is decontaminated, a “rinsate” or “equipment” blank is obtained. A rinsate blank is a sample of uncontaminated water that has been poured over or through the sampling equipment. The rinsate blank results indicate whether the sampling equipment itself is artificially introducing PCB contamination into the samples.

86. Special Condition II(F)(4) of the Patapsco Discharge Permit requires the submission by Baltimore City of the PCB criteria and the sampling results for “method blanks” to ensure the accuracy of PCB sampling results. While rinsate/equipment blanks assess the adequacy of equipment decontamination, “method blanks” assess the artificial introduction of PCB contamination during sample preparation activities.

87. Special Condition II(F)(4) of the Patapsco Discharge Permit requires Baltimore City to submit Patapsco WWTP sampling results for the total concentrations of both (a) Total PCBs, and (b) PCB Congeners.

88. During an inspection and review of the Patapsco WWTP’s operation from May 6 through June 4, 2021, the Department learned that PCBs sampling data was being inaccurately reported. Between October 2020 and May 2021, Baltimore City reported rinsate blank test results in the place of sample test results. And, additional Total PCB samples collected in January 2021 were neither reported nor used to calculate loading. Baltimore City also failed to (a) report the PCB Congeners, and (b) provide the method blank criteria and results.

89. Separately, the Patapsco WWTP's total PCB loading for 2020 (123.2 grams) was approximately four and a half times its permit effluent limit of 27.2 grams, in violation of Special Condition II(A)(1) n.4(b) of the Patapsco Discharge Permit.

E. Toxic Chemical Testing Failures

90. Special Condition II(B)(1) n.16 of the Patapsco Discharge Permit requires Baltimore City to perform toxic chemical testing and monitoring.

91. Special Condition II(F)(4) of the Patapsco Discharge Permit requires Baltimore City to perform this "in accordance with 40 CFR Part 136" and the Department's Toxic Pollutant Monitoring Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data.

92. During an inspection and review of the Patapsco WWTP's operation from May 6 through June 4, 2021, the Department learned that

- a. samples were not preserved as required by 40 C.F.R. Part 136:
 - i. the pH of the compound Acrolein was incorrectly adjusted, and
 - ii. by the time the sample was received by the City's primary contact laboratory, its temperature was measured at 8°C, which exceeded the 6°C maximum temperature;
- b. rinsate blank results and chain of custody documentation indicated significant reporting and operational irregularities;
- c. the requisite chain of custody documents was incomplete; and

d. the reporting limit used for Chromium VI was 10 µg/L, not the required 0.1 µg/L reporting limit.

F. Failure to Timely Submit Wastewater Capacity Management Plan

93. Special Conditions II(B)(2), II(B)(2) n.24, and II(C) of the Patapsco Discharge Permit require Baltimore City to submit to the Department an updated 2020 wastewater capacity management plan (“WCMP”).

94. MDE’s July 6, 2006 Guidance Document for Wastewater Capacity Management Plans, referred to in Special Condition II(C) of the Patapsco Discharge Permit, directs municipalities to “[s]ubmit the Wastewater Capacity Management Plan . . . to MDE for municipalities operating at 80% design capacity by January 31st based on the three year adjusted average flow.”

95. Baltimore City submitted a 2017 WCMP on February 9, 2018. From 2018 through 2020, the Patapsco WWTP operated at or above 80% of its design capacity.

96. Baltimore City’s subsequent submittal of a 2020 WCMP, on August 31, 2021, was seven months late, in violation of the Patapsco Discharge Permit.

G. Systemic Fat, Oil, & Grease (“FOG”) Mitigation Failures

1. 2010 NPDES Permit Violations

97. The Patapsco WWTP’s previous discharge permit, State Discharge Permit Number 10-DP-0580, NPDES Number MD0021601, effective October 1, 2010, and expired September 30, 2015 (the “2010 Patapsco Discharge Permit”), prohibited the

“discharge of floating solids or visible foam other than trace amounts.” Special Condition II(A)(1) n.1.

98. Since at least May 20, 2013, the Department has documented the “unauthorized discharges of floating solids, identified as fats, oil, and grease” in violation of Special Condition II(A)(1) n.1 of the 2010 Patapsco Discharge Permit.

99. In response to these persistent violations, the Department and Baltimore City entered into an administrative consent order, CO-16-2405, on June 7, 2016 (the “FOG Consent Order”), to cease these unauthorized discharges of FOG.

100. Section 5 of the FOG Consent Order required Baltimore City to “submit a plan and schedule for the repair of the skimmers at the Patapsco WWTP within 60 days.”

101. On November 24, 2017, Baltimore City submitted a FOG Mitigation Plan. Shortly thereafter, Baltimore City submitted a FOG Mitigation Plan Revision (“Revised FOG Plan”).

102. The Revised FOG Plan required Baltimore City to:

- a. upgrade the pump and scum removal systems for all primary settling tanks (“PSTs”),
- b. replace the flight plant brackets on PST nos. 2 through 6,
- c. install scum trough (skimmer) with actuated adjustment rods in PST nos. 1 through 3,

103. During the May 6, 2021 inspection of the Patapsco WWTP, the Department

learned that Baltimore City did not complete any of this work, in violation of the Patapsco Discharge Permit. This Patapsco WWTP inspection also revealed that only five PSTs were in operation, not 18 as required by the Revised FOG Plan, again in violation of the Patapsco Discharge Permit.

2. 2015 NPDES Discharge Permit Violations

104. Special Condition II(A)(1) n.2 of the 2015 Patapsco Discharge Permit prohibits the “discharge of floating solids or visible foam other than trace amounts.”

105. Special Condition II(M)(d) of the 2015 Patapsco Discharge Permit requires Baltimore City to “report to the Department on an annual basis at the end of each calendar year all measures taken to comply with the [FOG Mitigation P]lan.”

106. On or about May 4, 2021, Blue Water Baltimore³ provided information to the Department that its staff had observed widespread FOGs in the water around the Patapsco WWTP’s discharge pipe in violation of Special Condition II(A) n.1.

107. Baltimore City also failed to submit FOG mitigation plans to the Department in 2018, 2019, 2020, or 2021 in violation of Special Condition II(M) of the 2015 NPDES Discharge Permit.

H. Failure to Provide Adequate Operating Staff

108. General Condition III(B)(3)(b) of the Patapsco Discharge Permit requires Baltimore City to adequately staff the Patapsco WWTP with sufficient qualified personnel.

³ Blue Water Baltimore is a 501(c)(3) nonprofit organization located in Baltimore.

109. On September 7, 2021, Baltimore City informed the Department that only five of its 45 certified operators or superintendents at the Patapsco WWTP were permanently licensed; the remaining 40 had temporary licenses.

110. This staffing of mostly temporary licensed operators is indicative of inadequate staffing that likely contributed to plant-wide Patapsco Discharge Permit violations, and is itself a violation of the Patapsco Discharge Permit.

G. Failure to Efficiently Operate the Patapsco WWTP & Conduct Necessary Maintenance

111. General Condition III(B)(3)(a) of the Patapsco Discharge Permit requires Baltimore City to operate the Patapsco WWTP efficiently to minimize upsets and discharges of excessive pollution. And General Condition III(B)(3)(c) requires ongoing maintenance of equipment at the Patapsco WWTP necessary to avoid adverse effects on the quality of discharge water.

112. The May 6, 2021 Patapsco WWTP inspection revealed systemic operational and maintenance failures that affected discharge water quality, including, but not limited to, deficient FOG Mitigation Plan implementation. The lack of preventative maintenance, replacement, and repair of equipment at the plant occurred concurrently with the onset of adversely effected discharge water quality and effluent limit exceedances and constitutes a violation of the Patapsco Discharge Permit.

I. Failure to Minimize Adverse Impacts

113. General Condition III(B)(4) of the Patapsco Discharge permit requires

Baltimore City to “take all reasonable steps to minimize any adverse impact to the waters of this State, human health or the environment.”

114. Baltimore City’s unauthorized discharge of pollutants from the Patapsco WWTP and other Patapsco Discharge Permit exceedances observed by the Department and detailed above violate General Condition III(B)(4), constitute significant violations of State and federal water pollution laws, and have contaminated the surface waters of Patapsco River and caused an adverse impact on the environment.

COUNT I
Violation of Envir. §§ 9-322 and 9-323
(Unauthorized Discharge of Pollutants from Back River WWTP)

115. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

116. Baltimore City has violated §§ 9-322 and 9-323 of the Environment Article by discharging unauthorized pollution from the Back River WWTP into the Back River in violation of the Back River Discharge Permit.

117. Unless enjoined by an order of the Court, violations of the Back River Discharge Permit and Title 9, subtitle 3 of the Environment Article are likely to continue.

118. Under § 9-342 of the Environment Article, a person who violates any provision of the subtitle or any rule, regulation, order, or permit adopted or issued under the subtitle is liable for a civil penalty not exceeding \$10,000 to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

119. Under § 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitle 3, on a showing that the violation is ongoing or about to occur.

COUNT II
Violation of Envir. §§ 9-326 and 9-331
(Failure to Comply with Conditions in the Back River Discharge Permit)

120. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

121. Baltimore City has violated §§ 9-326 and 9-331 of the Environment Article by failing to comply with several General and Special Conditions contained in the Back River Discharge Permit.

122. Unless enjoined by an order of the Court, violations of the Back River Discharge Permit and the Title 9, subtitle 3 of the Environment Article are likely to continue.

123. Under § 9-342 of the Environment Article, a person who violates any provision of the subtitle or any rule, regulation, order, or permit adopted or issued under the subtitle is liable for a civil penalty not exceeding \$10,000 to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

124. Under § 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitle 3, on a showing that the violation is ongoing or about to occur.

COUNT III
Violation of Envir. §§ 9-322 and 9-323
(Unauthorized Discharge of Pollutants from Patapsco WWTP)

125. The Department re-alleges and incorporates by reference the allegations of all prior paragraphs of this complaint.

126. Baltimore City has violated §§ 9-322 and 9-323 of the Environment Article by discharging unauthorized pollution from the Patapsco WWTP into the Patapsco River which flows into the Baltimore Harbor which flows into the Chesapeake Bay in violation of the Patapsco Discharge Permit.

127. Unless enjoined by an order of the Court, violations of the Patapsco Discharge Permit and Title 9, subtitle 3 of the Environment Article are likely to continue.

128. Under § 9-342 of the Environment Article, a person who violates any provision of the subtitle or any rule, regulation, order, or permit adopted or issued under the subtitle is liable for a civil penalty not exceeding \$10,000 to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

129. Under § 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitle 3, on a showing that the violation is ongoing or about to occur.

COUNT IV
Violation of Envir. §§ 9-326 and 9-331
(Failure to Comply with Conditions in the Patapsco Discharge Permit)

130. The Department re-alleges and incorporates by reference the

allegations of all prior paragraphs of this complaint.

131. Baltimore City has violated §§ 9-326 and 9-331 of the Environment Article by failing to comply with several General and Special Conditions contained in the Patapsco Discharge Permit.

132. Unless enjoined by an order of the Court, violations of Patapsco Discharge Permit and the Title 9, subtitle 3 of the Environment Article are likely to continue.

133. Under § 9-342 of the Environment Article, a person who violates any provision of the subtitle or any rule, regulation, order, or permit adopted or issued under the subtitle is liable for a civil penalty not exceeding \$10,000 to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation.

134. Under § 9-339 of the Environment Article, the Department may bring an action for injunctive relief against any person who violates any provision of Title 9, subtitle 3, on a showing that the violation is ongoing or about to occur.

PRAYER FOR RELIEF

WHEREFORE, the Maryland Department of the Environment respectfully requests that this Court enter judgment in its favor against Baltimore City, granting the following civil penalties and permanent injunctive relief:

A. That the Court require Baltimore City to cease discharging any pollutants to waters of the State of Maryland from the WWTPs which are not authorized by a discharge

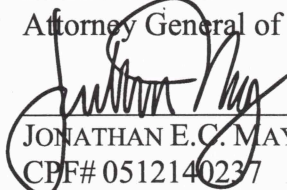
permit issued by the Department, and require Baltimore City to take all steps necessary to come into permanent and consistent compliance with the prohibition on unpermitted discharges and compliance with §§ 9-322 and 9-323 of the Environment Article;

B. That the Court assess civil penalties against Baltimore City of up to \$10,000 per violation per day pursuant to § 9-342 of the Environment Article of the Maryland Code;

C. That the Court award such other relief as it deems just and equitable.

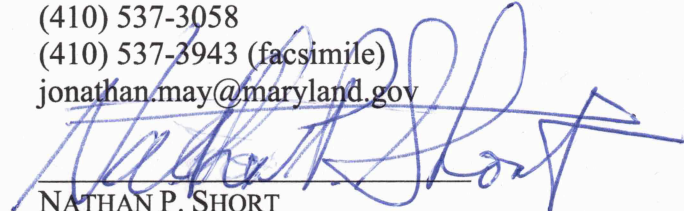
Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



JONATHAN E.C. MAY
CPF# 0512140237

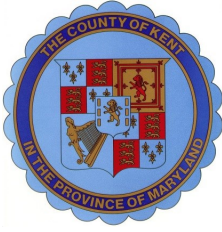
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Maryland Department of the Environment



Clay B. Stamp, County Manager, Talbot County
2/1/2022
County Commissioners Meeting

Item Summary:

Annual Transportation Plan for FY2023 Transportation Services

ATTACHMENTS:

Description

01.21.22 Clay Stamp, County Manager, Talbot County Maryland, Annual Transportation Plan for FY2023 Transportation Services



TALBOT COUNTY MARYLAND

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DATE: January 21, 2022

TO: Operators Providing Transportation Services in
Caroline, Kent and Talbot Counties (Public and Private)

FROM: Clay B. Stamp, Talbot County Manager 

SUBJECT: Annual Transportation Plan for FY 2023 Transportation Services

Delmarva Community Services, Inc./Delmarva Community Transit is in the process of applying to the Maryland Department of Transportation and the Federal Transit Administration. This letter is to notify you about Delmarva Community Services' application, our FY23 Annual Transportation Plan (ATP), and to solicit your comments on the proposed plan.

Delmarva Community Transit is a public transit system that provides transportation services for the residents of Caroline, Kent and Talbot counties, including elderly persons and persons with disabilities, as well as the general public. Delmarva Community Transit is applying for grant funds to continue to operate these public and specialized transportation services. The ATP contains requests for funding assistance from the following programs:

- the Statewide Special Transportation Assistance Program (SSTAP) which provides funds for transportation of elderly persons and persons with disabilities;
- the Section 5311 of the Federal Transit Act which provides funds for general public transit service in rural areas;
- the Americans with Disabilities Act (ADA) program which provides funds for federally required paratransit services for persons with disabilities.

Public hearings on this Plan will be conducted by Delmarva Community Services, Inc., via virtual meeting, on behalf of Talbot County on Thursday, February 24, 2022 from 9:00 a.m. to 10:00 a.m.; on behalf of Caroline County Thursday, February 24, 2022 from 10:15 a.m. to 11:15 a.m.; and on behalf of Kent County on Thursday, February 24, 2022 from 2:15 p.m. to 3:15 p.m. All interested persons may contact Andrea Waters at 410-221-1910 or email andrea@dcsdct.org for information on joining the virtual meetings. A copy of the Public Hearing Notice is enclosed.

Written comments may also be submitted prior to the public hearings to Andrea Waters, Transportation Grant Specialist, Delmarva Community Transit, 10502 Greensboro Road, Denton, Maryland 21629. Alternate formats of this plan are available by contacting the Delmarva Community Transit Caroline County Dispatcher at 410-479-3867, the Kent County Dispatcher at 410-778-5187, the Talbot County Dispatcher at 410-822-4155, or the Maryland Relay Service for the hearing and speech impaired at 7-1-1, by no later than Friday, February 18, 2022.

If you should need additional information on our service proposal, please contact Andrea Waters at 410-221-1910.

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JAN 24 2022

KENT COUNTY
COMMISSIONERS OFFICE



PUBLIC HEARING NOTICE

The County Council of Talbot County Maryland, on behalf of the Counties of Caroline, Kent and Talbot, intends to submit the annual application for grant funds from the State of Maryland, Mass Transit Administration and the Federal Transit Administration for continuation of existing transit services in Caroline, Kent and Talbot Counties. Unless otherwise specified, the local match is divided equally among the three counties.

Statewide Specialized Transportation Assistance Program (SSTAP) provides funds for transportation of the elderly and persons with disabilities. The total FY23 projected budget for operating is \$491,340.00, of which \$368,505.00 is the State share; \$122,835.00 is the local match.

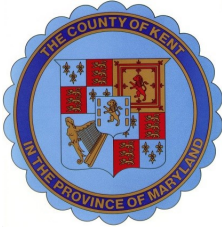
The Federal Section 5311 Public Transportation Program provides funds for the transportation of the general public. The total FY23 projected operating budget is \$790,896.00, of which \$516,693.00 is the Federal and State share; \$274,203.00 is the local match.

The total FY23 capital budget is \$246,454.00, of which the Federal/State share is \$221,808.00, \$24,646.00 is the local match. The capital request is for three (3) replacement vehicles, Preventative Maintenance costs, Shop Electric upgrade, Air Compressor, A/C Recovery Machine and Lift installation.

The primary goal of the Americans with Disabilities Act (ADA) funding is to provide general purpose transportation for persons with disabilities who are unable to use the fixed-route public transit in Easton due to their disability. The total projected FY23 ADA operating budget is \$44,444.00, of which \$40,000 is State share \$4,444.00 is local match (Talbot County only).

The Proposed FY23 Annual Transportation Plan is available for review after January 28, 2022, at the Delmarva Community Transit Transportation Office located at 10502 Greensboro Road, Denton, Maryland between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, and at the Office of the Talbot County Council located at 11 N. Washington Street, Suite 13, Easton, Maryland between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Public hearings on this Plan will be conducted by Delmarva Community Services, Inc., via virtual meeting, on behalf of Talbot County on Thursday, February 24, 2022 from 9:00 a.m. to 10:00 a.m.; on behalf of Caroline County Thursday, February 24, 2022 from 10:15 a.m. to 11:15 a.m.; and on behalf of Kent County Thursday, February 24, 2022 from 2:15 p.m. to 3:15 p.m. All interested persons may contact Andrea Waters at 410-221-1910 or email andrea@dcsdct.org for information on joining the virtual meetings. Written comments may also be submitted prior to the public hearings to Andrea Waters, Transportation Grant Specialist, Delmarva Community Transit, 10502 Greensboro Road, Denton, Maryland 21629. Alternate formats of this plan are available by contacting the Delmarva Community Transit Caroline County Dispatcher at 410-479-3867, the Kent County Dispatcher at 410-778-5187, the Talbot County Dispatcher at 410-822-4155, or the Maryland Relay Service for the hearing and speech impaired at 7-1-1, by no later than Friday, February 18, 2022.



Harris P. Murphy, Associate Judge, Kent County Circuit Court
2/1/2022
County Commissioners Meeting

Item Summary:

Thank You Letter

ATTACHMENTS:

Description

01.18.22 Harris P. Murphy, Associate Judge, Circuit Court for Kent County



The Second Judicial Circuit of Maryland

CIRCUIT COURT FOR KENT COUNTY

HARRIS P. MURPHY
ASSOCIATE JUDGE
COUNTY ADMINISTRATIVE JUDGE

COURT HOUSE
103 NORTH CROSS STREET
CHESTERTOWN, MARYLAND 21620
(410) 778-7440

January 18, 2022

Kent County Commissioners
400 High Street
Chestertown, MD 21620

Dear Commissioners:

Wanted to thank you for approving the new carpet in the courtroom. It is in, and it looks fantastic. Quite an improvement over the old, worn out carpet. If any of you would like to see it, we'd love to have you stop by.

Very Truly Yours,

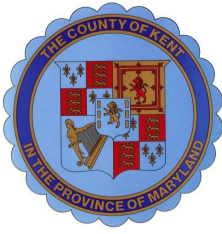
Harris P. Murphy

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JAN 21 2022

KENT COUNTY
COMMISSIONERS OFFICE

A handwritten signature in blue ink, likely belonging to a member of the Kent County Commissioners Office.



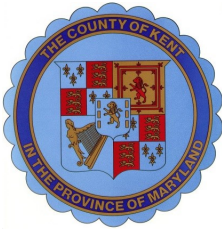
Sallie Watson, Deputy Clerk II
2/1/2022
County Commissioners Meeting

Item Summary:

License Updates

ATTACHMENTS:

Description



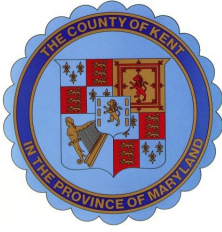
Citizen Interest Forms 2/1/2022 County Commissioners Meeting

Item Summary:

Planning Commission

ATTACHMENTS:

Description



Procedures for Public Comment 2/1/2022 County Commissioners Meeting

ATTACHMENTS:

Description

Procedures for Public Comment

02.01.22 Public Comments Sign In Sheet

BOARD OF COUNTY COMMISSIONERS OF KENT COUNTY PROCEDURES FOR PUBLIC COMMENT

In addition to public appearance, the meeting is also being held virtually, via teleconference and viewable on the County website at www.kentcounty.com/government.

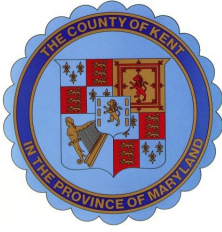
It is our desire that everyone who wishes to comment be given a fair and uninterrupted opportunity to express their views to the County Commissioners during this public comment period.

- Comments will be limited to three (3) minutes in length.
- Comments longer than three (3) minutes will be required to be submitted in writing.
- The Board President will open the meeting to Public Comments, citizens are asked to state their name, address, and the topic of interest. Citizens are to ask that all views be expressed in a respectful and civil manner. The Board respects your desire and right to convey your message freely. We ask as a courtesy to the Board and our citizens that you respect the Commissioners' request to refrain from naming citizens and name calling when offering any critique.

The County staff will acknowledge each caller, in the order they called in, announce the last 4 digits of the phone number that was used to call in, and will ask the caller to unmute their phone allowing them to comment.

**PUBLIC COMMENTS
SIGN IN SHEET
February 1, 2022**

NAME (please print)	ADDRESS	TOPIC
Paula Reeder	12541 St. 11 Ford Rd. St. 11 Ford, MD	Hma Rel Bill Morgue Rd. Solar
Jim Bogden	219 Calvert St. Chestertown	11 Morgue Road Solar
Alex Dolgos	8214 Whispers Pine h & Cheston	



Carla Gerber, Deputy Director, Planning, Housing, and Zoning
2/1/2022
County Commissioners Meeting

Item Summary:

Major Site Plan Review

ATTACHMENTS:

Description

01.14.22 Carla Gerber, Deputy Director, Planning, Housing, and Zoning, Rell's Auto Major Site Plan Review



Department of Planning,
Housing, and Zoning
400 High Street, Suite 130
Chestertown, MD 21620
410-778-7423 (voice/relay)
planning@kentgov.org

January 14, 2022

County Commissioners of Kent County
400 High St
Chestertown, MD21620

RE: #21-69 Rell's Auto/Durrell Jackson – Major Site Plan Review
District 3, Map 28, Parcel 48

Dear Interested Parties:

On **Thursday, February 3, 2022, at 1:30 p.m.**, the Kent County Planning Commission will review an application submitted by Durrell Jackson for Rell's Auto Repair requesting final site plan approval to construct a perimeter fence as an expansion of an existing commercial use. The property is located at 10829 Worton Road in the Third Election District and is zoned Village (V).

The *Kent County Land Use Ordinance* requires the Planning Commission to review proposals to assure good arrangement and appearance, consistency with the County's Comprehensive Plan, and compliance with all County regulations. As an adjoining property owner or interested party, the Planning Commission invites you to comment on the application. If you have any questions concerning the application, please contact the Department at 410-778-7423 or cgerber@kentgov.org.

If you are unable to attend but are interested in observing the meeting, citizens may observe and/or comment on the meeting via the audio-only phone number and conference identification number listed below.

Public participation call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **604 263 261#**

Members of the public are asked to mute their phones/devices, until the Chair opens the floor for comment.

If you need communication assistance, please contact the Maryland Relay Service at www.mdrelay.org or 7-1-1 for voice/TDD.

Sincerely,

Carla M. Gerber
Deputy Director

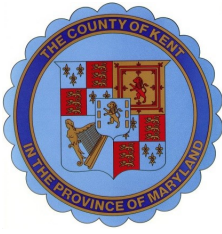
CMG/mc

cc: Durrell Jackson
Murray Partnership, LLC
Timothy J. Marshall, Rauch, Inc.

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JAN 18 2022

KENT COUNTY
COMMISSIONERS OFFICE



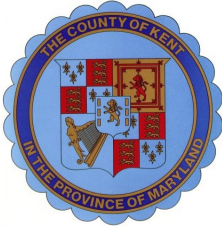
Contingency and Use of Fund Balance Report 2/1/2022 County Commissioners Meeting

ATTACHMENTS:

Description

FY22 Contingency Expense Summary Revised

CONTINGENCY					
DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION		
8/24/21	Kent County Health Department (KCHD)	\$ 227,000	Hiring of (2) nurses and (2) nursing assistants for facilitate vaccination and testing clinic		
9/7/21	Circuit Court	7,131	Replace carpet in Kent County Circuit Court project #BM 22-01		
9/28/21	Building and Grounds	32,785	Exterior painting of the Kent County Courthouse and Kent County Government Center RFP No BM-22-02		
10/5/21	Planning & Zoning	1,039	Permit fee waiver-Kent Attainable Housing, Inc.		
10/12/21	Buildings/Grounds-Court House	40,852	24909 Lambs Meadow Road HVAC split system-Court House	-	
10/26/21	Water and Wastewater Fund	129,600	Water/Sewer allocation fees waiver for Kent County Society project in Worton (12/1/2020)	-	
8/3/21	Buildings/Grounds-Court House	24,940	Asbestos Abatement - Court House. replacement of tiles, Clerk of Courts	-	
11/30/21	Kent County Health Department (KCHD)	(227,000)	Move funding source to ARPA from Contingency Hiring of staff for vaccination & testing clinic	-	
12/21/21	Information Technology	29,294	Replace Uninterrupted Power Supply (UPS)	-	
1/18/22	Legal Counsel	20,000	Moranec Road Solar Litigation expenses	-	
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TOTAL		<u>\$ 285,641</u>			
BEGINNING CONTINGENCY BUDGET		\$ 400,000			
ENDING CONTINGENCY BALANCE		<u>\$ 114,359</u>			
USE OF FUND BALANCE					
DATE APPROVED	DEPARTMENT	AMOUNT APPROVED	DESCRIPTION		
6/22/2021	Sheriff's Office	\$ 54,776	Body Cameras five year agreement		
6/22/2021	University of Maryland Extension Office	\$ 15,156	Increase FY22 Allocation-PTK positions salary increase		
10/19/2021	Human Resources	\$ 3,269	Transfer of current employee to HR Specialist		
TOTAL		<u>\$ 73,201</u>			
USE OF FUND BALANCE					
Note: If expenses are not reduced or offset by the same amount of fund balance used, this will result in a decrease in fund balance below our 7.5% target.					



**Thomas N. Yeager, County Attorney and Bill Mackey, Director,
Planning, Housing, and Zoning
2/1/2022
County Commissioners Meeting**

Item Summary:

Legal Advice / Potential Litigation

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Art. § 3-305(b) (7) To consult with counsel to obtain legal advice and (8) To consult with staff, consultants, or other individuals about pending or potential litigation

ATTACHMENTS:

Description