

November 7, 2024

Kevin Hedge
Baltimore Gas and Electric Company
1699 Leadenhall Street
Baltimore, MD 21230

Re: BGE Notchcliff Propane Storage Facility
10650 Harford Road
Forest Buffer Variance
Tracking # 03-24-4202

Dear Kevin Hedge:

Baltimore County Department of Environmental Protection and Sustainability (DEPS) received the above referenced request for a variance to the Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on August 20, 2024. If granted, the variance would allow the impact of 3,810 square feet of Forest Buffer, including 1,727 square feet of permanent impact to install erosion control measures at the BGE Notchcliff Propane Storage Facility on Harford Road. The erosion control structures, which include a gabion retaining wall, a swale, a storm drain and a concrete sidewalk, will protect gas infrastructure, ensure pedestrian safety, and prevent sediment discharge into Gunpowder Falls. The applicant will mitigate for the 1,727 square feet of permanent buffer impacts by purchasing credits at an offsite planting bank. An alternatives analysis was submitted with the forest buffer variance and will be addressed in a separate correspondence.

The BGE Notchcliff Propane Storage Facility is located on Harford Road near the intersection with Notchcliff Road and consists of multiple parcels of land. The Forest Buffer is located on the northern and eastern property boundaries and is associated with Gunpowder Falls and a tributary to the stream. Gunpowder Falls is a Use-IV stream while the tributary to it is a Use-I stream. The buffer contains both developed areas with gravel and asphalt paving and scattered buildings and forested areas on steep and gentle slopes.

The property owner wants to construct a gabion retaining wall, a swale, a storm drain, and a sidewalk within the buffer to control soil erosion onsite. The gabion retaining wall prevent soil erosion along a steep slope adjacent to a security fence and gas infrastructure. The storm drain, swale, and sidewalk will address an erosion problem impacting the integrity of the entrance gate and pedestrian walkways adjacent to the gate. The total impact to the Forest Buffer from these erosion control practices is 3,810 square feet. Over half of the impacts to buffer are temporary (1,807 square feet) and the remaining permanent impacts include both forested (536 square feet)

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and non-forested areas (1,191 square feet). Much of the infrastructure for the facility is located within the Forest Buffer. The inability to address erosion problems onsite to address safety concerns and prevent damage to existing gas infrastructure without impacting the Forest Buffer represents an unreasonable hardship for the applicant. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

The property owner proposes minimizing their impact on water quality by leaving stumps in forest removal areas to minimize soil disturbance. In addition, the applicant will purchase credits at an offsite planting bank to mitigate for the 1,727 square feet of permanent buffer impacts. Also, the erosion control practices which are the subject of this variance will help prevent the discharge of sediment to Gunpowder Falls.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The applicant shall mitigate for the 1,727 square feet of permanent impact to the Forest Buffer. The total mitigation required is 2,263 square feet which includes 1,191 square feet of mitigation for non-forested buffer impacts (1:1 ratio) and 1,072 square of mitigation for forested forest buffer impacts (2:1 ratio).
2. A Final Forest Buffer Protection Plan (FBPP) detailing the mitigation must be submitted to Environmental Impact Review for review and approval prior to approval of the grading and sediment control plan.
3. The credits to be purchased at an offsite planting bank to address the 2,263 square feet of mitigation required for this project must be purchased prior to grading permit approval.
4. All temporarily disturbed areas of the Forest Buffer must be returned to their original condition.
5. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 03-24-4202) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the impact of 3,810 square feet of forest buffer, including 1,727 square feet of permanent buffer impact to install erosion control measures to protect infrastructure and ensure pedestrian safety at the BGE Notchcliff Propane Storage Facility. Conditions were placed on this approval to reduce water quality impacts including purchasing credits at an offsite planting bank.”

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

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This variance is approved by the Director of the Department of Environmental Protection and Sustainability on_____. Any changes to site layout may require submittal of revised plans and a new variance request.

If you have any questions regarding this correspondence, please call Gris Batchelder at (410) 887-3980.

Sincerely,

Horacio Tablada
Director

HT/cgb

cc: Stephen Huber, Exploration Research Inc.

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

Property Owners

Date

Printed Names