

Kenneth Bawer
2024-2028 Growth and Infrastructure Policy (GIP)

September 10, 2024

To: Montgomery County Council

Subject: 9/10/23/2024 County Council Public Hearing on 2024-2028 Growth and Infrastructure Policy (GIP)

Dear Council President Friedson and Councilmembers:

There are glaring holes in the GIP update with respect to adequate stormwater control infrastructure.

The Planning Board's website on the May 23 public hearing for Growth and Infrastructure Policy update¹ states, "The GIP ensures infrastructure, such as roads, sidewalks, and schools, is adequate to support growth...." However, no mention is made about adequate stormwater control infrastructure.

While the "Growth and Infrastructure Policy 2024-2028 Update" Working Draft's Appendix C Environmental Resources section² recognizes the need for adequate stormwater management, the authors erroneously state that, "The county has long been at the forefront of ...stormwater management. This has resulted in ...high standards for environmental resource protection preservation, and conservation." Nothing could be further from the truth. In fact, the Department of Environmental Protection has stated that "We have not seen benthic [macroinvertebrate] improvement in any of our stream restorations."³ BMIs are an industry standard measure of stream health.

Please see the linked document that debunks any assertions that Montgomery County, the Department of Environmental Protection, and Montgomery Parks are protecting our stream valleys and water quality: <https://drive.google.com/file/d/1YDGJwW1lwOQTdINgNKINuivBwNSmPV3X/view>.

Please see how the county and Parks destroy, rather than protect, our stream valleys in this link to a [video of a typical stream "restoration" in Takoma Park \(https://www.youtube.com/watch?v=s63H0nidRGw\)](https://www.youtube.com/watch?v=s63H0nidRGw).

Below is a photograph of the Brashears Run stream "restoration" in Takoma Park taken on May 6, 2024.

¹ <https://montgomeryplanning.org/montgomery-county-planning-board-schedules-may-23-public-hearing-for-growth-and-infrastructure-policy-update/>

² Appendix's Chapter C, the GIP working draft (<https://montgomeryplanningboard.org/wp-content/uploads/2024/04/Attachment-1-%E2%80%932024-%E2%80%932028-Growth-and-Infrastructure-Policy-Working-Draft.pdf>)

³ 1/16/2024 DEP presentation to Stormwater Partners Network

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(still photo of Brashears Run stream “restoration” in Takoma Park, May 6, 2024)

As stated in the GIP Appendix C, it is true that “Redevelopment affords the potential ...environmental improvements over existing conditions. It offers opportunities to improve stormwater management, water quality, air quality, tree canopy, and other green spaces in older developed areas that are environmentally impaired.” Yet the current county standards for stormwater control are inadequate to control the more intense rain events we are now experiencing due to global warming.

The glaring holes in the GIP with respect to stormwater control are:

- the lack of recognition that current stormwater control requirements are woefully inadequate as evidenced by the stormwater-caused erosion of our streams. This is why the county spends millions of dollars on so-called stream “restorations” each year to repair the damage caused by this uncontrolled stormwater runoff, and
- the lack of any requirement in the GIP to include adequacy of stormwater control infrastructure even though the purpose of the GIP, per the Staff Report is “...to test whether infrastructure like schools, transportation, water, and sewer services can support a proposed development.”⁴

As stated in the “2024 Growth and Infrastructure Policy Working Draft” presentation to the Planning Board,⁵ one of the County Priorities is Environmental Resilience. Therefore, adequate stormwater control infrastructure should be an integral component for administering the county’s Adequate Public Facilities (APF) requirements.

Appendix C of the GIP Working Draft⁶ states that, “Older developments, built before stormwater controls, degrade our natural environment.” However, the same is true of new development due to the county’s inadequate stormwater control requirements. A case in point is the Pike and Rose development

⁴ <https://montgomeryplanningboard.org/wp-content/uploads/2024/04/2024-%E2%80%93-2028-Growth-and-Infrastructure-Policy-Working-Draft-Staff-Report.pdf>

⁵ Page 13, PowerPoint presentation, 74 pages.

⁶ GIP working draft (<https://montgomeryplanningboard.org/wp-content/uploads/2024/04/Attachment-1-1-%E2%80%93-2024-%E2%80%93-2028-Growth-and-Infrastructure-Policy-Working-Draft.pdf>)

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which is causing \$1.7M to be spent on the Old Farm Creek stream “restoration” to repair a previous stream “restoration.”⁷

Adequacy standards must take into account all future impacts from private development. This must include adequacy of public stormwater control. If public stormwater control is not adequate to support a proposed development project, there must be a requirement for enhanced on-site stormwater retention. The current county standards are “meets minimum” requirements which are wholly inadequate to protect our natural resources. The county must exceed these current standards if we want to protect our stream valleys from the ravages of stormwater firehosing into, and eroding, our streams. Currently, the lack of adequate stormwater control requirements has resulted in the spending of millions of dollars of public funds to construct so-called stream “restorations” in an attempt to deal with the problem of stream erosion created by the development industry. The result has been that developers get off scot-free while the public pays for stream erosion damage.

The Growth and Infrastructure Policy must be revised to ensure that developers pay their fair share for stormwater control.

Thank-you for your consideration.

Sincerely,

Kenneth Bawer

⁷ <https://www.montgomerycountymd.gov/DEP/water/clean-water-montgomery/watershed/restoration-projects/old-farm-creek.html>