

April 13, 2023

# Written Testimony for Montgomery County's Fiscal Year 2024 Operating Budget

**Submitted by:** Eliza Cava, Co-Chair, Stormwater Partners Network of Montgomery County (SWPN) and Director of Conservation, Nature Forward

Dear Montgomery County Council,

We, the undersigned Stormwater Partners Network of Montgomery County (SWPN),<sup>1</sup> provide the following feedback and recommendations to Montgomery County's FY24 Operating Budget. As a Network, our mission is to advocate for clean water, protecting, improving, and restoring our watersheds in ways that are equitable and ecologically sensitive, improving community resilience to stormwater impacts such as storm-driven flooding, and connecting communities to their backyard waterways. Our vision is that Montgomery County's waterways are clean, pollution-free, and resilient to the climate crisis, providing healthy, equitable, safe, and thriving green spaces for communities, families, and wildlife.

The Network has historically worked towards implementing stronger regulatory measures to strengthen our stormwater management and infrastructure, increase infiltration of water on site instead and decrease stormwater runoff into our precious local waterways. We also support the work and needs of Montgomery Parks, particularly resource stewardship, and the work of the County to meet climate and equity goals. We note that currently the Environment section only gets 2.7% of the total operating budget. This is a small slice of the pie when knowing that climate change has a direct impact on all of us, all our infrastructure, and is a threat multiplier across all the other ongoing crises. We ask the Council to consider and carefully review our budget requests as presented in our testimony, and to go further and actively seek the funds needed to implement and continue to protect our natural resources into the long term. We also support increasing the budget to account for inflation and other rising costs, both for contracts/supplies and personnel.

We recognize that in an inflationary period, this is an expensive budget. Nonetheless, it makes historic and essential investments in climate change mitigation and preparation, environmental protection, stormwater management, and trees and forests that are critical to maintain Montgomery County's status as a wonderful, safe, and healthy place for people of all backgrounds to live, work, play, and raise a family.

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<sup>1</sup> The Stormwater Partners Network is composed of 34 organizations and many individuals who support our mission and vision. A full list of our current membership can be found on our website, [www.stormwaterpartnersmoco.net](http://www.stormwaterpartnersmoco.net).

# STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



## **I. CLEAN WATER AND STORMWATER**

Montgomery County has done great work meeting regulatory requirements for stormwater, but these requirements are not enough to protect our streams and watersheds. While some watersheds' health has been improving, many are still declining. What streams need is getting more complicated, too: in the summer, climate change drives more explosive storms that overwhelm the kinds of projects installed to date; and in the winter, more and more salting ahead of unpredictable snowstorms leads to toxic salinity conditions in streams.

DEP, its staff, and its contractors have demonstrated that they are capable of doing more than the next draft MS4 permit requires, and the increases in the proposed FY24 budget demonstrate some of the ambition we would like to see even more of. SWPN and our member groups have strongly pressed the state to require more ambitious stormwater management, especially using green infrastructure throughout our watersheds and with less reliance on stream restorations. Council should direct the Department to go above and beyond the minimum MS4 permit requirements, even though the state requires only a minimum level of effort (half that of the prior MS4 permit). And Council and the Executive should work together to find a sustainable, long-term source of funds to meet a greater level of ambition and continue this critical work.

Despite the above caveat, we are overall pleased and supportive of the proposed DEP budget, and **support the entirety of the proposed Watershed Restoration budget. In particular, we support the following DEP programs to be funded at the proposed amounts as listed below:**

- **\$370,000 increase in funding for illicit discharge detection and elimination to reduce pollution.** This measure will help the county meet its MS4 permit requirements and also maintain our waterways cleaner and pollution free.
- **\$200,000 increase for Rainscapes grant program to fund additional rebates for residential stormwater management projects.** We support the County allocating enough funds to cover its RainScapes program which is always in high demand among county residents, and which has often had to suspend new applications during the past years due to lack of funding and personnel. Council should consider improving the access of the Rainscapes program to a broader range of diverse communities.
- **The addition of funding for new positions, contracts, or projects to reduce pollutants in waterways, improve water quality, salt management, invasive species, water monitoring effects, forests, clean energy, electrification, sustainable buildings, organic lawn care, and grants management.** By adding new capacity, DEP will be able to expand its current programs and also explore new areas which were pending funding.

# STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



## Water Quality Protection Charge (WQPC)

Stormwater Partners Network believes that the Water Quality Protection Charge (WQPC) needs to begin rising at more than the cost of baseline program delivery and keep pace with inflation, in order to increase our ambition as a county to truly return our watersheds to health. The FY24 recommended rate of \$128.00/Equivalent Residential Unit, spread across 368,000 ERUs, is designed to fund the County's current rate of ambition in meeting its relatively modest MS4 permit. This rate does not account for additional stormwater work beyond the permit, nor does it fund the ever-growing costs of flood management, nor does it fully fund major structural repairs as facilities age and deteriorate. There is a backlog of about 40 major repair projects, particularly stormwater pond repairs, currently unfunded and not included in the FY23-28 CIP budget. DEP will explore options to include more of this backlog in the FY25-29CIP budget, which could also prompt a need for WQPC increases. Without doing so, we are kicking the can down the road on these pond and other repairs. Existing ponds play a critical role in attenuating the worst impacts of storms on stream valleys. As storms get worse, it is critical to maintain our ponds. **Council should consider accelerating the pace of addressing this stormwater repair backlog.**

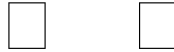
## Increase the Stormwater Waiver Fee

**One item that we would like to see changed in the budget and could be a potential long-term source of revenue would be increasing the cost of stormwater waivers (or, more accurately, increasing their precision so that waiver charges match the actual replacement cost of incomplete on-site stormwater management).**

According to our research, waivers ("fee in lieu to building permits") are currently granted very frequently but are difficult to track due to limitations in DPS' data systems. We need to know how much volume of water is being waived, and where, in order to accurately address the issues of both water quality in streams and nuisance lot-to-lot flooding.

Currently, the fees from stormwater waivers do not correspond appropriately to the volume of runoff generated from a developed property and are not overall equal to the management and environmental protection costs of the stormwater impacts originating from those properties. Calculating stormwater waiver fees more precisely could bring an added source of valuable stormwater revenue while acting as a disincentive for impervious cover without raising the annual WQPC rate. While this might raise rates on some property owners, it could lower them on others. Some nearby jurisdictions that do have higher stormwater waiver fees continue to see high economic growth and development, indicating that any additional fees would be easily borne by the market.

# STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



## Flooding

**County Council should begin considering and planning ahead for the upcoming billions of dollars which it will take to repair and improve our existing stormwater infrastructure and landscape to adapt to the more frequent and larger climate change driven storms.** DEP's upcoming Comprehensive Flood Management Plan<sup>2</sup> will give the Council the list of urgent projects that need to be completed and also a price range for these. While we hope that state and federal dollars will help ease the cost burden on the County, we need to be prepared to find revenue mechanisms to fund these urgent projects. It is critical that the County Council begins planning now before more residents are needlessly displaced and lives tragically lost as happened during the 2021 Rock Creek Woods apartments flooding.<sup>3</sup>

## II. PARKS

It is critical now more than ever to continue to fund the Department of Parks. During the pandemic and now, our parks are serving as natural refuges keeping people healthy both physically and mentally. The Parks Department maintains 421 parks across 37,000 acres of parkland, including community gardens and dog parks, museums and historic buildings, hundreds of miles of natural and hard surface trails, and provides programs and services that appeal to every interest and ability, like nature centers, concerts and exercise classes, and natural resources conservation.<sup>4</sup> The Parks Department must have adequate staff and resources to continue protection of these invaluable natural resources and to assure a healthier future for all. The County Executive's recommended FY24 budget provides only a 4% increase in funding which falls short of the 7% needed to account for inflation. This represents a \$4.3 million shortfall, which will result in a reduction of service, including a hiring freeze, putting community-based events on hold, and inadequate park maintenance for new and newly acquired parks.

**SWPN asks the County Council to fully fund the Parks Department FY24 Requested Operating Budget including closing the \$4.3 million gap between the requested and the County Executive's recommended budget.**

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<sup>2</sup> Montgomery County Comprehensive Flood Management Plan. 2023. Available at: <https://www.montgomerycountymd.gov/flooding/county/plan.html>

<sup>3</sup> 1 Dead After Rockville Apartments Fill with Flood Water, Displacing 150. NBC Washington. 2021. Available at: <https://www.nbcwashington.com/weather/weather-stories/rockville-apartment-flood-unaccounted/2789314>

<sup>4</sup> Montgomery Parks. Available at: <https://montgomeryparks.org/about/parks/>



## Natural resource management & invasive plants on parklands

Invasive plants are a huge and ever-growing problem on all our forested and natural lands, most of which is owned by M-NCPPC. Montgomery Parks focuses its funded effort on natural areas in less degraded condition, while in parklands closer to where most people live, invasive plant removal is primarily managed through the volunteer Weed Warrior program. This program is a valiant effort (and many SWPN members are Weed Warriors), but **wholly** inadequate to the scale of the need. M-NCPPC needs to develop, and Council needs to fund, a comprehensive management plan for invasives, including dedicated staff positions. Further, as invasives spread throughout the park system, M-NCPPC should ensure that its focus and treatment prioritizes the most biodiverse/currently healthy areas. And once invasive plants are removed, especially by any large-scale manual removal that disrupts the soil, Parks should replant wherever appropriate with native plants.

Parks has the leadership, expertise, and Integrated Pest Management plans necessary to step up effort on invasive plant removal. They have lacked funding to do so for decades. With some ups and downs, the current staffing levels in the Natural Resources Stewardship Section's Vegetation Ecology & Management Unit are now the same as they were **35 years ago - in the 1980s and 1990s**. This low level of staffing is despite all that we have learned about invasive species management, habitat fragmentation, and forest ecology since that time; and as development and climate pressures have only increased stresses upon our natural resources. Last year, we asked Council to request a budget proposal from Parks to address this need. This year, Parks requested \$167,110 to support three FTEs including a natural resource specialist to support inventory & planning, and a crew of 2 natural areas maintenance workers. **If Council does not fill Parks' \$4.3M budget gap, these positions will again go unfilled - keeping our ability to manage our essential natural resources at a 1990-like level.**

## III. CLIMATE CHANGE

The recent Intergovernmental Panel on Climate Change report made crystal-clear that what we already knew: tackling the climate crisis is the challenge of this century, and will interact with all other challenges, from ecological to economic to social. Leaders who boldly act to reduce and prepare for climate impacts have the opportunity to truly preserve and create a better world for ourselves and our children. This starts with reducing our greenhouse gas emissions.

# STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



**SWPN asks the County Council to approve the proposed allocation of \$271.6 million towards fighting climate change in the operating and capital budgets.<sup>5</sup>**

These funds will help the County continue with the implementation phases of the County Climate Action Plan.<sup>6</sup>

- We are pleased that this year's budget continues to include **\$300,000 to continue the Community Justice Academy** and recommend the program continues to expand into more and new communities across the county.
- **We particularly support the increases in tree and forestry programming, with total tree funding at about \$11M:**
  - **\$750,000 increase for the Tree Canopy Fund (DEP) to plant more shade trees.** Trees provide multiple benefits such as urban heat reduction, stormwater reduction, and mental well-being. We applaud the County for expanding DEP's Tree Montgomery program to plant more shade trees in urban areas.
  - **Addition of new Program Manager position for Tree and Forest programs (DEP).**
  - **Urban Tree Canopy funds for DOT at \$5.7M (Operating) and \$3.1M (Capital).**

We appreciate the County Council considering our testimony. If you have any questions, please contact SWPN Co-Chairs Eliza Cava ([eliza.cava@natureforward.org](mailto:eliza.cava@natureforward.org)) or Jeanne Braha ([jbaha@rockcreekconservancy.org](mailto:jbaha@rockcreekconservancy.org)).

Sincerely,

Eliza Cava\*

Director of Conservation, Nature Forward

Jeanne Braha\*

Executive Director, Rock Creek Conservancy

*Additional signatories on following page*

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<sup>5</sup> County Executive Elrich Releases Recommended \$6.8 Billion Fiscal Year 2024 Operating Budget That Includes 10-Cent Increase in Property Tax Rate Exclusively to Fully Fund MCPS Request. March 15, 20223. Available at: <https://montgomerycomd.blogspot.com/2023/03/county-executive-elrich-releases.html>

<sup>6</sup> Montgomery County Climate Action Plan (2021) Available at: <https://www.montgomerycountymd.gov/green/climate/index.html>

## STORMWATER PARTNERS NETWORK OF MONTGOMERY COUNTY



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