



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Best Management Practices Monitoring Fees – METHOD 3	<b>Number</b> 16-15
<b>Originating Department</b> Department of Environmental Protection and Department of Permitting Services	<b>Effective Date</b> April 13, 2016

Montgomery County Regulation on:

BEST MANAGEMENT PRACTICES MONITORING FEES

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No. 16-15  
COMCOR No. 19.67.03

Authority: Code Section 19-67  
Council Review: Method (3) under Code Section 2A-15  
Register Vol. 32 No. 6

Comment Deadline: 6/30/15  
Effective Date: April 13, 2016  
Sunset Date: None

**Summary:** This regulation establishes a fee that a private entity or County public agency must pay to the Department of Permitting Services to cover the cost of monitoring stormwater best management practices for any development project in a Special Protection Area.

**Address:** Written comments on this regulation should be sent to:

Steve Shofar, Chief  
Division of Watershed Management  
Department of Environmental Protection  
255 Rockville Pike  
Rockville, Maryland 20850

**Staff Contact:** For further information or to obtain a copy of this regulation, contact Steve Shofar at (240) 777-7736.



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## 19.67.03.01 Best Management Practices Monitoring Fees

- A. Fee Calculation: Best management practices (BMP) monitoring fees in the amount of \$0.06 per square foot of disturbed area per the Sediment Control Permit application(s) must be paid by the permittee before the Department of Permitting Services (DPS) Director releases the Sediment Control Permit(s) for a permitted project in a Special Protection Area (SPA). Each project with an approved water quality plan is subject to the fee. The Director of the Department of Environmental Protection (DEP) must determine the frequency, quantity, and type of monitoring needed for each permitted project. The fee to be charged for each project must be determined as follows:
- (1) If the land area for an individual development site lies entirely within a designated SPA, the fee calculation must be based on the aggregated sum of disturbed area for that site.
  - (2) If the land area for an individual development site does not lie entirely within a designated SPA, the fee calculation must only take into account the disturbed area within the SPA and be based on the drainage area delineation to SPA tributaries, as determined by the DPS Director.
- B. Transfer of BMP Monitoring Responsibility: A permittee must pay a BMP monitoring fee if the permittee's approved water quality plan is amended after the effective date of this regulation for the purpose of transferring responsibility for BMP monitoring from the permittee to DEP. The fee charged for each transferred project must be based on the area of disturbance as described in subsection A and computed as follows:
- (1) If the permittee transfers to DEP the responsibility for BMP monitoring before initiating any during-construction monitoring, the permittee must pay a monitoring fee in the amount of \$0.06 per square foot of disturbed area per the Sediment Control Permit application(s).
  - (2) If the permittee transfers to DEP the responsibility for during or post-construction monitoring after having initiated during-construction monitoring, the monitoring fee to be paid by permittee must be the lesser of:
    - (a) \$0.04 per square foot of disturbed area per the Sediment Control Permit application(s); or
    - (b) The percent of required post-construction BMP monitoring that has not yet been completed and approved by DEP, multiplied by the previously determined post-construction BMP monitoring bond estimate, and calculated according to the following formula:



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$$[(A - B) / A] \times C = \text{Total BMP Monitoring Fee Due}$$

A = Number of months post-construction BMP monitoring required

B = Number of months post-construction BMP monitoring completed, as calculated and approved by DEP

C = Previously determined post-construction BMP monitoring bond estimate.

Example calculation:

A	# Months Required	60
B	# Months Completed	48
C	Bond Estimate	\$100,000
[(A - B) / A] × C =		\$20,000

- C. Collection: The Department of Permitting Services is responsible for collecting all BMP monitoring fees. The DPS Director must deposit the BMP monitoring fees collected under this regulation into the stormwater management fund created under Section 19-35 of the County Code.
- D. Indexing of Fees to Labor and Operating Cost Changes: The DPS Director must adjust the fee set under this regulation on July 1 of each year as provided in § 19.67.02.05.

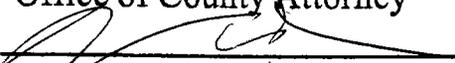
### 19.67.03.02 Severability

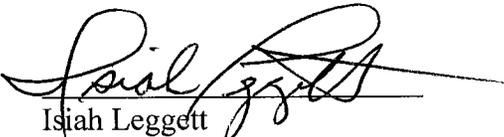
If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

### 19.67.03.03 Effective Date

This regulation takes effect when received by the County Council.

Approved as to Form and Legality  
Office of County Attorney

By   
Date 4/9/16

  
Isiah Leggett  
County Executive