

**MEMORANDUM**

November 27, 2012

TO: Transportation, Infrastructure, Energy & Environment Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: Supplemental Appropriation to the FY13 Capital Budget (\$18,861,000) and Amendments to the FY13-18 Capital Improvements Program: Five Stormwater Management Projects (Source: State Aid)

On October 24, 2012, the County Executive transmitted a request (see ©1-16) for an FY13 special appropriation of \$18.861 million to utilize a grant received from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. The State aid will be allocated to five ongoing stormwater management capital projects (as shown in the table below) as part of the County's efforts to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit. No additional local funding is required in support of the grant dollars.

| Project                             | Supplemental Request<br>in \$000s |
|-------------------------------------|-----------------------------------|
| SM Retrofit - Roads                 | 14,000                            |
| Misc. Stream Valley Improvements    | 1,086                             |
| SM Retrofit- Countywide             | 2,295                             |
| SM Facility Major Structural Repair | 480                               |
| Watershed Restoration - Interagency | 1,000                             |
| <b>Total</b>                        | <b>18,861</b>                     |

A specific list of work to be done with the grant dollars is attached on ©17-18.

A public hearing was held on November 27, 2012. Council action is scheduled for December 4, 2012.

**NPDES-MS4 Permit Background**

The T&E Committee has held several briefings on the NPDES-MS4 permit over the past few years (most recently in October 2011) and most recently discussed these issues earlier

this year in the context of the Stormwater Management CIP and FY13 DEP Operating Budget. Below is some general information on the permit.

DEP is the lead agency for Montgomery County with regard to the NPDES Permit. The Maryland Department of the Environment (MDE) is the State agency responsible for approving NPDES permits, which are required as part of the Clean Water Act enforced by the Environmental Protection Agency. The first five-year permit was renewed in July 2001 and was later modified in January 2004 to include six localities as “co-permittees.” The County’s permit covers all areas of the County with the exception of the cities of Gaithersburg, Rockville, and Takoma Park, and lands under the control of State agencies (including the Maryland-National Capital Park and Planning Commission and Washington Suburban Sanitary Commission) or Federal agencies.

The current 5-year permit was issued by MDE on February 16, 2010. DEP is the lead department coordinating a multi-department/agency response to meet the permit’s requirements.

The major requirements of the County’s NPDES-MS4 Permit are:

1. Complete restoration efforts for an additional 20 percent (4,292 acres) of the County’s impervious, urban surfaces not currently restored to the maximum extent practicable. ***This is the primary driver of FY13-18 CIP expenditures and the associated State aid being received from the Maryland Department of Natural Resources.***

***As of August 2012, DEP staff noted that about 90 acres of restoration work had been completed, 179 acres of work was under construction, 1,614 acres was in design, and another 15 acres was being addressed via DEP’s rainscapes program for a total of 1,898 acres (or 44.2% of the permit goal). The Stormwater Management CIP includes an estimated 3,510 acres of restoration work (or about 82% of the permit requirement).***

2. Support regional strategies to reduce trash and increase recycling, as set forth in the Trash Free Potomac Watershed Initiative 2006 Action Agreement, to eliminate trash in the Anacostia and Potomac Rivers.
3. Implement TMDL limits to restore impaired waterways in the County by developing and implementing plans to reduce nonpoint source pollutant loads (e.g., from stormwater). Ensure anti-degradation measures for high quality waters (Tier II waters) within the County, including appropriate reviews prior to approval of capital projects, water/sewer plan amendments, and any development with the potential to affect water quality and downstream water quality.
4. Establish long-term schedules for identifying sources of pollution and water quality improvement opportunities for all watersheds in the County.
5. Use environmental site design/low-impact development as a method to capture stormwater by improving the County’s stormwater management ordinances/regulations and modifying the County’s planning and zoning codes as needed. Environmental Site Design (ESD), as outlined in Chapter 5 of the Maryland Stormwater Management Act, is

required to be implemented to the maximum extent practicable.

6. All new construction in the County must follow the State stormwater controls as defined in the Stormwater Management Act of 2007. Chapter 5 of the Stormwater Management Act on Environmental Site Design requires developers to maintain after development, as nearly as possible, the predevelopment runoff characteristics to the maximum extent practicable.
7. Detect and eliminate illegal, non-stormwater discharges into the storm drain.
8. Involve and engage the public in the process of stormwater control.

The County submitted its draft County Coordination Implementation Strategy (CCIS) to the Maryland Department of the Environment (MDE) on February 16, 2011. MDE approved the strategy in June 2011.

In June 2012, DEP published its NPDES-MS4 Permit Annual Report for FY11. The full report is available at: <http://www6.montgomerycountymd.gov/content/dep/downloads/npdes/NPDESrpt2011.pdf>. The Executive Summary of the report is attached on ©19-35.

### **Budget Implications**

The budget implications for implementation of the NPDES-MS4 permit are substantial. Overall, last year, DEP estimated the permit costs at about \$305 million through 2015 and nearly \$1.9 billion through 2030.

The Approved FY13 Operating Budget for the Water Quality Protection Fund (the primary source of funding for the permit) is \$17.7 million. For the Stormwater Management Capital Improvements Program, a total of \$35.0 million in FY13 was approved and a total of \$295 million in the FY13-18 CIP is programmed. Of that total, \$60 million in State aid funding is assumed (\$10.0 million in State aid per year).

The supplemental request for \$18.9 million reflects almost 1/3 of the State aid assumed in the FY13-18 CIP.

In concert with its expenditure actions for FY13, the Council approved an increase in the annual Water Quality Protection Charge Equivalent Residential Unit (ERU) for FY13 (from 70.50 to \$92.60).<sup>1</sup>

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<sup>1</sup> Single family homes pay the cost of one ERU per year. Townhouses pay 1/3 of an ERU. Multi-family homes and associated non-residential properties pay an annual charge based on actual imperviousness.

Note: Last month, the County Executive transmitted proposed legislative changes to the Water Quality Protection Charge to both: make the charge consistent with actions in the 2012 State Legislative session (House Bill 987 – Stormwater Management – Watershed Protection and Restoration Program) while also making the charge more equitable (by broadening the charge to properties which currently do not pay and by making the charge for current payers more relative to the stormwater management impacts of the specific property).

## **Recommendation**

**Council Staff recommends approval of the supplemental appropriation and amendments as transmitted by the County Executive. This action is consistent with the County's NPDES-MS4 Implementation Strategy submitted to the State last year. The Approved FY13-18 CIP assumes a substantial infusion of State aid (\$60 million over the next six years) to assist the County in its work to meet its NPDES-MS4 permit requirements. This grant reflects the first large influx of State dollars for this purpose.**

**Council Staff recommends that the T&E Committee receive a comprehensive update this February on DEP's NPDES-MS4 work to date. Council Staff also intends to schedule Councilmember tours of County project sites in late spring early summer.**

### **Attachments**

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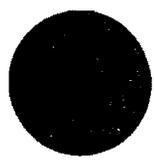
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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

October 24, 2012



TO: Roger Berliner, President, County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and Supplemental Appropriation #8-S13-CMCG-2; #11-S13-CMCG-4; #12-S13-CMCG-5; #13-S13-CMCG-6; and #14-S13-CMCG-7 to the FY13 Capital Budget  
 Montgomery County Government  
 Department of Environmental Protection  
 SM Retrofit - Roads (No. 801300), \$14,000,000;  
 Misc. Stream Valley Improvements (No. 807359), \$1,086,000;  
 SM Retrofit: Countywide (No. 808726), \$2,295,000;  
 SM Facility Major Structural Repair (No. 800700), \$480,000; and  
 Watershed Restoration - Interagency (No. 809342), \$1,000,000.

I am recommending amendments to the FY13-18 Capital Improvements Program (CIP) and supplemental appropriations for State Aid in the amount of \$18,861,000 to the FY13 Capital Budget for the five Stormwater Management CIP projects as noted above.

This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a \$19,861,000 grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. This State Aid will be allocated to the County's stormwater management CIP projects in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit. Of the grant total, \$1,000,000 has been appropriated in the FY13-18 CIP budget, leaving the remaining \$18,861,000 to be appropriated.

This Supplemental Appropriation and Amendment is consistent with the criteria for amending the CIP as it leverages a significant non-County source of funds, is needed to comply with State and local requirements, and will address safety and environmental concerns.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY13-18 Capital Improvements Program in the amount of \$18,861,000 and specify the source of funds as State Aid.

I appreciate your prompt consideration of this action.

IL:ms

Attachment: Amendment to the FY13-18 CIP and Supplemental Appropriation #8-S13-CMCG-2; #11-S13-CMCG-4; #12-S13-CMCG-5; #13-S13-CMCG-6; and #14-S13-CMCG-7

c: Robert Hoyt, Director, Department of Environmental Protection

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #8-S13-CMCG-2 to the FY13 Capital Budget  
Montgomery County Government  
Department of Environmental Protection  
SM Retrofit - Roads (No. 801300), \$14,000,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

| Project<br>Name     | Project<br>Number | Cost<br>Element | Amount       | Source<br>of Funds |
|---------------------|-------------------|-----------------|--------------|--------------------|
| SM Retrofit - Roads | 801300            | Construction    | \$14,000,000 | State Aid          |
| TOTAL               |                   |                 | \$14,000,000 | State Aid          |
4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$14,500,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit. Of the total, \$500,000 has been appropriated in the FY13-18 CIP budget, leaving the remaining \$14,000,000 to be appropriated.

Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #8-S13-CMCG-2 to the FY13 Capital Budget  
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5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$14,000,000 to the FY13 Capital Budget for the SM Retrofit: Roads (#801300) project, and specifies that the source of funds will be State Aid.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

| <u>Project<br/>Name</u> | <u>Project<br/>Number</u> | <u>Cost<br/>Element</u> | <u>Amount</u> | <u>Source<br/>of Funds</u> |
|-------------------------|---------------------------|-------------------------|---------------|----------------------------|
| SM Retrofit - Roads     | 801300                    | Construction            | \$14,000,000  | State Aid                  |
| TOTAL                   |                           |                         | \$14,000,000  | State Aid                  |

This is a correct copy of Council action.

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

## SM Retrofit - Roads -- No. 801300

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None  
On-going

### EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total         | Thru FY11 | Est. FY12 | Total 6 Years | FY13         | FY14         | FY15          | FY16          | FY17          | FY18          | Beyond 6 Years |
|-----------------------------------|---------------|-----------|-----------|---------------|--------------|--------------|---------------|---------------|---------------|---------------|----------------|
| Planning, Design, and Supervision | 21,460        | 0         | 0         | 21,460        | 2,840        | 3,300        | 3,830         | 3,830         | 3,830         | 3,830         | 0              |
| Land                              | 0             | 0         | 0         | 0             | 0            | 0            | 0             | 0             | 0             | 0             | 0              |
| Site Improvements and Utilities   | 0             | 0         | 0         | 0             | 0            | 17,670       | 0             | 0             | 0             | 0             | 0              |
| Construction                      | 42,985        | 0         | 0         | 42,985        | 5,875        | 6,810        | 7,670         | 7,670         | 7,670         | 7,670         | 0              |
| Other                             | 0             | 0         | 0         | 0             | 0            | 20,515       | 0             | 0             | 0             | 0             | 0              |
| <b>Total</b>                      | <b>64,425</b> | <b>0</b>  | <b>0</b>  | <b>64,425</b> | <b>8,515</b> | <b>9,910</b> | <b>11,500</b> | <b>11,500</b> | <b>11,500</b> | <b>11,500</b> | <b>*</b>       |

### FUNDING SCHEDULE (\$000)

|                                |               |          |          |               |              |              |               |               |               |               |          |
|--------------------------------|---------------|----------|----------|---------------|--------------|--------------|---------------|---------------|---------------|---------------|----------|
| State Aid                      | 15,000        | 0        | 0        | 15,000        | 2,500        | 14,500       | 2,500         | 2,500         | 2,500         | 2,500         | 0        |
| Water Quality Protection Bonds | 49,425        | 0        | 0        | 49,425        | 6,015        | 7,410        | 9,000         | 9,000         | 9,000         | 9,000         | 0        |
| <b>Total</b>                   | <b>64,425</b> | <b>0</b> | <b>0</b> | <b>64,425</b> | <b>8,515</b> | <b>9,910</b> | <b>11,500</b> | <b>11,500</b> | <b>11,500</b> | <b>11,500</b> | <b>0</b> |

### OPERATING BUDGET IMPACT (\$000)

|                   |  |  |  |            |          |          |           |            |            |            |
|-------------------|--|--|--|------------|----------|----------|-----------|------------|------------|------------|
| Maintenance       |  |  |  | 923        | 0        | 9        | 18        | 124        | 230        | 542        |
| <b>Net Impact</b> |  |  |  | <b>923</b> | <b>0</b> | <b>9</b> | <b>18</b> | <b>124</b> | <b>230</b> | <b>542</b> |

#### DESCRIPTION

This project provides for the design and construction of Environmental Site Design (ESD)/Low Impact Development (LID) stormwater management devices along County roads constructed prior to modern stormwater management controls. ESD/LID stormwater devices include bioretention, curb extensions, porous concrete, tree box inlets and other types of devices that promote water filtering and groundwater recharge.

#### COST CHANGE

This project was created to separate stormwater retrofit costs for roads from those previously budgeted in the SM Retrofit-Government Facilities CIP project (No. 800900). Project costs for SM Retrofit-Roads have increased significantly due to the addition of candidate projects to comply with the County's MS4 permit requirements.

#### JUSTIFICATION

This project supports the requirements of the MS4 permit and addresses the goals of the Chesapeake Bay tributary strategy initiative, and the County's adopted water quality goals (Chapter 19, Article IV). The County's MS4 permit requires that the County provide stormwater controls for 20 percent of impervious surfaces not currently treated "to the maximum extent practicable," with an emphasis, where possible, on the use of ESD/LID devices. This project will be responsible for controlling stormwater on County roads, largely through ESD/LID practices, as needed to satisfy the permit requirements.

#### OTHER

A portion of these potential ESD/LID stormwater retrofits on County roads were previously programmed under the SM Retrofit - Government Facilities project (No. 800900). This new stand alone project includes all the potential ESD/LID projects for County roads and allows for a more efficient implementation of projects of similar scope in partnership with the Department of Transportation (DOT).

Projects planned for construction include Arcola Avenue DOT Participation, Dennis Avenue DOT Participation, Forest Estates DOT Participation, Franklin Knolls DOT Partnership, Lockridge Drive, and Stewart Lane.

Projects planned for design and construction by watershed include three projects in the Rock Creek Watershed and seven projects in the Anacostia River Watershed.

#### FISCAL NOTE *supplemental*

~~The partial State Aid appropriation is based on a letter of commitment the County received from the State of Maryland. While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until that legislation is enacted, only committed state funding is appropriated.~~

#### OTHER DISCLOSURES

- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- \* Expenditures will continue indefinitely.

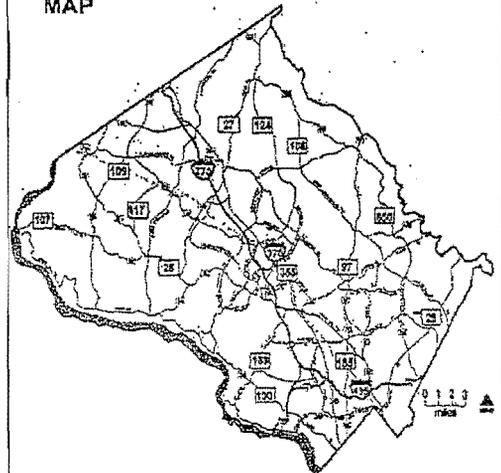
#### APPROPRIATION AND EXPENDITURE DATA

|                                    |        |         |
|------------------------------------|--------|---------|
| Date First Appropriation           | FY13   | (\$000) |
| First Cost Estimate                |        |         |
| Current Scope                      | FY13   | 64,425  |
| Last FY's Cost Estimate            |        | 0       |
| Appropriation Request              | FY13   | 8,515   |
| Appropriation Request Est.         | FY14   | 7,410   |
| Supplemental Appropriation Request | 14,000 | 0       |
| Transfer                           |        | 0       |
| Cumulative Appropriation           |        | 0       |
| Expenditures / Encumbrances        |        | 0       |
| Unencumbered Balance               |        | 0       |
| Partial Closeout Thru              | FY10   | 0       |
| New Partial Closeout               | FY11   | 0       |
| Total Partial Closeout             |        | 0       |

#### COORDINATION

Department of General Services  
Department of Transportation  
Maryland-National Capital Park and Planning Commission  
Department of Permitting Services  
Maryland Department of the Environment  
United States Army Corps of Engineers  
*Maryland Department of Natural Resources*

#### MAP



Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and Supplemental Appropriation #11-S13-CMCG-4 to the FY13 Capital Budget  
*Montgomery County Government*  
Department of Environmental Protection  
Misc. Stream Valley Improvements (No. 807359), \$1,086,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

| <u>Project Name</u>              | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|----------------------------------|-----------------------|---------------------|---------------|------------------------|
| Misc. Stream Valley Improvements | 807359                | Construction        | \$1,086,000   | State Aid              |
| TOTAL                            |                       |                     | \$1,086,000   | State Aid              |

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$1,586,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit. Of the total, \$500,000 has been appropriated in the FY13-18 CIP budget, leaving the remaining \$1,086,000 to be appropriated.

Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #11-S13-CMCG-4 to the FY13 Capital Budget  
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5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$1,086,000 to the Misc. Stream Valley Improvements (#807359) project, and specifies that the source of funds will be State Aid.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

| <u>Project Name</u>              | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|----------------------------------|-----------------------|---------------------|---------------|------------------------|
| Misc. Stream Valley Improvements | 807359                | Construction        | \$1,086,000   | State Aid              |
| TOTAL                            |                       |                     | \$1,086,000   | State Aid              |

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

## Misc Stream Valley Improvements -- No. 807359

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None  
On-going

### EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total         | Thru FY11  | Est. FY12    | Total 6 Years | FY13         | FY14         | FY15         | FY16         | FY17         | FY18         | Beyond 6 Years |
|-----------------------------------|---------------|------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|
| Planning, Design, and Supervision | 6,821         | 497        | 1,029        | 5,295         | 1,025        | 1,025        | 1,025        | 740          | 740          | 740          | 0              |
| Land                              | 42            | 2          | 40           | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| Site Improvements and Utilities   | 0             | 0          | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| Construction                      | 14,260        | 293        | 3,392        | 10,575        | 2,045        | 2,045        | 2,045        | 1,480        | 1,480        | 1,480        | 0              |
| Other                             | 0             | 0          | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| <b>Total</b>                      | <b>21,123</b> | <b>792</b> | <b>4,461</b> | <b>15,870</b> | <b>3,070</b> | <b>3,070</b> | <b>3,070</b> | <b>2,220</b> | <b>2,220</b> | <b>2,220</b> | <b>*</b>       |

### FUNDING SCHEDULE (\$000)

|                                   |               |            |              |               |              |              |              |              |              |              |          |
|-----------------------------------|---------------|------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|----------|
| G.O. Bonds                        | 288           | 288        | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0        |
| State Aid                         | 7,768         | 0          | 1,768        | 6,000         | 1,000        | 1,000        | 1,000        | 1,000        | 1,000        | 1,000        | 0        |
| Stormwater Management Waiver Fees | 233           | 0          | 233          | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0        |
| Water Quality Protection Bonds    | 12,150        | 0          | 2,280        | 9,870         | 2,070        | 2,070        | 2,070        | 1,220        | 1,220        | 1,220        | 0        |
| Water Quality Protection Charge   | 684           | 504        | 180          | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0        |
| <b>Total</b>                      | <b>21,123</b> | <b>792</b> | <b>4,461</b> | <b>15,870</b> | <b>3,070</b> | <b>3,070</b> | <b>3,070</b> | <b>2,220</b> | <b>2,220</b> | <b>2,220</b> | <b>0</b> |

### OPERATING BUDGET IMPACT (\$000)

|                   |  |  |  |            |          |          |           |           |            |            |
|-------------------|--|--|--|------------|----------|----------|-----------|-----------|------------|------------|
| Maintenance       |  |  |  | .350       | 0        | 5        | 25        | 60        | 105        | 155        |
| <b>Net Impact</b> |  |  |  | <b>350</b> | <b>0</b> | <b>5</b> | <b>25</b> | <b>60</b> | <b>105</b> | <b>155</b> |

#### DESCRIPTION

This project provides for design and construction of habitat restoration or stabilization measures for stream reaches having severe channel erosion, sedimentation, and habitat degradation. Developed areas constructed without modern stormwater controls contribute uncontrolled runoff which results in severely eroded streambanks, excessive sediment, tree loss, and degraded habitat for fish and aquatic life. Stormdrain outfalls damaged from severe erosion are identified and assessed in the project areas. Where possible, the outfalls are repaired as part of stream restoration projects and are funded from the Outfall Repairs project (No. 509948). When feasible, outfall discharges are redirected to create small constructed wetlands which provide new habitat and mitigate discharge impacts. Impacts to the stream also adversely affect sanitary sewer crossings by exposing sewer lines and manholes. These exposed and damaged sewer lines can be fish barriers and leak raw sewage into streams or allow infiltration of stream baseflow into the sewer system, potentially causing substantial increases in wastewater treatment costs.

#### COST CHANGE

Project cost change is due to scope changes to accommodate site conditions and higher project costs.

#### JUSTIFICATION

The project supports the requirements of the MS4 permit and addresses the goals of the Chesapeake Bay Tributary Strategy Initiatives, Anacostia Watershed Restoration Agreement, and the County's adopted water quality goals (Chapter 19, Article IV). The project will stabilize and improve local stream habitat conditions where streams have been damaged by inadequately controlled stormwater runoff. Corrective measures constructed or coordinated under this project include stream bank stabilization, channel modifications, habitat restoration, storm drain outfall or sanitary sewer infrastructure repairs to improve fish and other biological resources, while reducing sediment and nutrient loadings caused by excessive streambank erosion. The Facility Planning: SM project (No. 809319) includes funds for watershed studies and identifies and prioritizes stream reaches in need of restoration and protection.

#### OTHER

The Department of Environmental Protection identifies damaged sewer lines as part of this project, and the Washington Suburban Sanitary Commission makes sewer repairs during project construction. Projects planned for design and construction include Donnybrook Tributary, Hollywood Branch I, Breewood, Bedfordshire and Fallsreach, Muddy Branch I, Great Seneca (GSGN 205), Stonybrook Tributary, Snakeden Branch II and Whetstone Run.

#### FISCAL NOTE *supplemental*

The ~~partial~~ State Aid appropriation is based on a letter of commitment the County received from the State of Maryland. ~~While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until this legislation is enacted, only committed state funding has been appropriated.~~

#### OTHER DISCLOSURES

- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- \* Expenditures will continue indefinitely.

| APPROPRIATION AND EXPENDITURE DATA                | COORDINATION   | MAP |
|---|--|-----|
| Date First Appropriation FY73 (\$000)             | Department of Transportation                           |     |
| First Cost Estimate FY13 21,123                   | Maryland-National Capital Park and Planning Commission |     |
| Current Scope FY13 21,123                         | Washington Suburban Sanitary Commission                |     |
| Last FY's Cost Estimate 10,833                    | Department of Permitting Services                      |     |
| Appropriation Request FY13 2,570                  | Maryland Department of the Environment                 |     |
| Appropriation Request Est. FY14 2,070             | <i>Maryland Department of Natural Resources</i>        |     |
| Supplemental Appropriation Request <i>1,086-5</i> |  |     |
| Transfer 0  |  |     |
| Cumulative Appropriation 5,253                    |  |     |
| Expenditures / Encumbrances 3,164                 |  |     |
| Unencumbered Balance 2,089                        |  |     |
| Partial Closeout Thru FY10 13,706                 |  |     |
| New Partial Closeout FY11 0                       |  |     |
| Total Partial Closeout 13,706                     |  |     |

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #12-S13-CMCG-5 to the FY13 Capital Budget  
Montgomery County Government  
Department of Environmental Protection  
SM Retrofit: Countywide (No. 808726), \$2,295,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

| <u>Project Name</u>        | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|----------------------------|-----------------------|---------------------|---------------|------------------------|
| SM Retrofit:<br>Countywide | 808726                | Construction        | \$2,295,000   | State Aid              |
| TOTAL                      |                       |                     | \$2,295,000   | State Aid              |

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a \$19,861,000 grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$2,295,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit.
5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$2,295,000 to the SM Retrofit: Countywide (#807359) project, and specifies that the source of funds will be State Aid.

Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #12-S13-CMCG-5 to the FY13 Capital Budget  
Page Two

6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

| <u>Project Name</u>        | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|----------------------------|-----------------------|---------------------|---------------|------------------------|
| SM Retrofit:<br>Countywide | 808726                | Construction        | \$2,295,000   | State Aid              |
| TOTAL                      |                       |                     | \$2,295,000   | State Aid              |

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

## SM Retrofit: Countywide -- No. 808726

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None.  
On-going

### EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total          | Thru FY11    | Est. FY12    | Total 6 Years  | FY13          | FY14          | FY15          | FY16          | FY17          | FY18          | Beyond 6 Years |
|-----------------------------------|----------------|--------------|--------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Planning, Design, and Supervision | 52,499         | 911          | 263          | 51,325         | 5,400         | 8,065         | 8,365         | 8,165         | 9,830         | 11,500        | 0              |
| Land                              | 0              | 0            | 0            | 0              | 0             | 0             | 0             | 0             | 0             | 0             | 0              |
| Site Improvements and Utilities   | 0              | 0            | 0            | 0              | 8,605         | 0             | 0             | 0             | 0             | 0             | 0              |
| Construction                      | 109,561        | 1,246        | 5,630        | 102,685        | 16,135        | 16,735        | 16,735        | 16,335        | 19,670        | 23,000        | 0              |
| Other                             | 0              | 0            | 0            | 0              | 14,005        | 0             | 0             | 0             | 0             | 0             | 0              |
| <b>Total</b>                      | <b>162,060</b> | <b>2,157</b> | <b>5,893</b> | <b>154,010</b> | <b>16,210</b> | <b>24,200</b> | <b>25,100</b> | <b>24,500</b> | <b>29,500</b> | <b>34,500</b> | <b>0</b>       |

### FUNDING SCHEDULE (\$000)

|                                 |                |              |              |                |               |               |               |               |               |               |          |
|---------------------------------|----------------|--------------|--------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|----------|
| Fed Stimulus (State Allocation) | 263            | 263          | 0            | 0              | 0             | 0             | 0             | 0             | 0             | 0             | 0        |
| Federal Aid                     | 299            | 0            | 299          | 0              | 2,295         | 0             | 0             | 0             | 0             | 0             | 0        |
| State Aid                       | 31,429         | 1,894        | 2,535        | 27,000         | 4,500         | 4,500         | 4,500         | 4,500         | 4,500         | 4,500         | 0        |
| Water Quality Protection Bonds  | 130,069        | 0            | 3,059        | 127,010        | 11,710        | 19,700        | 20,600        | 20,000        | 25,000        | 30,000        | 0        |
| <b>Total</b>                    | <b>162,060</b> | <b>2,157</b> | <b>5,893</b> | <b>154,010</b> | <b>16,210</b> | <b>24,200</b> | <b>25,100</b> | <b>24,500</b> | <b>29,500</b> | <b>34,500</b> | <b>0</b> |

### OPERATING BUDGET IMPACT (\$000)

|                   |  |  |  |           |          |          |          |          |           |           |
|-------------------|--|--|--|-----------|----------|----------|----------|----------|-----------|-----------|
| Maintenance       |  |  |  | 36        | 0        | 0        | 0        | 6        | 12        | 18        |
| <b>Net Impact</b> |  |  |  | <b>36</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>6</b> | <b>12</b> | <b>18</b> |

#### DESCRIPTION

This project provides for the design and construction of new and/or upgrades of existing underperforming stormwater management facilities and devices under the County's Municipal Separate Storm Sewer System (MS4) permit as detailed in the draft Montgomery County Coordinated Implementation Strategy (CCIS). Compliance with the MS4 permit requires controlling 20 percent of impervious surfaces, or approximately 4,300 impervious acres, not currently treated to the "maximum extent practicable" to address the approved Total Maximum Daily Loads (TMDLs). Inventories of candidate projects have been conducted under the Facility Planning: SM project (PDF No. 809319) for the County's ten watersheds (Paint Branch, Rock Creek, Cabin John Creek, Hawlings River, Watts Branch, Great Seneca, Muddy Branch, Sligo Creek, Little Paint Branch, and Northwest Branch).

Some of the most complex projects constructed under this project are assessed, and the preliminary plans are completed in the Facility Planning: SM project (No. 809319). Where feasible, the projects integrate wetland and habitat features consistent with the goals of the Chesapeake Bay 2000 Agreement. In small drainage areas, retrofit projects may also include biofiltration, bioretention, or stormwater filtering devices.

#### COST CHANGE

The increased level of funding in this project reflects the new MS4 permit requirements outlined in the Montgomery County Coordinated Implementation Strategy (CCIS).

#### JUSTIFICATION

This project is needed to comply with the new MS4 permitting requirements outlined in the County Coordinated Implementation Strategy (CCIS) and to implement the County's adopted water quality goals (Chapter 19, Article IV) and protect habitat conditions in local streams. In addition, the project supports the goals of the Chesapeake Bay tributary strategy initiatives and the Anacostia Watershed Restoration Agreement.

#### OTHER

Projects in design and construction include thirteen projects located in the Rock Creek Watershed, five projects located in the Watts Branch Watershed, forty four projects located in the Great Seneca Creek Watershed, five projects located in the Muddy Branch Watershed, five projects located in the Cabin John Creek Watershed, and fifteen projects located in the Anacostia River Watershed.

#### FISCAL NOTE

While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until that legislation is enacted, only committed state funding is appropriated. *supplemental*  
The partial State Aid appropriation is based on a letter of commitment the County received from the State of Maryland.

#### OTHER DISCLOSURES

- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- \* Expenditures will continue indefinitely.

| APPROPRIATION AND EXPENDITURE DATA       | COORDINATION   | MAP |
|--|--|-----|
| Date First Appropriation FY87 (\$000)    | Department of Transportation<br>Maryland National Capital Park and Planning Commission |     |
| First Cost Estimate FY13 162,060         | Department of Permitting Services  |     |
| Current Scope FY13 162,060               | Maryland Department of the Environment   |     |
| Last FY's Cost Estimate 55,851           | Natural Resources Conservation Service   |     |
| Appropriation Request FY13 11,710        | U.S. Army Corps of Engineers   |     |
| Appropriation Request Est. FY14 19,700   | Facility Planning: SM (No. 809319)   |     |
| Supplemental Appropriation Request 2,295 | Maryland Department of Natural Resources   |     |
| Transfer 0                               |  |     |
| Cumulative Appropriation 8,050           |  |     |
| Expenditures / Encumbrances 4,723        |  |     |
| Unencumbered Balance 3,327               |  |     |
| Partial Closeout Thru FY10 13,241        |  |     |
| New Partial Closeout FY11 0              |  |     |
| Total Partial Closeout 13,241            |  |     |

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #13-S13-CMCG-6 to the FY13 Capital Budget  
Montgomery County Government  
Department of Environmental Protection  
SM Facility Major Structural Repair (No. 800700), \$480,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

| <u>Project Name</u>                 | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|-------------------------------------|-----------------------|---------------------|---------------|------------------------|
| SM Facility Major Structural Repair | 800700                | Construction        | \$480,000     | State Aid              |
| TOTAL                               |                       |                     | \$480,000     | State Aid              |

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$480,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit.

Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #13-S13-CMCG-6 to the FY13 Capital Budget  
Page Two

5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$480,000 to the SM Facility Major Structural Repair (#80700) project, and specifies that the source of funds will be State Aid.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

| <u>Project Name</u>                 | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|-------------------------------------|-----------------------|---------------------|---------------|------------------------|
| SM Facility Major Structural Repair | 800700                | Construction        | \$480,000     | State Aid              |
| TOTAL                               |                       |                     | \$480,000     | State Aid              |

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

## SM Facility Major Structural Repair -- No. 800700

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None  
On-going

### EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total         | Thru FY11    | Est. FY12    | Total 6 Years | FY13         | FY14         | FY15         | FY16         | FY17         | FY18         | Beyond 6 Years |
|-----------------------------------|---------------|--------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|
| Planning, Design, and Supervision | 6,385         | 671          | 774          | 4,940         | 785          | 815          | 835          | 835          | 835          | 835          | 0              |
| Land                              | 0             | 0            | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| Site Improvements and Utilities   | 0             | 0            | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| Construction                      | 14,065        | 1,866        | 2,339        | 9,860         | 1,565        | 1,635        | 1,665        | 1,665        | 1,665        | 1,665        | 0              |
| Other                             | 0             | 0            | 0            | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0              |
| <b>Total</b>                      | <b>20,450</b> | <b>2,537</b> | <b>3,113</b> | <b>14,800</b> | <b>2,350</b> | <b>2,450</b> | <b>2,500</b> | <b>2,500</b> | <b>2,500</b> | <b>2,500</b> | <b>*</b>       |

### FUNDING SCHEDULE (\$000)

|                                 |               |              |              |               |              |              |              |              |              |              |          |
|---------------------------------|---------------|--------------|--------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|----------|
| State Aid                       | 6,000         | 0            | 0            | 6,000         | 1,000        | 1,000        | 1,000        | 1,000        | 1,000        | 1,000        | 0        |
| Water Quality Protection Bonds  | 11,450        | 0            | 2,650        | 8,800         | 1,350        | 1,450        | 1,500        | 1,500        | 1,500        | 1,500        | 0        |
| Water Quality Protection Charge | 3,000         | 2,537        | 463          | 0             | 0            | 0            | 0            | 0            | 0            | 0            | 0        |
| <b>Total</b>                    | <b>20,450</b> | <b>2,537</b> | <b>3,113</b> | <b>14,800</b> | <b>2,350</b> | <b>2,450</b> | <b>2,500</b> | <b>2,500</b> | <b>2,500</b> | <b>2,500</b> | <b>0</b> |

#### DESCRIPTION

This project provides for the design and construction of major structural repairs to County maintained stormwater management facilities. The County is responsible for structural maintenance of over 2,000 stormwater management facilities, an increase of approximately 300 stormwater management facilities. The project includes old facilities that require more extensive maintenance as ponds fill with sediment, pipes rust, concrete structures crack and deteriorate, and dam embankments develop leaks. Some of the existing stormwater facilities require extensive engineering analysis and design and may require retrofitting which is funded through the SM Retrofit: Countywide project (No. 808726).

#### COST CHANGE

Increase is due to an increase number of projects to meet the Municipal Separate Storm Sewer System Permit (MS4), the inclusion of larger and more complex projects, higher construction costs, and the utilization of new sliplining techniques.

#### JUSTIFICATION

This project provides for major structural repairs in order to comply with the County's MS4 permit. It is limited to funding repairs at those few, generally large, facilities that require extensive engineering design and permitting that cannot be accomplished within a single fiscal year due to the time required to obtain State and Federal permits.

#### OTHER

The Department of Environmental Protection (DEP) continues to partner with the Maryland State Highway Administration as part of the Inter-County Connector (ICC). The partnership enables the county to realize significant cost savings while retrofitting a number of stormwater management facilities. Projects include: Quince Orchard Manor (Quince Orchard Valley Neighborhood Park), Montgomery Auto Park, Brookville Depot, Lake Whelstone, Chadswood, Hunters Woods, B'nai Israel, Brandermill, Gunners Lake, Persimmon Tree and ICC cost-share.

#### FISCAL NOTE

While the State has indicated a desire to increase funding for stormwater management projects, this will require state legislative action. Until that legislation is enacted, only committed state funding is appropriated. *supplemental*  
The partial state aid appropriation is based on a letter of commitment the County received from the State of Maryland.

#### OTHER DISCLOSURES

- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- \* Expenditures will continue indefinitely.

#### APPROPRIATION AND EXPENDITURE DATA

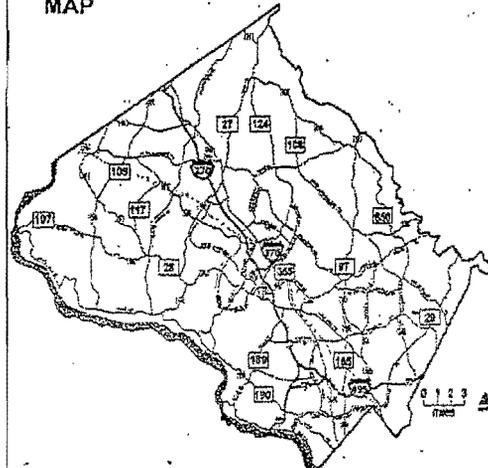
|                                    |      |         |
|------------------------------------|------|---------|
| Date First Appropriation           | FY07 | (\$000) |
| First Cost Estimate                | FY13 | 20,450  |
| Current Scope                      |      |         |
| Last FY's Cost Estimate            |      | 12,250  |
| Appropriation Request              | FY13 | 1,350   |
| Appropriation Request Est.         | FY14 | 1,450   |
| Supplemental Appropriation Request |      | 480 - 0 |
| Transfer                           |      | 0       |
| Cumulative Appropriation           |      | 5,650   |
| Expenditures / Encumbrances        |      | 3,223   |
| Unencumbered Balance               |      | 2,427   |
| Partial Closeout Thru              | FY10 | 0       |
| New Partial Closeout               | FY11 | 0       |
| Total Partial Closeout             |      | 0       |

#### COORDINATION

Department of Transportation  
Maryland-National Capital Park and Planning Commission  
Department of Permitting Services  
Homeowners Associations  
Montgomery County Public Schools  
Department of General Services  
Maryland State Highway Administration  
SM Retrofit: Countywide (No. 808726)

*Maryland Department of Natural Resources*

#### MAP



Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #14-S13-CMCG-7 to the FY13 Capital Budget  
Montgomery County Government  
Department of Environmental Protection  
Watershed Restoration – Interagency (No. 809342), \$1,000,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.

3. The County Executive recommends the following capital project appropriation increases:

| <u>Project Name</u>                    | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|--|-----------------------|---------------------|---------------|------------------------|
| Watershed Restoration –<br>Interagency | 809342                | Construction        | \$1,000,000   | State Aid              |
| TOTAL                                  |                       |                     | \$1,000,000   | State Aid              |

4. This supplemental appropriation and amendment to the FY 13-18 CIP is needed in order to fully appropriate a grant from the Maryland Department of Natural Resources' Chesapeake & Atlantic Coastal Bays Trust Fund. State Aid in the amount of \$1,000,000 will be allocated to the County's stormwater management CIP project noted above in an effort to meet the provisions of the County's Municipal Separate Storm Sewer System (MS4) permit.

Amendment to the FY13-18 Capital Improvements Program and  
Supplemental Appropriation #14-S13-CMCG-7 to the FY13 Capital Budget  
Page Two

5. The County Executive recommends amendments to the FY13-18 Capital Improvements Program and supplemental appropriations in the amount of \$1,000,000 to the Watershed Restoration: Interagency (#809342) project, and specifies that the source of funds will be State Aid.
6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY13-18 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and supplemental appropriation is approved as follows:

| <u>Project Name</u>                    | <u>Project Number</u> | <u>Cost Element</u> | <u>Amount</u> | <u>Source of Funds</u> |
|--|-----------------------|---------------------|---------------|------------------------|
| Watershed Restoration –<br>Interagency | 809342                | Construction        | \$1,000,000   | State Aid              |
| TOTAL                                  |                       |                     | \$1,000,000   | State Aid              |

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

# Watershed Restoration - Interagency - No. 809342

Category  
Subcategory  
Administering Agency  
Planning Area

Conservation of Natural Resources  
Stormwater Management  
Environmental Protection  
Colesville-White Oak

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 10, 2012  
No  
None.  
On-going

## EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total        | Thru FY11    | Est. FY12  | Total 6 Years | FY13       | FY14       | FY15       | FY16       | FY17       | FY18       | Beyond 6 Years |
|-----------------------------------|--------------|--------------|------------|---------------|------------|------------|------------|------------|------------|------------|----------------|
| Planning, Design, and Supervision | 3,438        | 2,486        | 192        | 780           | 60         | 60         | 310        | 230        | 60         | 60         | 0              |
| Land                              | 129          | 4            | 125        | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| Site Improvements and Utilities   | 134          | 0            | 134        | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| Construction                      | 2,335        | 954          | 541        | 840           | 250        | 250        | 0          | 0          | 170        | 170        | 0              |
| Other                             | 2            | 1            | 1          | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| <b>Total</b>                      | <b>6,038</b> | <b>3,425</b> | <b>993</b> | <b>1,620</b>  | <b>310</b> | <b>310</b> | <b>310</b> | <b>230</b> | <b>230</b> | <b>230</b> | <b>0</b>       |

*State Aid*

## FUNDING SCHEDULE (\$000)

|                                   | Total        | FY11         | FY12       | Total 6 Years | FY13       | FY14       | FY15       | FY16       | FY17       | FY18       | Beyond 6 Years |
|-----------------------------------|--------------|--------------|------------|---------------|------------|------------|------------|------------|------------|------------|----------------|
| G.O. Bonds                        | 527          | 527          | 0          | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| Stormwater Management Waiver Fees | 3,376        | 2,866        | 508        | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| Water Quality Protection Bonds    | 2,105        | 0            | 485        | 1,620         | 310        | 310        | 310        | 230        | 230        | 230        | 0              |
| Water Quality Protection Charge   | 30           | 30           | 0          | 0             | 0          | 0          | 0          | 0          | 0          | 0          | 0              |
| <b>Total</b>                      | <b>6,038</b> | <b>3,425</b> | <b>993</b> | <b>1,620</b>  | <b>310</b> | <b>310</b> | <b>310</b> | <b>230</b> | <b>230</b> | <b>230</b> | <b>0</b>       |

## OPERATING BUDGET IMPACT (\$000)

|                   |  |  |  |           |          |          |          |           |           |           |
|-------------------|--|--|--|-----------|----------|----------|----------|-----------|-----------|-----------|
| Maintenance       |  |  |  | 50        | 0        | 0        | 5        | 10        | 15        | 20        |
| <b>Net Impact</b> |  |  |  | <b>50</b> | <b>0</b> | <b>0</b> | <b>5</b> | <b>10</b> | <b>15</b> | <b>20</b> |

### DESCRIPTION

This project provides for the design and construction of stormwater management retrofits and stream restoration projects which manage stormwater runoff, enhance aquatic habitat and improve water quality in County streams. The projects are done under interagency agreements with the U.S. Army Corps of Engineers (USACE). The first two agreements, which were signed in 1992 and 1997, were limited to subwatersheds within the Anacostia Watershed. In FY04, the USACE expanded project eligibility to include all County subwatersheds within the Mid-Potomac watershed. The feasibility study and the design and construction of the projects selected in Montgomery County are managed by the U.S. Army Corps of Engineers with assistance from the Maryland Department of Environmental Protection and Maryland-National Capital Park and Planning Commission.

### COST CHANGE

Project cost increase is due to the added program expenditures in FY17 and FY18.

### JUSTIFICATION

This project will improve local stream water quality, protect stream conditions, and enhance wildlife and aquatic habitats in Sligo Creek, Northwest Branch, Paint Branch, and Little Paint Branch tributaries within the interjurisdictional Anacostia River Watershed. The project supports the goals of the Chesapeake Bay Initiatives, the Anacostia Watershed Restoration Agreement, and addresses the County's Municipal Separate Storm Sewer System (MS4) permit as detailed in the draft Montgomery County Coordinated Implementation Strategy (CCIS)

### FISCAL NOTE

This project leverages Federal Aid with the Federal government paying for 75 percent of construction costs for projects designed under the Anacostia Phase I Feasibility Study, and 65 percent of construction costs for projects designed under the subsequent agreements. Program expenditures reflect County contributions to the U.S. Army Corps of Engineers for design/construction activities and in-kind services.

*The partial State Aid appropriation is based on a letter of commitment the County received from the State of Maryland.*

| APPROPRIATION AND EXPENDITURE DATA         | COORDINATION   | MAP |
|--|--|-----|
| Date First Appropriation FY93 (\$000)      | U.S. Army Corps of Engineers                           |     |
| First Cost Estimate FY13 6,038             | Maryland-National Capital Park and Planning Commission |     |
| Current Scope                              | Department of Permitting Services                      |     |
| Last FY's Cost Estimate 5,868              | Department of Transportation                           |     |
| Appropriation Request FY13 310             | Maryland Department of the Environment                 |     |
| Appropriation Request Est. FY14 310        | Facility Planning: SM (No. 809319)                     |     |
| Supplemental Appropriation Request 1,000-0 | <i>Maryland Department of Natural Resources</i>        |     |
| Transfer 0                                 |  |     |
| Cumulative Appropriation 4,418             |  |     |
| Expenditures / Encumbrances 3,671          |  |     |
| Unencumbered Balance 747                   |  |     |
| Partial Closeout Thru FY10 0               |  |     |
| New Partial Closeout FY11 0                |  |     |
| Total Partial Closeout 0                   |  |     |

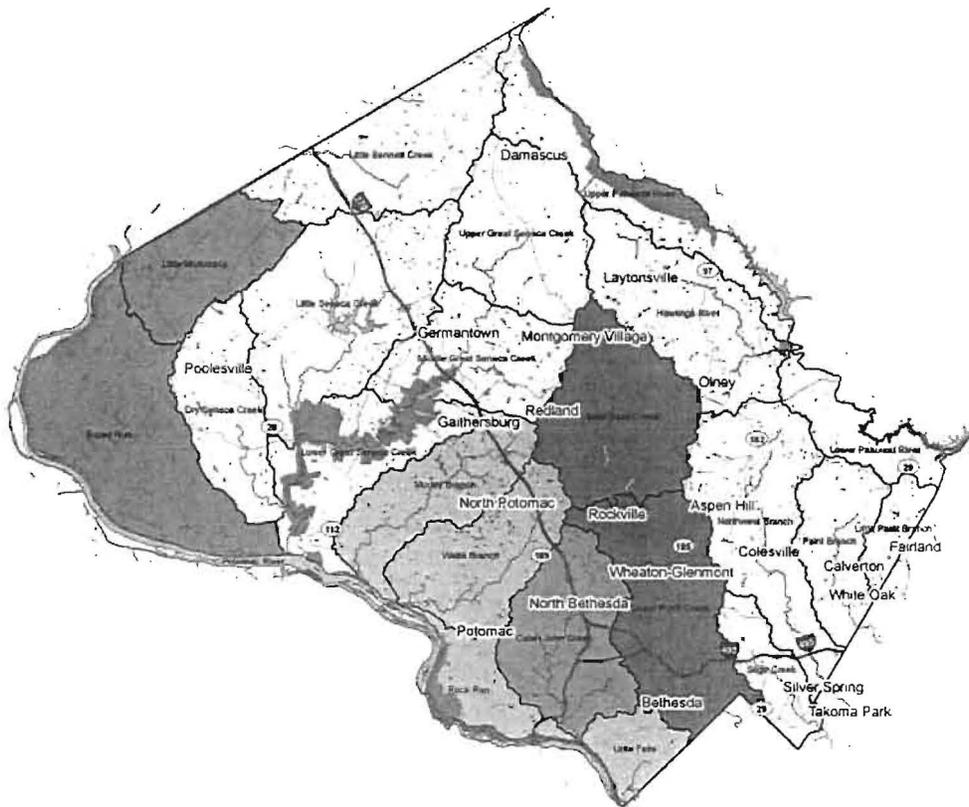
|    | A  | B               | C  | D                | E                             | F  |
|----|--|-----------------|--|------------------|-------------------------------|--|
| 1  | <b>MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>        |                 |  |                  |                               |  |
| 2  | <b>Grant Project</b>   | <b>CIP Code</b> | <b>Purpose</b>   | <b>Watershed</b> | <b>DNR \$ Being Requested</b> | <b>Comment</b>   |
| 3  | Dennis Avenue Neighborhood Green Street (design build) Phase Ib and II | 801300          | Retrofit public right of way project area with LID Practices | Anacostia        | \$ 3,000,000                  | Later phase may not be covered by Transportation Fund grant.                   |
| 4  | Sligo Park Hills Neighborhood Green Street (design build)              | 801300          | Retrofit public right of way project area with LID Practices | Anacostia        | \$ 5,000,000                  |  |
| 5  | Donnybrook LID Retrofit Project  | 801300          | Retrofit public right of way project area with LID Practices | Rock Creek       | 500,000                       | Additional funding for installation.   |
| 6  | Four Corners Neighborhood Green Street (AKA Franklin Knolls)           | 801300          | Retrofit public right of way project area with LID Practices | Anacostia        | \$ 4,700,000                  | Project being designed in phases - 4 in all.                                   |
| 7  | Arcola/Amherst Avenue Green Street                                     | 801300          | Retrofit public right of way project area with LID Practices | Anacostia        | \$ 550,000                    | Project design being evaluated for additional opportunities.                   |
| 8  | Breewood Neighborhood Green Street Project                             | 801300          | Retrofit public right of way project area with LID Practices | Anacostia        | \$ 750,000                    |  |
| 9  |  |                 |  |                  |                               |  |
| 10 |  |                 |  |                  | \$ 14,500,000                 | Only <b>\$14.0</b> million needs Supplemental; \$500K currently appropriated.  |
| 11 | Donnybrook Stream Restoration Project                                  | 807359          | Stream restoration projects                                  | Rock Creek       | \$ 317,350                    |  |
| 12 | Hollywood Branch Stream Restoration Project                            | 807359          | Stream restoration projects                                  | Anacostia        | \$ 500,000                    |  |
| 13 | Breewood Stream Restoration Project                                    | 807359          | Stream restoration projects                                  | Anacostia        | \$ 768,420                    |  |
| 14 |  |                 |  |                  | \$ 1,585,770                  | Only <b>\$1.086</b> million needs Supplemental; \$500K currently appropriated. |
| 15 | Naples Manor SWM Retrofit  | 808726          | Stormwater retrofit opportunity                              | Anacostia        | \$ 500,000                    | Design modifications due to community input.                                   |
| 16 | Georgian Colonies  | 808726          | Stormwater retrofit opportunities                            | Rock Creek       | \$ 500,000                    |  |
| 17 | University Towers LID Retrofit Project                                 | 808726          | Retrofit LID Practices                                       | Anacostia        | \$ 400,000                    |  |
| 18 | Breewood Stream Restoration Project - Stormwater Wetland Retrofit      | 808726          | Stormwater wetland   | Anacostia        | \$ 175,000                    |  |
| 19 | Brookville Depot   | 808726          | Stormwater retrofit opportunities                            | Rock Creek       | \$ 720,000                    |  |
| 20 |  |                 |  |                  | \$ 2,295,000                  | <b>\$2.295</b> million needs Supplemental Appropriation.                       |
| 21 |  |                 |  |                  |                               |  |

|    | A  | B               | C                                 | D                | E                             | F  |
|----|--|-----------------|-----------------------------------|------------------|-------------------------------|--|
| 1  | <b>MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>    |                 |                                   |                  |                               |  |
| 2  | <b>Grant Project</b>   | <b>CIP Code</b> | <b>Purpose</b>                    | <b>Watershed</b> | <b>DNR \$ Being Requested</b> | <b>Comment</b>   |
| 22 | Brookville Depot   | 800700          | Stormwater retrofit opportunities | Rock Creek       | \$ 480,000                    | For autopark or other projects requiring sediment removal. <b>\$480K</b> needs Supplemental Appropriation.                             |
| 23 |  |                 |                                   |                  |                               |  |
| 24 | ANACOSTIA Package II (Northwest Branch) USACE Partnership          | 809342          | Stream restoration projects       | Anacostia        | \$ 1,000,000.00               | Funding to help with sediment removal disposal for other SWM retrofit projects. <b>\$1.0</b> million needs Supplemental Appropriation. |
| 25 | Supplemental Appropriation #8-S13-CMCG-2 SOF is <u>State Aid</u> . |                 |                                   |                  | \$ 19,860,770.00              | Only <b>\$18.861</b> million needs Supplemental Appropriation.   |
| 26 |  |                 |                                   |                  |                               |  |
| 27 | Metro Park N 1 Stormwater Retrofit Project                         | 808726          | Stormwater retrofit opportunity   | Rock Creek       | \$ 300,000                    | DNR moved to FY14  |
| 28 | Metro Park N 2 Stormwater Retrofit Project                         | 808726          | Stormwater retrofit opportunity   | Rock Creek       | \$ 300,000                    | DNR moved to FY14  |
| 29 | Montgomery Manor Stormwater Retrofit Project                       | 808726          | Stormwater retrofit opportunity   | Rock Creek       | \$ 300,000                    | DNR moved to FY14  |
| 30 |  |                 |                                   |                  |                               |  |
| 31 |  |                 |                                   |                  | <b>20,760,770</b>             |  |



Excerpt

# Annual Report for FY11 NPDES Municipal Separate Storm Sewer System Permit



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**MONTGOMERY COUNTY MARYLAND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGE PERMIT**

**I. BACKGROUND**

The Montgomery County Department of Environmental Protection's (DEP) submission to the Maryland Department of the Environment (MDE) fulfills the annual progress report requirement as specified in Part IV of Permit Number 06-DP-3320 MD0068349 (the Permit). The five-year Permit term began February 16, 2010 covering stormwater discharges from the MS4 in Montgomery County, Maryland (the County). This is the second report in this current permit cycle (February 16, 2010-February 15, 2015) and covers the County's Fiscal Year 2011 (FY11) for July 1, 2010 to June 30, 2011.

Significant accomplishments in the County's stormwater management program during FY11 are highlighted in the Overview. The report itself has been organized based on the headings in the Permit's Part III, Standard Permit Conditions, to document implementation of required elements. Information required by the Permit's Attachment A., Annual Report Databases, Parts A. through L. can be found electronically on the compact disc (CD) submission in Appendix A.

The DEP Watershed Management Division (WMD) has primary responsibility for the majority of the Permit requirements, including interagency coordination, annual reporting, source identification, discharge characterization, monitoring, stormwater facility inspection and maintenance enforcement, illicit discharge detection and elimination, watershed public outreach, watershed assessment and restoration. The DEP WMD is also responsible for assessment of stormwater controls, and for tracking progress towards meeting the County's Total Maximum Daily Load (TMDL) urban stormwater wasteload allocations (WLA) in applicable watersheds. The DEP Division of Solid Waste Services (DSWS) is responsible for all solid waste related programs, including programs to increase awareness of waste reduction and recycling. The Department of Permitting Services (DPS) is responsible for the County's Stormwater Management (SWM) and Erosion and Sediment Control (ESC) Program. The Department of Transportation (DOT) is responsible for storm drains, road and roadside maintenance. The Department of General Services, (DGS), DEP's DSWS, and DOT are responsible for their respective property maintenance activities at County-owned facilities covered under the NPDES General Permit for Storm Water Discharges Associated with Industrial Facilities.

The Permit required DEP to develop and submit a Countywide implementation plan within one year of Permit issuance to identify how the County would achieve Permit requirements within the five year permit cycle. In February 2011, DEP submitted the draft Montgomery County Coordinated Implementation Strategy (the Strategy) and associated Watershed Implementation Plans to MDE with the 2010 MS4 Annual Report. The Strategy presents the restoration and outreach initiatives that are needed to meet the watershed-specific restoration goals and water quality standards, and is referenced frequently in this report. Specifically, the Strategy provides the planning basis for the County to:

1. Meet Total Maximum Daily Load (TMDL) Wasteload Allocations (WLA) approved by the U.S. Environmental Protection Agency (EPA).

2. Provide additional stormwater runoff management on impervious acres equal to 20% of the impervious area for which runoff is not currently managed to the maximum extent practicable (MEP).
3. Meet commitments in the *Trash Free Potomac Watershed Initiative 2006 Action Agreement* which include support for regional strategies and collaborations aimed at reducing trash, increasing recycling, and increasing education and awareness of trash issues throughout the Potomac Watershed.
4. Educate and involve residents, businesses, and stakeholder groups in achieving measurable water quality improvements.
5. Establish a reporting framework that will be used for annual reporting as required in the County's NPDES MS4 Permit.
6. Identify necessary organizational infrastructure changes needed to implement the Strategy.

The MDE approved the Strategy in June 2011. The approval letter can be found attached to this report as Appendix B. A final version of the Strategy, Watershed Implementation Plans, and supporting documents which reflect MDE and public comments have been included on CD as Appendix C. These documents are publicly-accessible on DEP's website at:

<http://www.montgomerycountymd.gov/dectmpl.asp?url=/content/dep/water/wris.asp#plans>

The MDE modified the County's second round Permit effective January 26, 2004 to add six small localities as co-permittees for coverage under the Phase 2 of the NPDES MS4 Permit Program. These included five municipalities: the Towns of Chevy Chase, Kensington, Poolesville, and Somerset, and Chevy Chase Village; and one special tax district, the Village of Friendship Heights. For the third round Permit, MDE added the Montgomery County Public Schools (MCPS) as a co-permittee.

## **II. OVERVIEW**

### **Permit Administration**

The permit requires the County to designate an individual to act as liason with the MDE for implementation of the Permit. The Permit also requires the County to submit an organizational chart detailing personnel and groups responsible for major NPDES program tasks. An updated organization chart and contact information is shown in Table III.A.1. These are the contacts as of January 2012.

### **Legal Authority**

The permit requires the County to maintain adequate legal authority in accordance with NPDES regulations 40 CFR Part 122 throughout the term of the Permit.

In July 2010 and March 2011, the County Council passed legislation that brought the County's stormwater management ordinance into compliance with the Maryland Stormwater Management Act of 2007 and associated state implementing regulations adopted in 2010. Draft stormwater management regulations are currently undergoing review by the County Attorney.

### **Source Identification**

The Permit requires the County to submit information for all County watersheds in geographic information systems (GIS) format with associated tables.

The County continues to improve its storm drain mapping to facilitate the identification of pollution sources from the MS4. The County's storm drain inventory can be found in Appendix A, Part A., on the CD attached to this report, and contains new storm drain features added as part of the new construction approval process, 1,404 drainage areas delineated in 2008 for all major stormdrain outfalls (defined as >24"), and over 200 previously unidentified outfalls discovered in the Sligo Creek subwatershed of the Anacostia during DEP's FY11 Illicit Discharge Detection and Elimination (IDDE) investigations. During FY11, DEP also completed an inventory of all MCPS storm drain systems. The new MCPS locations will be integrated into the County's existing storm drain GIS database after undergoing final quality control, and will be submitted in the Permit required storm drain inventory for FY12.

The DEP's Urban Best Management Practices (BMP) database as of June 30, 2011 with associated coverage is included in Appendix A, Part B. The DEP's monitoring locations and locations of watershed restoration projects are also included electronically in Appendix A, Parts C. through I.

In July 2010, DEP submitted the current County impervious layer geodatabases to MDE. Since July 2010, based on 2010 aerial photography, DEP has continued to digitize and update impervious areas for the Permit requirements and the County's stormwater utility charge, the

Water Quality Protection Charge (WQPC). The DEP is finalizing new driveway and updating building polygon layers. In addition, DEP is analyzing the existing impervious layers to capture changes in impervious. The updated impervious layer will be submitted with the FY12 MS4 annual permit report in February 2013.

### **Discharge Characterization**

The DEP conducts monitoring required under this section at the Breewood Neighborhood Tributary within the Anacostia Watershed and in the Clarksburg Town Center drainage within the Seneca Watershed. Detailed results are presented in the report section titled '**Assessment of Controls**' set forth below.

### **Management Programs**

#### **Stormwater Facility Maintenance:**

The Permit requires the County to conduct preventative maintenance inspections of all stormwater management facilities on at least a triennial basis.

The DEP continues to thoroughly inspect SWM BMP facilities triennially, and assesses repair and maintenance needs. DEP also documents the number of maintenance inspections and enforcement actions. In FY11, DEP oversaw repairs and maintenance of 1,771 SWM BMPs, of which 804 were DEP maintained and 967 were privately owned and maintained.

#### **Implementing Maryland's Stormwater Management Act of 2007**

The Permit requires the County to implement stormwater management design policies, principles, methods, and practices found in the *2000 Maryland Stormwater Design Manual* and provisions of Maryland's *Stormwater Management Act of 2007*. The Permit requires the County to modify its SWM ordinances, regulations and new development plan approval processes within one year after State adoption of regulations; April 24, 2009, with an effective date of May 4, 2009. The Permit also requires the County to review local codes and ordinances to identify impediments to and opportunities for promoting ESD to the MEP within one year, and to remove those impediments within two years of the Permit's issuance.

In July 2010 and March 2011, the County Council passed legislation amending the County's stormwater management ordinance to require non-structural stormwater best management practices to the maximum extent practicable (MEP) for new development and redevelopment projects approved by DPS. The Bill brought County stormwater management requirements into compliance with the Maryland Stormwater Management Act of 2007 and the state implementing regulations adopted 2010. Draft regulations for implementing the new changes to the stormwater management ordinance are currently being reviewed by the County Attorney.

In 2010, County consultants prepared a final report, *Implementing Environmental Site Design in Montgomery County*, which summarized how the County's codes, regulations, programs, and policies may need to be updated to allow the use of Environmental Site Design (ESD) and low impact development techniques to the MEP. The most significant updates required will be accomplished through the Zoning Code rewrite, currently being conducted by the Planning Department of the Maryland- National Capital Park and Planning Commission (M-NCPPC). The Planning Department expects to produce a Public Hearing Draft in late spring 2012.

#### Erosion and Sediment Control

The Permit requires the County to maintain an acceptable ESC program, including implementing program improvements identified in any MDE evaluation of the County's application for the delegation of erosion and sediment control enforcement authority, conduct responsible personnel certification classes and report quarterly information on earth disturbances exceeding one acre or more.

In FY11, 13,472 ESC inspections were performed. Enforcement actions included 343 notices of violations (NOVs), 27 stop work orders and 146 civil citations which collected \$43,926. In February, 2011, the County Council passed legislation increasing the maximum fines for erosion and sediment control violations from \$500 for an initial offense and \$750 for a repeat offense to \$1,000, the maximum civil penalty amount allowed under State law. By increasing the maximum fine, the County signals its commitment to protect its streams and water resources to all sediment control permit holders.

The DPS continues to conduct "responsible personnel certification training" three times a year as required by the Permit. The DPS also continues to report quarterly information on earth disturbances exceeding one acre or more.

The MDE performed an evaluation of the County's ESC program as part of their review of the County's application for the delegation of erosion and sediment control enforcement authority in October and November of 2011. The County will report findings in the next MS4 annual report for FY12.

#### Illicit Discharge Detection and Elimination (IDDE)

The permit requires the County to implement an inspection and enforcement program to ensure that all discharges to and from the MS4 system that are not composed entirely of stormwater are either permitted by MDE or eliminated. The permit requires the County to field screen 150 outfalls annually, conduct routine surveys of commercial and industrial areas, and maintain an enforcement program to address discharges, dumping and spills.

In FY11, DEP partnered with the Center for Watershed Protection (CWP), other agencies and watershed groups to assess 213 outfalls in 10 miles of the Sligo Creek subwatershed of the Anacostia, using the CWP's *Illicit Discharge Detection and Elimination Manual*, developed to support and guide MS4 communities. The team found that 79% of the outfalls

present were not mapped in the County's storm drain GIS layer and 27% had dry weather flow. Of the outfalls with dry weather flow, the majority were unmapped (74%). Results of dry weather discharge field testing using CWP parameters found 20% more potential illicit discharges than when using Permit required field test parameters, and the CWP parameters (fluoride, ammonia and potassium) were also present in greater concentrations in suspected illicit discharges.

The teams attempted to track 23 of the discharges to their sources. Two discharges were found to be confirmed water main breaks. Initial investigations to identify sources of discharges of the remaining 21 were unsuccessful. In depth, multi-day follow up investigations for four illicit discharges using dye testing and video pipe cameras have not yet identified any of the remaining sources. The DEP will continue to collaborate with other County agencies and with the Washington Suburban Sanitary Commission (WSSC) to attempt to find the source of the discharges.

### Enforcement Actions

For FY11, DEP's Division of Environmental Policy and Compliance (DEPC) investigated 122 water quality complaints and 35 hazardous materials incidents, which resulted in the issuance of 34 formal enforcement actions (18 civil citations with fines totaling \$9,000 and 16 NOVs) and 29 warning letters.

During FY11, DEP's Illegal Dumping Hotline 240-777-3867 ("DUMP") received 471 complaints, which resulted in 41 formal Enforcement Actions (7 Civil Citations with fines totaling \$3,500 and 34 NOVs and numerous Warning Letters). The vast majority of complaints concerned bags of trash, vegetation (leaves and brush), or other unwanted materials either dumped or being stored on private or public property. Only a small percentage of these cases represented a potential for direct runoff of contaminated material into a storm drain or receiving system.

### Trash and Litter

The Permit requires the County to meet its obligations under the *Potomac River Watershed Trash Treaty*, including trash abatement program implementation, education, and evaluation.

The Strategy presents a comprehensive approach to achieving the County's 2010 Permit requirements including trash reduction strategies and work plans to meet the Potomac Trash Free Treaty goals and the MS4 wasteload allocations for the 2010 Anacostia Trash TMDL. The County is also working with the Anacostia Watershed Restoration Partnership, the Alice Ferguson Foundation, and other partners to meet regional trash reduction goals. Initiatives include the Montgomery County Carryout Bag Law, passed by Council in FY11 and implemented beginning January 1, 2012, which requires retail establishments to charge 5 cents for each paper and plastic bag used for customer purchases. The law is expected to divert a large volume of plastic bag litter that is currently found in streets, parks, and waterways. Other initiatives include ongoing education and outreach for recycling and litter reduction, mass media outreach campaigns, litter removal from streets, stormwater ponds,

and transit stops, and enforcement. The DEP contracted with the Metropolitan Washington Council of Governments (MWCOC) to conduct FY12 post-TMDL trash monitoring in the Anacostia and to survey trash in 10 Lower Rock Creek tributaries.

#### Property Management

The Permit requires the County to ensure that a Notice of Intent (NOI) has been submitted to MDE, and a pollution prevention plan developed, for each County owned and municipal facility requiring NPDES stormwater general permit coverage.

Yearly inspections of County facilities covered under the NPDES General Permit for Storm Water Discharges Associated with Industrial Facilities generally show adequate attention to reducing pollutant runoff from the facilities. In FY12, DGS hired a consultant to develop and update the Pollution Prevention Plans (SWP3) for all facilities. All the County facility operating agencies; DOT, DGS, and DEP, delivered yearly training on the NPDES requirements and implementation to all employees.

Also in 2011, the County completed several environmental compliance Capital Improvement Program (CIP) initiatives. New fabric salt storage structures were installed at three County depots, stormwater improvement projects are being designed for the Silver Spring/Brookville Depot, and two Baysavers and an oil containment sump were added to the Kensington Small Transit Service and Maintenance Facility.

In its second year as a co-permittee, MCPS continues to work with the other County agencies to improve project communication and coordination. MCPS also maintained, repaired, and upgraded storm water facilities, conducted training for staff, prepared and implemented storm water pollution prevention plans at industrial sites, and incorporated ESD stormwater management into construction projects.

#### Road Maintenance:

The Permit requires the County to continue to implement a program to reduce pollutants associated with road maintenance activities.

#### *Street Sweeping:*

The County continued its streetsweeping program in FY11, focusing on monthly sweeping of selected arterial routes, which collects more road debris at a lower cost than sweeping residential routes. During FY11, the County did complete an annual sweeping for all residential routes. The DEP has identified 1,262 miles of residential routes as priority for first sweeping because these routes consistently show more material collected per curb mile than the other residential routes. In FY11 the County swept a total of 5,090 curb miles, removing 3,987 tons of material.

#### *Inlet Cleaning:*

In FY11, DOT cleaned 1,191 storm drain basins and 17,604 linear feet of storm drain, removing 107 tons of material. The cost was \$269,593. For FY12, the County Council

allocated \$2,050,070 for storm drain maintenance through the County's stormwater utility fund, the Water Quality Protection Fund (WQPF). The DEP is working with DOT to develop a Memorandum of Understanding to agree upon a workplan for the storm drain program that will meet Permit requirements. The DEP will have input into identifying priority areas from an environmental and water quality perspective and will be able to review work accomplished on a regular basis.

*Use of Herbicides:*

The County's roadside weed spraying program is conducted by Montgomery Weed Control Inc., a cooperative weed control program between Montgomery County Department of Economic Development, Agricultural Services Division, and the Maryland Department of Agriculture, Plant Protection and Weed Management Section. The County uses no pesticides or fertilizers for roadside vegetation management.

*Application of Sand and Salt:*

The DOT reported 85,600 tons of salt and 21,400 tons of sand for a total of 107,000 tons of sand and salt applied to County roadways during FY11. In 2009, DOT began a salt brine pilot program on 240 lane miles of primary roads. Salt brine is a 23% salt solution created in a brine maker that has a lower freezing point than salt. In 2010, over 400 lane miles of both primary and secondary roads received salt brine applications using contracted and county equipment. For the 2011-2012 winter season DOT purchased additional salt brine making equipment and storage tanks and expanded the salt brine treatment program to over 800 lane miles of primary, secondary and some neighborhood roads.

Public Education and Outreach:

The permit requires the County to implement a public education and outreach program to reduce stormwater pollutants.

In FY11, DEP continued to expand its education and outreach programs to meet Permit requirements as well as provide outreach support to other DEP WMD programs. The Strategy included a public outreach and stewardship workplan which identified eight major areas of stormwater impact education, including pet waste management, lawn stewardship, anti-littering, stormwater awareness, and establishing a volunteer Stream Stewards program.

The DEP continues to track details on watershed outreach events, and has included event information in the Permit required Annual Report Database, Part D, found electronically in Appendix A. The DEP also continues to investigate approaches to quantifying pollutant reductions associated with robust education and outreach programs.

The DEP has also increased outreach to volunteer watershed groups, working closely with community partners to document their stormwater reduction efforts and results. Additionally, DEP is investing in building watershed groups' capacity through an independent contractor. The activities associated with this contract will take place in FY12 and will be focused around increasing group membership and outreach and train the trainer programs to increase neighborhood involvement.

In FY11, DEP hosted or participated in 49 outreach events, an increase of 145% from the previous year. An FY11 highlight was the first annual Community Clean Water Summit, hosted by DEP and funded in part by a Chesapeake Bay Trust (CBT) grant. In other initiatives, DEP increased outreach to minorities, partnered with the Commission on Common Ownership of Communities (CCOC), to develop an outreach and education presentation for realtor and homeowner associations, and developed and presented two professional education credit classes on stormwater pollution to the Greater Capital Area Association of Realtors. Through all the FY11 events, DEP staff members were able to roughly double their face to face outreach efforts from FY10 by directly educating nearly 3,000 citizens.

### **Watershed Assessment**

The Permit requires the County to conduct a systematic assessment of water quality within all of its watersheds, including identification of water quality improvement opportunities, and the development and implementation of plans to control stormwater discharges to the MEP.

During 2004, DEP began the watershed inventory in the Great Seneca and Muddy Branch watersheds as cooperative efforts with the United States Army Corps of Engineers (USACE) and the City of Gaithersburg. The DEP expects to complete the study in 2012.

In February 2010, DEP partnered with the USACE - Baltimore District, MWCOG, Prince George's County, the District of Columbia, the M-NCPPC, MDE, and Maryland Department of Natural Resources (DNR) to release the final Anacostia River Watershed Restoration Plan and Report (ARP). Currently, DEP is developing a project management plan with the USACE. The continued partnership will work towards completing an Anacostia River Ecosystem Restoration Feasibility Study to assess and design restoration opportunities identified in the ARP.

In 2010, DEP conducted biological and habitat watershed screening at established monitoring sites in the Horsepen Branch, Little Monocacy, Rock Run, Northwest Branch and Patuxent subwatersheds. Of the 32 stations monitored, one in the Horsepen Branch and one in the Rock Run subwatersheds were found to be biologically impaired due to degraded habitat. One station in the Lower Patuxent subwatershed was impaired due to factors other than habitat. The DEP will include these stream reaches among those for further field evaluation during the completion of watershed restoration assessments.

### **Watershed Restoration**

The Permit requires the County to implement practices identified in its watershed assessments to control stormwater discharges to the MEP.

#### *Meeting the Permit Impervious Control Requirement:*

The County's second generation Permit issued in 2001 required the County to restore a watershed or combination of watersheds equaling 10% of Montgomery County's impervious

area not treated to the MEP. Stormwater BMP CIP projects completed through FY10 achieved stormwater control of 1,091.4 impervious acres. Stream restoration of 20 stream miles added an additional equivalent impervious acreage treatment of 1,055.1 acres, based on the MDE draft guidance Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated published in June 2011. The total impervious control added through CIP watershed restoration programs was 2,146.5 impervious acres, exceeding the 10% watershed restoration requirement of 2,145.8 acres in the County's second generation Permit, at a cost of \$21,932,346.

The DEP is aggressively designing and constructing watershed restoration projects to meet the current Permit's requirement to add control to 20% of the impervious areas not currently controlled to the MEP (4,292 impervious acres, as determined during development of the Strategy). Completed projects have added 24 acres of impervious control. Projects under construction during FY12 or recently completed will treat an additional 275 acres of uncontrolled impervious area. The DEP also has two ESD projects, two new stormwater ponds, 40 stormwater pond retrofits and 14 stream restoration projects in design, which are projected to treat another estimated 1,202 acres of impervious area.

The remaining impervious control will be accomplished by implementing projects identified through watershed assessments as potential future projects, ICC mitigation and stewardship projects, and redevelopment. Projects will be selected through DEP's watershed planning process for further design and implementation to control the remaining 2,791 impervious acres required by the Permit. The DEP also continues to investigate possible equivalent impervious acre credit for alternative non-structural BMPs such as tree planting and reforestation and street sweeping.

*Meeting Wasteload Allocations in Watersheds with EPA approved Total Maximum Daily Loads:*

The Permit also requires the County to report progress toward meeting any applicable WLAs developed under EPA approved TMDLs in watersheds where restoration has occurred. The Strategy used the Watershed Treatment Model (WTM) to verify pollutant baseline loads in TMDL watersheds, and estimate pollutant load reductions by SWM BMPs and retrofits constructed after TMDL baseline years. The DEP then added nutrients and sediment reductions from stream restoration projects using efficiencies provided in MDE's June 2011 Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated. To date, County stormwater control and watershed restoration initiatives have removed from watersheds with applicable TMDL WLAs, 112 Billion MPN/year of *E.coli*, 22,171 Billion MPN/year *Enterococci*, 205 tons/year of sediment, 10,783 lbs/year of nitrogen, 1,242 lbs/year of phosphorus, and 8,919 lbs/ year of trash.

*Funding Sources:*

During FY11, the County continued to identify funding sources to support project implementation. The six-year Stormwater Management CIP budgets for FY11-FY16 and FY13-FY18 reflect the significant increase in implementation that will be needed to meet the Permit requirement for adding runoff management. The recommended FY13-FY18 budget totals \$295.0 million, an increase of \$188.7 million, or 177.6 percent from the amended

approved FY11-FY16 budget of \$106.3 million. This increase in stormwater management activity will be financed primarily through water quality protection bonds. The debt service for these bonds will be supported by the WQPF.

*RainScapes Program:*

The DEP's RainScapes program, funded by the WQPF, promotes and implements environmentally friendly landscaping and small scale stormwater control and infiltration projects on residential, institutional, and commercial properties to reduce stormwater pollution and achieve measurable water quality benefits. DEP offers technical and financial assistance to encourage property owners to implement eligible RainScapes techniques, such as rain gardens, tree planting, rain barrels, and conservation landscaping. The RainScapes program consists of RainScapes Rewards, a rebate program, and the RainScapes Neighborhoods Program, which evaluates targeted neighborhoods for County installed on-lot stormwater runoff reduction approaches.

In FY11, RainScapes workshops reached 880 residents. 421 RainScapes Rewards Rebate projects were implemented, treating a total of 6.63 impervious acres. RainScapes Neighborhoods program began installing projects in Glen Echo Heights and the Town of Garrett Park, treating 1.19 impervious acres, and installing 11 conservation landscape projects. The DEP is also developing partnerships with the County's local watershed organizations that will greatly extend DEP's efforts at the neighborhood scale.

**Assessment of Controls**

The Permit requires that the County use discharge characterization monitoring and additional monitoring data required under the Permit to assess "the effectiveness of stormwater management programs, County watershed restoration projects, and to document progress towards meeting wasteload allocations (WLAs) indicated in the Total Maximum Daily Loads (TMDLs) approved by the U.S. Environmental Protection Agency (EPA) for watersheds or stream segments located in the County". The Permit specifically requires monitoring where the cumulative effects of watershed restoration activities (the Breewood tributary) and the effectiveness of stormwater management practices for stream channel protection (Clarksburg Special protection Area) can be assessed.

**Watershed Restoration Assessment:**

During 2010, DEP continued pre-restoration water chemistry monitoring in the Breewood tributary, located in the Sligo Creek subwatershed of the Anacostia. Water samples were collected at an instream station and a stormwater outfall station for a total of 16 storms and 20 baseflow (dry weather) events during 2009 and 2010. For each station, mean concentrations (MCs) were calculated for Permit required parameters during baseflow and first flush stormflow (total petroleum hydrocarbons (TPH) and *Enterococcus*).

Storm event mean concentrations (EMCs) represent the weighted average pollutant concentrations based on samples collected at discrete intervals during a storm. EMCs were calculated and averaged over the two-year monitoring period for each parameter except TPH and *Enterococcus*. Mean storm EMCs, baseflow MCs, and storm MCs (for TPH and

*Enterococcus*) can be found in Table III-H3 below. The average EMCs and MCs of each parameter at each station were compared:

- Storm samples generally had more concentrated pollutants at the outfall than at the instream station.
  - Mean storm EMCs for 5-day biochemical oxygen demand (BOD), total Kjeldahl nitrogen (TKN), copper, zinc, and storm MCs for TPH, and *Enterococcus* were higher at the outfall than at the instream station.
- At the instream station, flow state had mixed impacts.
  - Mean storm EMCs were higher than baseflow MCs for BOD, TKN, total phosphorous (TP), total suspended solids (TSS), and metals.
  - Mean storm EMCs were lower than baseflow MCs for nitrate plus nitrite, and hardness.
  - First flush storm MCs were lower than baseflow MCs for *Enterococcus*, and TPH.
- Evaluation of the impact of flow state at the outfall is difficult.
  - The outfall station was generally dry, except following rainfall or other non-storm episodic discharges. Baseflow samples could only be obtained on a few occasions. In these samples, the baseflow MCs for *Enterococcus* and TPH were lower than stormflow MCs. The lack of consistent flow could be due to the highly impervious drainage area

Regression analysis of storm hydrographs was also performed for the two years of data. Stormwater hydrographs typically show three limbs: a rising limb during which stream flow increases sometime after rainfall begins, a peak at which stream height and flow volume is greatest and a falling limb when rainfall ceases and stream height and flow volume decrease back to pre-storm levels. Regressions of limb flow volume versus pollutant concentration data showed a significant negative relationship ( $p < 0.05$ ) for 5-day BOD, nitrate and nitrite, hardness, TKN, copper, and zinc at the outfall and for nitrate and nitrite at the instream station. The regressions indicate a linear decrease in pollutant concentrations with increasing flow volume. As flow increases during storms, these pollutants become more diluted. The results are consistent with a highly impervious urban drainage area that lacks stormwater management. Non-point source pollutants, excessive stream bank erosion and a flashy flow regime are the major problems identified.

In March 2010, DEP conducted pre-restoration monitoring of the Breewood tributary benthic community. The Benthic Index of Biological Integrity (BIBI) score for the tributary was 14 out of a possible 40 indicating a *poor* benthic community. A physical habitat assessment was also conducted at the Breewood tributary to establish a baseline for comparison with future habitat assessments. The results of the 2010 assessment indicate that the habitat is *fair*. The poor riffle quality, high embeddedness values, bank instability, and narrow riparian zone all had a deleterious effect on the overall habitat score in the Breewood tributary.

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Stormwater Management Assessment

*Maryland Design Manual Monitoring in Clarksburg:*

The DEP submitted monitoring results for the developing Newcut Road Neighborhood tributary to Little Seneca Creek (LSLS104) “test” area as compared to results from the undeveloped Sopers Branch, Little Bennett subwatershed, and (LSLB101) “control” area to evaluate the effectiveness of the Maryland Design Manual criteria to protect the stream channel. Development in the test area’s drainage is mostly complete, and ESC BMPs are being, or have been, converted to BMPs. There is a small portion of the test area at the downstream end that was undergoing new construction in 2010. The land composition in the Sopers Branch control area remained unchanged.

The natural hydrology of the test area Clarksburg has been altered dramatically by the development process. On average, the overall amount of precipitation infiltrating into the ground or lost via evapotranspiration has steadily declined in the test area while remaining fairly constant in the Sopers Branch control area. The construction phase of development has impacted the test area (LSLS104) tributary channel morphology due to channel straightening, down-cutting, and enlargement. The ability of SWM BMPs designed to mimic pre-construction hydrologic conditions will be evaluated once the construction process has been completed and the SWM BMPs are on-line and functioning as designed.

**Program Funding**

The Permit requires that the County submit annual expenditures for the capital, operation, and maintenance expenditures in database format specified in Permit Section Part IV. The required database is included in electronic format on CD in Attachment A. During FY11, the reported costs associated with Permit requirements were \$30,097,236.

**Total Maximum Daily Loads**

The Permit requires development of implementation plans to meet County MS4 WLAs for any EPA approved TMDLs in County watersheds within one year of EPA approval. Included in this report is the final County Strategy with final implementation plans for all those watershed groupings which have one or more TMDLs approved by EPA prior to June 2009.

The MDE approved the Strategy in June 2011. The DEP will work with MDE to address any potential technical issues in the Strategy that are not consistent with the MDE guidance published in June 2011, as well as to be compatible with more recent State modeling results and EPA approved TMDLs.

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### Special Programmatic Conditions

#### Tributary Strategy-

The Permit encourages the County to assist in implementation of the a Tributary Staregy designed to meet the nutrient and sediment reduction goals for the Chesapeake Bay.

The DEP agreed to serve as the local liaison for scheduling meetings related to Maryland's Chesapeake Bay Watershed Implementation Plan process. The DEP organized two public information meetings (April 2011 and October 2011) on the WIP process and local involvement.

On September 14, 2011, MDE provided the pollutant load allocations by source necessary for the Montgomery County stakeholders to begin next steps in developing the Phase II WIP to meet Chesapeake Bay restoration goals. The DEP submitted the **Montgomery County MD MS4 Phase II WIP**, which included plans from four MS4 Phase 2 permittees and the County Phase I MS4 area to MDE on November 18, 2011. The County's portion of the WIP is based on the Strategy, which ultimately shows that the County can achieve the Phase II WIP nutrient reductions in 2017 and 2020. The County's Phase I/II WIP is posted at the MDE web site for the WIP Phase 2 process:

<http://www.mde.state.md.us/programs/Water/TMDL/TMDLImplementation/Pages/WIPPhaseIICountyDocuments.aspx>

#### Comprehensive Planning

The Permit requires the County to "cooperate with the MNCPPC during the development and completion of the Water Resources Element (WRE) of the County's comprehensive land planning process as required by the Maryland Economic Growth, Resource Protection and Planning Act of 1992 (Article 66B, Annotated Code of Maryland)". The County was an active partner during the development of the WRE Functional Plan, providing data and technical review for the water, wastewater, and stormwater requirements. The WRE Functional Plan was approved and adopted by the Montgomery County Planning Board in September 2010. The report is available in electronic format at:

[http://www.montgomeryplanning.org/environment/water\\_resources\\_plan/documents/WaterResourcesfunctionalplan\\_web.pdf](http://www.montgomeryplanning.org/environment/water_resources_plan/documents/WaterResourcesfunctionalplan_web.pdf)

The County has continued its cooperation with the MNCPPC through the interagency workgroup for the Permit-required evaluation of County codes to assure 'ESD to the MEP' and during the development of local ordinance changes to meet the requirements of the State's Stormwater Management Act of 2007. The County agencies are routine participants for review and comment as Sector Plan and Master Plan documents are being developed.

### Next Steps for FY12

During FY12, the County is continuing to make progress in a number of Permit required areas:

#### Revising Data Layers and Pollutant Loads Reductions

The MS4 impervious area, impervious area treated to the MEP, and pollutant loads were all calculated for the Strategy using data available to DEP in 2009. The DEP is continually working to improve the accuracy of its stormwater management and watershed restoration information. Since the Strategy was submitted in February 2011, DEP has worked to improve the accuracy of the Urban BMP database by correcting existing drainage areas and by adding approximately 1,000 SWM BMPs and their associated drainage areas. The DEP is also currently digitizing and updating impervious areas for the WQPC using 2010 aerial photography, including adding driveways and updating building polygon layers. The updated impervious layer will be used in combination with the updated SWM BMP drainage areas to provide a corrected boundary and impervious acres within the MS4 area. The County has also updated the Maryland Department of Planning (MDoP) land use from the year 2002 to 2010 to use in revising pollutant loads based on land use. The updated layers and revised information will be submitted with the FY12 MS4 annual permit report in February 2013.

#### Treatment to the MEP

In June 2011, subsequent to the Strategy development and submittal, MDE released guidance for determining impervious area and pollutant load baselines, impervious area control and wasteload reductions for SWM BMPs. To address inconsistencies between the MDE guidance and the County Strategy, and to develop more accurate baselines using improved data, DEP will re-analyze its baseline of impervious area treatment and pollutant load reductions, and recalculate goals needed to meet the Permit requirements. This re-analysis will be included in the FY12 report due February 15, 2013.

#### Funding

The County recognizes the funding challenges presented by the requirements of the Permit. During FY12, the County has been working to modify the current assessment structure of the WQPC. For FY11, County residents in detached single family homes were assessed \$70.50 per equivalent residential unit (ERU). Homeowners with attached single family homes (townhomes) are assessed 1/3 of an ERU or \$23.27. Multi-family residential and associated non residential properties that drain to residential stormwater facilities are assigned a charge based on their actual imperviousness. The County is considering a number of modifications to the charge to assign fees based on actual impervious for all properties, including all commercial properties, and related to amount of runoff management from the properties. The WQPC for residential properties would have a maximum but would be tiered by amount of impervious per property. The County also hopes to incentivize installation of

stormwater practices by reducing the WQPC for property owners who install such practices. In addition, in FY12, the County Council approved an increase in the WQPC for FY13 from \$70.50 per ERU to \$92.60 per ERU.

Implementation Rate

The County also recognizes the significant challenge in implementing watershed restoration projects quickly enough to meet the Permit requirements within the current five-year cycle . The DEP advertised two Request for Proposals (RFPs) to obtain contractual support critical to accelerating the watershed restoration implementation rate. One RFP is for comprehensive water resources engineering, which will provide support in all aspects of watershed restoration, project design, analysis, and construction, including engineering need to successfully implement stream restoration, stormwater management facility (new and retrofit) , and ESD projects. The second RFP is for a MS4 Permit implementation consultant team that will provide program management support in planning, implementing, tracking, monitoring and oversight of watershed restoration projects, including watershed assessments. The contracts will be awarded before the end of FY12 to accommodate a significant ramping up of effort during FY13.