

FY23 Capital Budget and FY23-28 CIP for County Government

Testimony by K. Bawer

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To: council.publichearing@montgomerycountymd.gov, county.council@montgomerycountymd.gov

Thank-you Council President Albornoz, Vice-President Glass and members of the County Council for this opportunity to make suggested changes to the FY23 Capital Budget and FY23-28 CIP.

My name is Kenneth Bawer. I am the Immediate Past President of the West Montgomery County Citizens Association, member of the Montgomery County Water Quality Advisory Group appointed by County Executive Elrich, founder of the Montgomery Coalition to Prevent Stream Destruction, Board member of the Maryland Native Plant Society, co-founder of the Watts Branch Watershed Alliance, Montgomery Parks Weed Warrior Supervisor, and a certified Maryland Master Naturalist. (Note: I am not testifying on behalf of these organizations.)

I request that the budgets of the Department of Environmental Protection (DEP) and Montgomery Parks be substantially increased expressly for the purpose of funding out-of-stream stormwater control projects outside our natural areas as described below.

With a larger budget, DEP and Parks could meet our MS4 Permit with non-destructive out-of-stream projects such as Green Streets (bioretentions, bioswales, etc.), instead of destructive “stream restorations”. DEP has said that it will allow up to 50% of MS4 Permit credits for our current MS4 Permit to come from destructive “stream restorations”. A larger budget for DEP would allow the use of more expensive, but environmentally friendly, upland out-of-stream projects. At the same time, this could eliminate the need to use destructive “stream restorations” for MS4 Permit credits.

By now you have all seen examples such as the photographs below of the destruction caused by “stream restorations” in our area:





In addition to the destruction of an estimated one million square feet of forests by “stream restorations” constructed for our previous MS4 Permit, “stream restorations” don’t address the root cause of stream bank erosion: stormwater fire-hosing into streams from impervious surfaces such as roofs and roads.

You have also seen examples such as the one below that shows how “stream restorations” are destroyed by future storms since upland stormwater is not adequately controlled by upland, out-of-stream practices:



Plus, even if “stream restorations” have a lower initial cost than upland projects, their Total Cost of Ownership (initial cost + repair and maintenance cost) can far outweigh any initial savings. For example, the Lower Booze Creek “stream restoration” in Potomac MD was originally completed in May 2013 for a

cost of \$700K. However, “Storm damage occurred very soon after construction, initiating structural failures” per the County’s web site (<https://www.montgomerycountymd.gov/water/restoration/booze-creek.html>). To fix this, the restoration repair cost over \$4 million dollars.

In spite of this, DEP has told the public that the primary reason “stream restorations” are constructed instead of more upland, out-of-stream projects such as Green Streets, is simply a budgetary matter: that “stream restorations” are a much cheaper (but not the most environmental) practice to meet the MS4 Permit. DEP does a fantastic job with their Green Streets projects. The problem is one of lack of scale – we simply need more of them to control stormwater from impervious surfaces like roads and roofs. More funding for Green Streets projects would address the root cause of stream erosion at its source - along roadsides, grassy areas, etc. instead of in our natural areas and parks.

Another benefit of a larger DEP budget would be that their RainScapes program could be funded at a higher level. This could accomplish 3 things:

- 1) the very popular RainScapes program would no longer run out of money before the fiscal year ends as happened in the past,
- 2) a higher RainScapes rebate could be offered to incentivize more stormwater control projects on private property, and
- 3) DEP could offer to install no-cost stormwater control projects for lower-income residents since the current RainScapes program is financially out of reach for many residents; this would not be a “giveaway” - these projects would count towards meeting our MS4 permit.

In addition, a larger budget for DEP and Parks could potentially allow the purchase of private property via voluntary sale or eminent domain purchase. Such strategically located properties (e.g., at the bottom of hills) could then be used for stormwater BMPs (best management practices) to keep stormwater out of our streams in the first place and also help meet MS4 Permits with out-of-stream projects.

While I have been critical of DEP and Parks for doing “stream restorations”, I understand that their hands have been somewhat tied by the limits of past budgets. Increasing the DEP and Parks budgets expressly for funding out-of-stream stormwater control projects would allow them to meet their MS4 Permits in the most environmentally responsible, if not necessarily least cost, manner. How can we not afford this?

The conversation should change from “What is the cheapest way to check off the MS4 Permit box” to “How do we meet the MS4 Permit while also protecting our local environment and natural areas and parks?” and “How do we pay for doing the right thing, not the cheapest thing?”

Thank you for considering my request that the DEP and Parks budgets be substantially increased expressly for funding of out-of-stream stormwater control projects outside our natural areas.

Sincerely,

Ken Bawer
Rockville