

STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



April 30, 2021

Written comments from Stormwater Partners Network of Montgomery County on Montgomery County's FY22 Operating Budget.

Dear Montgomery County Council,

We, the undersigned Stormwater Partners Network of Montgomery County¹, provide the following feedback and recommendations to Montgomery County's FY22 Operating, Capital and CIP Budgets. The network has historically worked towards implementing stronger regulatory measures to strengthen our stormwater management and infrastructure, increase infiltration of water on site instead and decrease stormwater runoff into our precious local waterways. We also support the work and needs of Montgomery Parks, particularly resource stewardship, and the work of the County to meet climate and equity goals. We ask the Council to consider and carefully review our budget requests as presented in our testimony, and to go further and actively seek the funds needed to implement and continue to protect our natural resources.

How we do Stormwater Management, and How Much we do

Montgomery County has done great work meeting regulatory requirements and thresholds for stormwater management as required by the Maryland Department of the Environment. However, these requirements are not enough to protect our local streams, lakes, wetlands, riparian zones, and watersheds. The current draft stormwater permit from the state, which covers the next five years, and this budget is designed to meet, requires only half the rate of stormwater management installation as the last permit required. While the health of some streams has improved, many are still in decline. Additional stressors due to urbanization and climate change make it even harder for streams and wetlands to function properly. In the summer, climate change drives more explosive storms that overwhelm the kinds of projects installed to date; and in the winter, more and more salt ahead of unpredictable snowstorms leads to toxic salinity conditions in streams-- we are seeing that right now. The County needs to do more stormwater work, faster and more ambitiously, and must be funded accordingly. If we need to raise the Water Quality Protection Charge to do it, let us have that conversation.

A key strategy to meet these challenges is the incorporation of green infrastructure, that infiltrates stormwater back into the ground as close as possible to where it fell. That means those

¹ The Stormwater Partners Network is composed of organizations and individuals who support more effective stormwater policies and management in Montgomery County, MD, with the goal of clean and healthy streams throughout the county. A full list of our current membership can be found on our website, www.stormwaterpartnersmoco.net.

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huge extra volumes of water can be returned to the earth slowly instead of whooshing dangerously into our streams and basements.

This type of green infrastructure, which DEP refers to as Environmental Site Design or Low Impact Design, can cost more than other types of stormwater management, but is the best long-term investment in our communities. Green infrastructure captures and infiltrates stormwater into the soil as close as possible to where it falls, helping to protect our streams from the whoosh of too much runoff. Green infrastructure also allows us to provide water quality measures in previously under- or unserved areas. The use of green infrastructure has many co-benefits to our communities like reducing heat island effects, improving air quality, and investing in the appearance and value of the existing streetscape. There are other types of much lower-cost green infrastructure, like grassy swales and compost amendments to turf, that could bring costs down. Fortunately, DEP recognizes the value of green infrastructure and has prioritized it in its contracting approaches, but we need even more innovative and creative ways to use this valuable tool.

Stormwater Partners Network has considered the extent to which stream restorations, or stream repairs, are part of the County's work portfolio. Our members do not have consensus on several important issues around stream restoration, as we have detailed in comments to MDE signed by many of our members on the MS4/Stormwater permit.² However, we all encourage the County agencies that perform stormwater management to ensure that if stream restorations are undertaken, they be done with extraordinary care, caution, and forethought to ensure that they result in benefits to the ecology of the local stream valley and riparian system, as well as downstream beneficiaries of reduced sediment pollution such as the Potomac River and Chesapeake Bay. And, they should be tightly coupled with extensive upland retrofits, ideally before restoring the stream valley.

We are very supportive of DEP's new approach to building decision-support tools³ that incorporate watershed plans, stream health, existing projects, and socioeconomic equity in planning future stormwater management projects. We appreciate DEP presenting these tools to SWPN on multiple occasions in 2020 and committing to using them in planning and contracting going forward. We are eager to work with DEP as it rolls out these tools.

² SWPN Letter on Montgomery County MS4 Permit. January 2021. Available at: <https://stormwaterpartnersnetwork.squarespace.com/current-recent-campaigns/2021/1/26/stormwater-partners-network-comments-on-montgomery-county-draft-stormwater-permit>.

³ Mapping tools available at <https://www.montgomerycountymd.gov/water/restoration/equity.html>
www.stormwaterpartnersmoco.net

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Parks

It is critical now more than ever for Council to continue to fund Montgomery Parks. During the ongoing pandemic, our Parks are serving as natural refuges keeping people healthy both physically and mentally. Montgomery Parks needs adequate staff and resources to continue protection of these invaluable natural resources and to assure a healthier future for all. The staff of Montgomery Parks and DEP are dedicated public servants who work hard, in concert with the public, to steward these resources and they have long been supported by both the Council and voters.

Montgomery Parks Department emphasizes stewardship of natural resources in its Parks, Recreation, and Open Space (PROS) Plan. Natural resource stewardship, including protection of our many stream valleys located in local parkland, is always challenging to fund by comparison to more visible, constructed infrastructure. In fact, Parks require operating budget increases to protect our precious natural places by removing invasive species, stabilizing eroding stormwater outfalls, planting native trees, restoring stream buffers, and connecting natural spaces together in green corridors for wildlife, waterways, and people alike. SWPN urges the Council to fund the Department of Park's full request of **\$119M** for FY22.⁴

DEP

For DEP's operating budget, we strongly and enthusiastically support the addition of \$100K each to: continuing the anti-litter campaign; enhancing watershed grants; expanding on the RainScapes Program; and supporting a new manager position that will enforce environmental laws. Even more staff and support for these programs would likely increase their impact. Some additional budget requests we would like to have included under DEP's budget for watershed restoration include creating a dedicated budget item for maintenance, especially for stream inspections, as well as revising the process of granting waivers on stormwater requirements for re-development.

Stormwater management strategies such as green infrastructure construction, restoration projects to support ecosystem functions, and reforestation offer significant value to meeting the TMDL goals and auxiliary benefits through creating more environmentally conscious communities and should be continuously funded to the greatest extent possible. These practices are like preventative care; they are effective at stopping stream impairment before it becomes severe and requires direct intervention. We would like to see existing programs like RainScapes, and Green

⁴ MNCPPC – Montgomery Parks FY22 Proposed Budget. Available from:
<https://www.montgomeryparks.org/uploads/2021/03/FY22-Proposed-Budget-Summary.pdf>
www.stormwaterpartnersmoco.net

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Streets receive more funding to meet demand for these services, as we understand that more residents are signing up for green infrastructure programs.

Water Quality Protection Charge and Stormwater Management Waivers

One item that we would like to see changed in the budget and could be a potential long-term source of revenue is increasing the cost of stormwater waivers. According to our research, these are currently granted very frequently but are difficult to track due to limitations in DPS' systems. We need to know how much volume of water is being waived, and where, in order to accurately address the issues of both water quality in streams and nuisance lot-to-lot flooding. Currently, the fees from stormwater waivers do not correspond appropriately to the volume of runoff generated from a developed property and are not nearly equal to the management and environmental protection costs of the stormwater impacts originating from those properties.

Adjusting the pricing structure of these waivers to more accurately reflect the cost of the management required by the waived impacts would create much needed revenue for stormwater projects. We are happy to see that green infrastructure programs such as Green Streets and RainScapes are receiving more interest, and we urge you to maintain funding for these projects and increase these allocations in the years to come. Council should consider that the draft MDE requirements in the MS4/Stormwater permit are a step backwards from the past, and highly likely to be inadequate to the needs of the future to protect our streams and watersheds. Over time, more funding will need to be made available and the Council should continue to support a strong WQPC.

Climate Crisis

On March 2021, many members of SWPN sent a letter to the County Executive and DEP providing comments on Montgomery County's Climate Action Plan. The letter provided comments and suggestions on stormwater infrastructure, stormwater regulations, and natural solutions to climate resilience. The final letter had a total of 28 sign-ons, split evenly between organizations and individual sign-ons.⁵ Here we provide just a few of our recommendations related to the operating budget:

- Funds need to be allocated to repair, maintain, update, and improve our aging stormwater infrastructure to ensure our stormwater facilities are fully functioning now and in the future.

⁵ SWPN Climate Action Plan Letter. March 2021. Available at: <https://www.stormwaterpartnersmoco.net/current-recent-campaigns/2021/1/26/stormwater-partners-network-comments-on-montgomery-county-draft-stormwater-permit-abe34>

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- Stormwater regulations, like stormwater waivers for re-development, need to be revised to calculate the volume of water that is being waived and for the county to receive the necessary funds it needs to continue to meet and exceed current stormwater requirements.
- Council needs to consider and have specific budget allocations for the Climate Action Plan to be implemented, enforced, and effectively meet the county’s climate goals.

We look forward to working with the County Council, DEP and other county agencies in the implementation and creation of strong policies and actions around stormwater that will create resilient communities.

Sincerely,

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