

STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



April 9, 2024

Written Testimony for Montgomery County's Fiscal Year 2025 Operating Budget

Submitted by: Stormwater Partners Network

Dear Montgomery County Council,

On behalf of Stormwater Partners Network of Montgomery County (SWPN),¹ we provide the following feedback and recommendations to Montgomery County's FY25 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 changing climates, 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 note that currently the Environment section only gets 2.8%² of the total operating budget. This is a small slice of the pie when knowing that climate change has a direct impact on all of us and all our infrastructure and is a threat multiplier across all the other ongoing challenges the County faces. We ask the Council to consider and carefully review our budget requests as presented in our testimony, and to go further by actively seeking the funds needed to implement and continue to protect our natural resources into the long term. We also support increasing the budget to account for inflation and other rising costs, including for contracts/supplies and personnel.

¹ The Stormwater Partners Network is composed of 34 organizations and many individuals who support our mission and vision. A full list of our current membership can be found on our website, www.stormwaterpartnersmoco.net.

² <https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Index.aspx>

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This budget makes essential investments in climate change mitigation and preparation, environmental protection, stormwater management, and trees and forests that are critical to maintain Montgomery County's status as a wonderful, safe, and healthy place for people of all backgrounds to live, work, play, and raise a family.

I. CLEAN WATER AND STORMWATER

The SWPN is overall pleased and supportive of the proposed DEP budget, and we support the entirety of the proposed Watershed Restoration budget. In particular, we support the following DEP programs to be funded at the proposed amounts as listed below and are particularly pleased to see three new staff positions to support Tree Montgomery and MS4 stormwater facility inspection and maintenance.³

However, we have one caveat. 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 MS4 permit requires, and the increases in the proposed FY25 budget demonstrate some of the ambition we would like to see even more of. SWPN and our member groups have strongly pressed the state to require more ambitious stormwater management, especially using green infrastructure throughout our watersheds. Council should direct the Department and provide the requisite funds to go above and beyond the minimum MS4 permit requirements, even though the state requires only a minimum level of effort (half that of the prior MS4 permit). And Council and the Executive should work together to find a sustainable, long-term source of funds to meet a greater level of ambition and continue this critical work.

Water Quality Protection Charge (WQPC)

SWPN supports the FY25 Water Quality Protection Charge (WQPC) recommended rate increase to \$136.50/Equivalent Residential Unit. The WQPC needs to keep pace with inflation and increase above the cost of baseline program delivery in order to truly

³<https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Program.aspx?ID=80D&PROGID=P80P01>

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return our watersheds to health. Spread across 368,000 ERUs, the proposed rate 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 or planning beyond the permit, nor does it fund the ever-growing costs of flood management, nor does it fully fund major structural repairs as facilities age and deteriorate.

In addition, SWPN recommends removing the Tier 7 cap to more equitably collect funds to mitigate stormwater from properties with significant impervious cover. Properties with large amounts of impervious cover create water quality and flooding problems yet they pay less per square foot than everyone else. The Council should work with DEP to revise the tier structure as soon as possible. This will have the added benefit of helping to pay for the increasing costs associated with aging infrastructure and changing rainfall patterns.

Council should consider accelerating the pace of addressing the stormwater repair backlog. There is a backlog of about 40 major repair projects, particularly stormwater pond repairs, currently unfunded and not included in the FY25-29 CIP budget. DEP should explore options to include more of this backlog, which could also prompt a need for additional WQPC increases. Without doing so, we are kicking the can down the road on these pond and other 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.

Increase the Stormwater Waiver Fee

SWPN recommends 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). Doing so could be a potential long-term source of revenue. 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.

Nearby jurisdictions that do have higher stormwater waiver fees (or, as in the case of Washington, DC, a credit trading system) continue to see strong economic growth and development, indicating that any additional fees would be easily borne by the market.

Furthermore, 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

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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.

Flooding

The County Council should begin planning ahead for the upcoming billions of dollars which it will take to repair and improve our existing stormwater infrastructure and landscape to adapt to the more frequent and larger climate change driven storms. The proposed \$5.7million⁴ in the operating budget is a strong, but insufficient, start. DEP's Comprehensive Flood Management Plan⁵ will give the Council the list of urgent projects that need to be completed and also a price range for these. While we hope that state and federal dollars will help ease the cost burden on the County, we need to be prepared to find revenue mechanisms to fund these urgent projects. It is critical that the County Council begins planning now before more residents are needlessly displaced and lives tragically lost as happened during the 2021 Rock Creek Woods apartments flooding. The preliminary planning work that has been completed should be closely examined for any increases to operating costs, which should be incorporated into the budget for each relevant agency.

II. PARKS

SWPN asks the County Council to fully fund the Parks Department FY25 Requested Operating Budget including closing the gap between the requested and the County Executive's recommended budget.

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.⁶ The Parks Department must have

⁴ <https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Chapter.aspx?ID=CC>

⁵ Montgomery County Comprehensive Flood Management Plan. 2023. Available at: <https://www.montgomerycountymd.gov/flooding/county/plan.html>

⁶ Montgomery Parks. Available at: <https://montgomeryparks.org/about/parks/>

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adequate staff and resources to continue protection of these invaluable natural resources and to assure a healthier future for all. The County Executive's recommended FY25 budget provides only a 6.3% increase in funding which falls short of the 8.3% needed to account for inflation and afforded to the executive agencies in the Executive's proposed budget. This constitutes a drop below the level of service provided by Parks in FY24, and may mean less management of non-native invasive plants, less maintenance of stormwater infrastructure, and less support for volunteer stream sweeps or other activities.

Parks requested a 1.2% increase above the same level of services to support the restoration of newly acquired parklands, including the Ten Mile Creek Conservation Park. The County's system of stream valley parks provide excellent access to our waterways and connections to nature, driving quality of life for our County's residents and must be maintained and nurtured through full funding.

We appreciate the County Council considering our testimony. If you have any questions, please contact SWPN Co-Chairs Jeanne Braha (jbaha@rockcreekconservancy.org) or Lydia Lawrence (lydia.lawrence@natureforward.org).

Sincerely,

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