

Resolution No.: 17-129
Introduced: April 26, 2011
Adopted: May 10, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's FY11-16 Capital Improvements Program, and Supplemental Appropriation to the FY11 Capital Budget, for Pollution Prevention and Repairs to Ponds & Lakes, PDF #078701

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the Maryland-National Capital Park and Planning Commission (M-NCPPC) by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive, and after public hearing upon reasonable notice to the public.
2. Section 307 of the Montgomery County Charter states that a 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 (5) Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six (6) 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.
3. On behalf of the Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Executive requests the following supplemental appropriation:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Pollution Prevention and Repairs to Ponds & Lakes	078701	Planning, Design, and Supervision	\$385,000	State ICC Funding
Pollution Prevention and Repairs to Ponds & Lakes	078701	Site Improvements and Utilities	\$1,235,000	State ICC Funding
		TOTAL	\$1,620,000	

4. M-NCPPC requests that the County Council approve this supplemental appropriation to fund oversight and improvements of two existing stormwater management facilities, known as RC-73 and RC-74, as well as provide oversight of other ICC Environmental Stewardship and Compensatory Mitigation projects, located on land owned by M-NCPPC.
5. The County Executive recommends an amendment to the FY11-16 CIP, and supplemental appropriation to the FY11 Capital Budget of M-NCPPC, in the amount of \$1,620,000. The source of funds will be State ICC funding.
6. Notice of public hearing was given, and a public hearing was held on May 10, 2011.

Action

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

The FY11-16 CIP of the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached Project Description Form, and a supplemental appropriation is approved as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Pollution Prevention and Repairs to Ponds & Lakes	078701	Planning, Design, and Supervision	\$385,000	State ICC Funding
Pollution Prevention and Repairs to Ponds & Lakes	078701	Site Improvements and Utilities	\$1,235,000	State ICC Funding
		TOTAL	\$1,620,000	

This is a correct copy of Council action.


 Linda M. Lauer, Clerk of the Council

Pollution Prevention and Repairs to Ponds & Lakes -- No. 078701

Category **M-NCPPC**
 Subcategory **Development**
 Administering Agency **M-NCPPC**
 Planning Area **Countywide**

Date Last Modified
 Required Adequate Public Facility
 Relocation Impact
 Status

April 05, 2011
 No
 None
 On-going

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY08	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,489	0	204	1,285	250	292	293	150	150	150	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	5,043	0	958	4,085	475	1,175	1,010	475	475	475	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	6,532	0	1,162	5,370	725	1,467	1,303	625	625	625	*

FUNDING SCHEDULE (\$000)

Current Revenue: General	2,962	0	1,162	1,800	300	300	300	300	300	300	0
G.O. Bonds	1,950	0	0	1,950	325	325	325	325	325	325	0
State ICC Funding (M-NCPPC Only)	1,620	0	0	1,620	100	842	678	0	0	0	0
Total	6,532	0	1,162	5,370	725	1,467	1,303	625	625	625	0

DESCRIPTION

This PDF funds continuing efforts to update and maintain our existing facilities to meet today's standards and enhance environmental conditions throughout the park system. M-NCPPC operates 12 maintenance yards (MY) throughout Montgomery County that are regulated as "industrial sites" under NPDES because bulk materials storage and equipment maintenance have the potential to pollute surface waters. Each MY is subject to NPDES regulations, and must have a Stormwater Pollution Prevention Plans (SWPPPs) in place. SWPPPs are generally a combination of operational efforts and capital projects, such as covered structures for bulk materials and equipment, vehicle wash areas, or stormwater management facilities. In addition, M-NCPPC has identified between 60 and 70 existing farm ponds, lakes, constructed wetlands, irrigation ponds, recreational ponds, nature ponds, and historic dams on park property that do not qualify for funding through Montgomery County's Water Quality Protection program. Based on the results of field inspections, projects are prioritized for design, permitting, and construction. M-NCPPC is currently working with MDE to enter into a countywide NPDES Phase II to establish pollution prevention measures to mitigate stormwater runoff that originates on parkland. This new permitting requirement will involve additional efforts to identify untreated areas and develop appropriate Best Management Practices (BMPs) to control stormwater runoff and enhance water quality.

ESTIMATED SCHEDULE

In FY11 and FY12, construct vehicle wash unit sewer connections at Black Hill and S. Germantown maintenance facilities; construct new vehicle wash facility at Meadowbrook and Little Bennett; on-going inspections of farm ponds.

COST CHANGE

Cost increase due to addition of NPDES permit requirements to the scope of this project.

JUSTIFICATION

The NPDES "General Discharge Permit for Stormwater Associated with Industrial Facilities, Permit No. 02 SW" issued by the Maryland Department of the Environment (MDE), requires implementation of the SWPPPs at each maintenance yard. The MDE Dam Safety Program requires regular aesthetic maintenance, tri-annual inspection, and periodic rehabilitation of all pond facilities to maintain their function and structural integrity.

FISCAL NOTE

In FY11, pursuant to an agreement between the State Highway Administration (SHA) and M-NCPPC, SHA shall provide funding to the Commission to complete improvements to two stormwater management facilities, RC-73 and RC-74, on Commission property. Based on the 65 percent design plans, the estimated amount of this funding is \$1,620,000. If the total cost of the project ends up being less than the estimated cost of \$1,620,000, M-NCPPC will request a dis-appropriation of the difference; if the total cost of the project ends up being greater than the estimated cost, M-NCPPC will return to the Council for a supplemental for the additional funds that SHA will contribute to the project.

In FY10, \$142,000 (General Obligation Bonds) was transferred in from Lake Needwood Dam Remediation PDF 078710

OTHER DISCLOSURES

- M-NCPPC 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	FY07	3,000
Current Scope	FY07	3,000
Last FY's Cost Estimate		3,429
Appropriation Request	FY11	625
Appropriation Request Est.	FY12	625
Supplemental Appropriation Request		1,620
Transfer		142
Cumulative Appropriation		1,020
Expenditures / Encumbrances		205
Unencumbered Balance		815
Partial Closeout Thru	FY08	571
New Partial Closeout	FY09	409
Total Partial Closeout		980

COORDINATION
 Montgomery County Department of Permitting Services (MCDPS)
 Montgomery County Department of Environmental Protection (MCDEP)
 Maryland Department of the Environment
 Washington Suburban Sanitary Commission (WSSC)
 Maryland State Highway Administration (SHA)

