

# STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



May 2, 2022

## Written Testimony for Montgomery County's Fiscal Year 2023 Operating Budget

**Submitted by:** Eliza Cava, Co-Chair, Stormwater Partners Network of Montgomery County (SWPN) and Director of Conservation, Audubon Naturalist Society

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Dear Montgomery County Council,

We, the undersigned Stormwater Partners Network of Montgomery County (SWPN),<sup>1</sup> provide the following feedback and recommendations to Montgomery County's FY23 Operating Budget. As a Network, our mission is to advocate for clean water, protecting, improving, and restoring our watersheds in ways that are equitable and ecologically sensitive, improving community resilience to stormwater impacts such as storm-driven flooding, and connecting communities to their backyard waterways. Our vision is that Montgomery County's waterways are clean, pollution-free, and resilient to the climate crisis, providing healthy, equitable, safe, and thriving green spaces for communities, families, and wildlife.

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.

### **I. CLEAN WATER AND STORMWATER**

Montgomery County has done great work meeting regulatory requirements for stormwater, but these requirements are not enough to protect our streams and watersheds. While some watersheds' health has been improving, many are still declining. What streams need is getting more complicated, too: 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 salting ahead of unpredictable snowstorms leads to toxic salinity conditions in streams.

DEP, its staff, and its contractors have demonstrated that they are capable of doing more than the next draft permit requires. SWPN and our member groups have been strongly pressing the state

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<sup>1</sup> The Stormwater Partners Network is composed of organizations and individuals who support our mission and vision. A full list of our current membership can be found on our website, [www.stormwaterpartnersmoco.net](http://www.stormwaterpartnersmoco.net).

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to require more ambitious stormwater management, especially using green infrastructure throughout our watersheds and out of stream valleys. Council should direct the Department to go above and beyond the minimum permit requirements, even if the state does not require a greater amount of work (which they should). The state's requirements for the current MS4 permit were basically set by assessing the County's level of budgetary commitment/capacity for stormwater management work, so if the Council demonstrates the appetite to do more than the bare minimum, the state should enact a more ambitious permit in the next cycle.

Overall, the CE's recommended FY23 budget for Watershed Restoration Program (\$31.8M which adds 3 new positions<sup>2</sup>) is a good start but won't be enough to support all of DEP's programs. The following additional funds should be allocated:

- **RainScapes Program:** Although the increase in Water Quality Protection of \$1.3M<sup>3,4</sup> due to the federal Omnibus earmarks will help the RainScapes program, including by adding one new staff position, this is not enough or sustainable funds for the long-term success of this wildly popular program. Council needs a long-term plan to fully fund RainScapes, and the grants program needs to still be more accessible to BIPOC communities.<sup>5</sup> RainScapes should receive increased funds for more staff to provide technical assistance and manage the applications, as well as for rebates (and ideally, for upfront payments, not just rebates, for lower-income homeowners and renters) above and beyond the federal earmarks.
- **Organic lawn and pesticides outreach:** Council should include and fund a line item to fund the organic lawn and pesticides program as it currently does not have one for FY23. The County's groundbreaking pesticide law needs dedicated attention and staffing to ensure its success in protecting our waterways and public health.<sup>6</sup>
- **Trash traps:** We ask Council to support and ease permit requirements for more trash trap installations around the county, especially around the Anacostia watershed to meet the trash TMDL goals in underserved communities. Plus, these could be paired up with job training funds for youth.
- **Tree Montgomery:** This important program needs an additional staff position to continue and grow its success.

We support the increase of \$50,000 for the watershed restoration grants program, and increases for street sweeping, pet waste, and Tree Montgomery (although the additional staff position is still needed).

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<sup>2</sup> Montgomery County Operating Budget FY23 - Environmental Protection - Watershed Restoration. Available at: <https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Department.aspx?ID=80D>

<sup>3</sup> County Executive's April 7, 2022. Climate Budget Briefing. Available at: <https://youtu.be/x2x49zzZCEg>

<sup>4</sup> County Executive's April 7, 2022. Climate Budget Briefing. Available at: <https://youtu.be/x2x49zzZCEg>

<sup>5</sup> County Executive's April 7, 2022. Climate Budget Briefing. AND DEP Stormwater Partners briefing on March 30, 2022. Available at: <https://youtu.be/x2x49zzZCEg>

<sup>6</sup> DEP Stormwater Partners briefing on March 30, 2022.

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## **Changes to the CIP Budget Since January**

SWPN supports the changes that DEP has made to their CIP budget since original submission in January. These include adding one full-time employee (CIP Engineer III) under Stormwater Management Retrofit Countywide, and adding a Flood Control Study at \$1.3M. We strongly support the flood control study and encourage the Council to act aggressively on the issue of flooding, as it will only be getting worse into the future. The addition of the CIP Engineer III to work on issues of Stormwater Management Retrofits will help the DEP increase capacity to ensure that stormwater projects are well-designed and well-managed, whether they are managed in-house or through an external contract. We have always supported the DEP in hiring and retaining highly skilled technical staff to ensure as successful as possible an outcome on these important projects.

## **Raise the Water Quality Protection Charge (WQPC)**

Stormwater Partners Network believes that the Water Quality Protection Charge (WQPC) needs to begin rising more than the cost of baseline program delivery and keep pace with inflation, but to increase our ambition as a county to truly return our watersheds to health. The FY23 recommended rate of \$119.50/Equivalent Residential Unit, spread across 368,000 ERUs, is designed to fund the County's current rate of ambition in meeting its relatively modest MS4 permit. This rate does not account for additional stormwater work beyond the permit, nor does it fund the ever-growing costs of flood management. There is a backlog of projects currently unfunded, including major structural repairs on ponds. To fully fund the pond backlog alone would be about \$30M, spread across a 6-year CIP at about \$5M/year. This would significantly raise the WQPC *but* without doing so, we are kicking the can down the road on these pond repairs. Existing ponds play a critical role in attenuating the worst impacts of storms on stream valleys. As storms get worse, it is critical to maintain our ponds. Council should consider accelerating the pace of addressing this stormwater repair backlog.

## **Increase the Stormwater Waiver Fee**

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 (or, more accurately, increasing their precision so that waiver charges match the actual replacement cost of incomplete on-site stormwater management). According to our research, waivers ("fee in lieu to building permits") are currently granted very frequently but are difficult to track due to limitations in DPS' data 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 overall equal to the management and environmental protection costs of the stormwater impacts originating from those properties. Calculating stormwater waiver fees more precisely could bring an added source of valuable stormwater revenue while acting as a disincentive for impervious cover without raising the annual WQPC rate. While this might raise rates on some property owners, it could lower them on others. Some nearby jurisdictions that do have higher stormwater waiver fees continue to see

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high economic growth and development, indicating that any additional fees would be easily borne by the market.

## **Prepare for and create a plan of how and where federal infrastructure bill funding will be allocated for county stormwater plans**

This information is very hard to gather, which makes it difficult to plan. Council should work with OMB to incorporate new information regarding federal infrastructure dollars as soon as possible, and use any freed/offset funds not to return to the general fund but to expand upon environmental protection and stormwater management work.

## **II. PARKS**

It is critical now more than ever to continue to fund the Department of Parks. During the pandemic and now, our Parks are serving as natural refuges keeping people healthy both physically and mentally. The Parks Department maintains 421 parks across 37,000 acres of parkland, including community gardens and dog parks, museums and historic buildings, hundreds of miles of natural and hard surface trails, and provides programs and services that appeal to every interest and ability, like nature centers, concerts and exercise classes, and natural resources conservation.<sup>7</sup> The Parks Department must have adequate staff and resources to continue protection of these invaluable natural resources and to assure a healthier future for all. **SWPN asks the County Council to fully fund the Parks Department FY23 Operating Budget, including the \$0.24M requested increase.**

### **Invasive plants on parklands**

Invasive plants are a huge and ever-growing problem on all our forested and natural lands, most of which is owned by M-NCPPC. Montgomery Parks focuses its funded effort on natural areas in less degraded condition, while in parklands closer to where most people live, invasive plant removal is primarily managed through the volunteer Weed Warrior program. This program is a valiant effort (and many SWPN members are Weed Warriors), but **wholly** inadequate to the scale of the need. M-NCPPC needs to develop a comprehensive management plan for invasives, including dedicated staff positions, and Council needs to fund it. Invasives spread throughout the park system and M-NCPPC should expand its focus and treatment beyond the most visited areas. And once invasive plants are removed, especially by any large-scale manual removal that disrupts the soil, Parks should replant with native plants.

Parks has the leadership, expertise, and Integrated Pest Management plans necessary to step up effort on invasive plant removal. At this point, the primary barrier is lack of funding, and we encourage Council to request a budget proposal from Parks to properly address invasive plants and then fund it.

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<sup>7</sup> Montgomery Parks. Available at: <https://montgomeryparks.org/about/parks/>

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## III. CLIMATE CHANGE

SWPN asks the County Council to approve and fully fund the Climate Change Planning Program at \$253.1M.<sup>8</sup> These funds will help the County continue with the implementation phases of the County Climate Action Plan.<sup>9</sup>

- We applaud the addition of a new CIP fund dedicated towards funding a Flood Program manager, Flood GIS specialists and undertaking a Flood Management study.
- We further advocate the need to prioritize, diversify, and genuinely include more people and communities of color in the climate action plan policies, actions, and decision-making processes. We are pleased that this year's budget includes \$300,000 to continue the Community Justice Academy and launch the Community Justice Fund. We ask the Council to also coordinate the Climate Action Plan efforts with the Planning Department and other county agencies to better coordinate and make the best use of the resources available.<sup>10</sup>
- We support the addition of \$810,000 in additional funding to improve the health of our county's urban forests.<sup>11</sup>

We appreciate the County Council considering our testimony. If you have any questions, please contact SWPN Co-Chairs Eliza Cava ([eliza.cava@anshome.org](mailto:eliza.cava@anshome.org)) or Jeanne Braha ([jbaha@rockcreekconservancy.org](mailto:jbaha@rockcreekconservancy.org)).

Sincerely,

### Organizational Members

Eliza Cava (Co-Chair)  
Director of Conservation, Audubon  
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Phillip Musegaas  
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Potomac Riverkeeper Network

Jeanne Braha (Co-Chair)  
Executive Director, Rock Creek  
Conservancy

Caroline Taylor  
Executive Director, Montgomery  
Countryside Alliance

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Climate Change. Montgomery County Operating Budget FY23. Available from:  
<https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Chapter.aspx?ID=CC>

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Montgomery County Climate Action Plan (2021) Available from:  
<https://www.montgomerycountymd.gov/green/climate/index.html>

10

County Executive's April 7, 2022. Climate Budget Briefing. Available at: <https://youtu.be/x2x49zzCEg>

<sup>11</sup> County Executive's April 7, 2022. Climate Budget Briefing. Available at: <https://youtu.be/x2x49zzCEg>

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Carol Falk  
President, West Montgomery County  
Citizens Association

Sylvia Tognetti  
President, Friends of Ten Mile Creek and  
Little Seneca Reservoir

Ginny Barnes  
Vice-Chair, Conservation Montgomery

Shruti Bhatnagar  
Chair, Sierra Club Montgomery County  
Group

Diana Conway  
President, Safe Healthy Playing Fields, Inc.

Catherine Cummings  
Safe Grow Montgomery

Alan Bowser  
President, Montgomery County Civic  
Federation

Emily Ranson  
Maryland Director, Clean Water Action

Merikay Smith  
President, Seneca Creek Watershed Partners

Anne Ambler  
President, Neighbors of Northwest Branch

Paul Chrostowski  
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Executive Director, Little Falls Watershed  
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Elaine Lamirande  
Stormwater Chair, Friends of Sligo Creek

## Individual Members

William McCrady, Kensington  
John Fay, Wheaton  
Cary Lamari, Silver Spring  
Lorna Phillips Forde, Montgomery County  
Karen Metchis, Bethesda

Kathleen Samiy, Silver Spring  
Pia Iolster, Bethesda  
Michael Gurwitz, Silver Spring  
Maria Schmit, Silver Spring