



**Office of the Chief Administrative Officer
CHRISTINE ANDERSON**

May 4, 2026

Ms. Julie Hummer
Chair, Anne Arundel County Council

Via Email: Kaley Schultze, ccschu24@aacounty.org

Dear Ms. Hummer:

I am writing to provide a formal update on the progress made over the past month by the Moratorium Strategy Mitigation Workgroup and its subcommittees. Our efforts continue to be focused on two primary objectives: identifying options to lift the moratorium in the Baltimore Sewer Service Area and identifying strategies to mitigate the moratorium's immediate impact on the development pipeline.

Efforts to Resolve the Moratorium (Capacity and Technical Solutions)

Over the past month, we have made significant progress in identifying avenues for acquiring new wastewater capacity and advancing infrastructure improvements:

BWI Airport Capacity Negotiations: Discussions with BWI Airport have been promising and represent our most likely avenue for securing additional Equivalent Dwelling Units (EDUs) at this time.

- BWI is currently utilizing approximately 1 MGD of its 2.3 MGD allocated peak flow.
- Securing a portion of this unused capacity could potentially accommodate at least half of the more than 2,000 EDUs needed for our pipeline projects.
- Our goal is to finalize this acquisition directly with BWI.
- Any capacity shared with the County will be restored to BWI once the diversion project is completed, or sooner if possible.

Regional Coordination and Diversion Strategies: We are continuing coordinated discussions with Baltimore City and Baltimore County.

- Baltimore City has a functional diversion structure capable of moving waste from Patapsco to the Back River plant, although its current use is limited due to an ongoing three-year bypass project.
- Concurrently, a comprehensive AA County diversion strategy study is on target for completion by November 10th.

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- In addition to diversion strategies, this study is evaluating pumping, hauling, offline storage tanks near pump stations, and on-site holding tanks.

Infrastructure Upgrades and I&I Remediation

- The Infiltration and Inflow (I&I) desk study is complete, and a comprehensive field study is targeted for completion by November 30th.
- We are highly focused on prioritizing specific manhole and pipe repairs within the Baltimore City sewer service area.
- Furthermore, the Linthicum Shipley pump station upgrade remains on schedule to bid this summer for a 2028 completion.
- A formal evaluation regarding the increased use of reclaimed water is due by June 30th.

Legal Leverage for Capacity: Should our negotiations for capacity fail to produce results, our legal team is prepared to invoke the arbitration clause of the 1971-76 agreement.

- Arbitration offers a potentially quicker alternative to court, and the legal team believes the County has a favorable position to assert.

Efforts to Mitigate Moratorium Impacts (Policy and Process)

To minimize disruption to the development pipeline, the Workgroup has established clear allocation frameworks, updated our systems, and launched direct industry collaboration initiatives:

"First-Come, First-Served" Allocation

- The Workgroup has officially decided to allocate any capacity that becomes available over the next six months on a first-come, first-served basis, based on the date a project has met all criteria and could be approved, except for the lack of allocation.
 - Staff are drafting an internal standard operating procedure to ensure proper tracking for allocation-eligible projects as they continue to move through the pipeline.
- This minimizes the legal risks of a successful challenge associated with “picking and choosing” which types of projects receive allocation first.
- If a project requires more EDUs than are available, it will be skipped but will maintain its top position on the waitlist for future allocations.

Long-Term Allocation Rubric (On Hold)

- While the first-come, first-served approach is our immediate strategy, we are keeping a formalized rubric as a backup plan in case capacity issues persist for years.
- A consultant proposal to fully develop this rubric for \$5,000 has been reviewed and can be procured if necessary.

System Updates and Moratorium Tracking

- The Department of Public Works has developed a dedicated Moratorium Project/Permit spreadsheet to actively track the waitlist based on eligible dates.

- Additionally, updates to the Land Use Navigation (LUN) system will reflect new flow factors and issue moratorium notifications. LUN was also updated to stop automatically voiding application records that remain inactive, as was the previous rule, until such time as the moratorium is lifted.

Industry Collaboration and Proffers: We are initiating meetings with a cohort of private sector representatives to collaboratively explore capacity improvements, I&I remediation concepts, opportunities to unlock unused capacity, and potential developer-led infrastructure contributions.

Relinquishment and Recalculation Limits: We have confirmed that no developers are willing to voluntarily relinquish their EDUs, nor are there any lapsed projects that could be reclaimed.

- We have also discussed an auction or open trading market for EDUs and discussions are ongoing.
- We will not retroactively apply new flow factors to already allocated projects without additional data to ensure consistency as the recent flow factor changes have already been taken into consideration.
- A standardized process for recalculation and refunds has been established should any allocated EDUs become available.

Defending Legal Challenges: The legal team is actively moving to dismiss five pending appeals regarding the "orange notice," as they are not deemed appealable decisions per County Code.

We will continue to monitor these initiatives closely and provide further updates as our negotiations and technical studies progress.

Sincerely,



Christine Anderson
Chief Administrative Officer

cc: Karen Henry, Director, Public Works
Jenny Proebstle, Chief of Staff
Ethan Hunt, Director, Government Relations