The Water Quality Advisory Group (WQAG) is a formal stakeholder group for public involvement in the County's watershed protection and restoration strategies. It includes 15 resident members and 3 non-voting agency members. The WQAG provides recommendations to the County Executive and the County Council on water quality management goals and policies, program priorities, and funding. It also provides input primarily by transmitting letters and an annual report. The WQAG was established through Chapter 19, Article IV of the Water Quality Discharge Law.

WQAG's mission is to recommend policies, programs, and priorities that protect, maintain, and/or restore the biological, chemical and physical integrity of county streams, rivers, wetlands, groundwater, lakes, and other water resources.

This report discusses the issues assessed by the WQAG during 2018 and summarizes its activities and recommendations during the past year and lists planned areas of focus for 2019. Tracy Rouleau and Keith Brooks are the Co-Chairs of the WQAG for 2018-2019.
Summary of 2018 – 2019 Activities and Recommendations

The WQAG focused on three broad subject areas:

(1) Compromise legislation in July 2018 regarding the next Municipal Separate Storm Sewer System (MS4) permit included a requirement that Montgomery County Department of Environmental Protection (DEP) would meet regularly with an advisory group which would provide input and feedback on project issues. WQAG has been designated as the advisory group for this purpose. DEP is required to submit quarterly status reports to the Council. The WQAG has been meeting regularly with DEP staff on the status of the Stormwater Management Design/Build/Maintain (DBM) and has provided comments before the status reports are sent to the Council.

(2) Continue working with DEP to develop recommendations for the County Executive on how the DEP should communicate its purpose, goals and benefits in three areas: budget, special protection areas and the MS4 permit. Particular attention was given to explaining to interested County citizens the importance and benefits of the Water Quality Protection Charge (WQPC). The WQPC raises funds to improve the water quality of our streams and reduce the impacts of storm water runoff and is funded through tax bills.

(3) Emerging issues.

In addressing water quality issues in 2018, the WQAG relied on the expertise of its members, consulting subject-matter experts, staff and department representatives to present information and options on the broad areas defined as 2017 priorities. This consultative process informed the WQAG’s deliberations on its 2018 actions and recommendations. The WQAG meetings included presentations organized to regularly bring in outside speakers and technical experts to brief the WQAG on how the issues affect or are implemented in the County, and to share their perspectives.

Letters, Testimony, and Working Paper

1. Letter to Office of the County Executive on Filling Vacancies (January 2018)
The WQAG expressed its concerns about the delays in filling vacancies and the manner in which vacancies are announced for the advisory group. The letter provided recommendations to improve the process and timeline for filling vacancies, as lingering vacancies have often caused the meetings to lack a quorum.

2. Creation of a Working Paper with assistance from DEP on improving communication to the public on county water quality programs (March 2018).

   The WQAG, in coordination with DEP, discussed and prepared a working paper with recommendations on how to effectively communicate the purpose and benefits of water quality programs to the public. This is an on-going effort of the WQAG.

3. WQAG Co-Chairs Keith Brooks and Tracy Rouleau attended 2018 Boards, Committees, and Commissions Annual Meeting with the County Executive (April 2018).

   Representing the WQAG, Brooks and Rouleau thanked the County Executive for his years of service, and underscored the importance of improving communication about Montgomery County’s water quality programs, referencing the Working Paper described in item 2.

4. Letter recommending that the County Council override County Executive Leggett’s line-item veto of the storm water management program budget that the Council had approved (June 2018).

   The WQAG was supportive of the County exploring changes to the contracting process; however, the WQAG stated its concerns about the nature, manner, and magnitude of the Executive’s recommended changes to the program -- particularly without opportunity for adequate review and public input and before it is known what the county obligations will be in the next MS4 permit cycle.

   The WQAG’s rationale for requesting an override of the veto was due to the group’s understanding that if there was no override of
the veto, (1) the portion of the stormwater program dealing with multiple contracts for designing, building, and maintaining stormwater projects will be zeroed out in the budget; (2) there would be an immediate freeze on certain ongoing stormwater water projects; and (3) cancelling these projects would have serious impacts on County water quality and the ability of the County to meet the MS4 permit requirements, and would create confusion for county residents on the purpose and the value of our stormwater programs.

In addition to the contracting issue, the WQAG recommended that the following substantive principles be integrated into any future stormwater program changes: (1) attaining watershed-specific restoration and protection goals; (2) ensuring public involvement in project planning and review; (3) ensuring the county’s commitment to 60-percent green infrastructure is fulfilled; (4) prioritizing existing investments; (5) enabling the next executive administration to be adaptable and flexible; (6) promoting public transparency; and (7) promoting greater coordination among the departments that conduct stormwater work.

5. Testimony to County Council (July 2018)

In July, 2018, WQAG Co-Chair, Tracy Rouleau, presented oral testimony to the County Council on the following Council Resolutions:
- Special appropriation that would reduce funding levels in SM Design/Build/Maintain Contract (No. 801901),
- Increase funding levels in SM Design/Build/Maintain Contract (No. 801901).

The testimony focused on the following three main points:

1. To remind the Council of the purpose and structure of the WQAG;
2. To provide recommended changes to the resolutions introduced on June 19; and
3. To recommend that the Water Quality Advisory Group be the “environmental advisory group” that is referenced in the compromise resolution.

6. Review of DEP status reports for County Council (on-going)
The WQAG has been meeting with DEP staff on a regular basis and reviewing staff documents and providing comments before DEP’s quarterly submissions to the County Council.

Summary of 2018 Presentations/Technical Experts/Special Discussions

January and February 2018 – No meetings

March 2018

   Patty Bubar, Acting Director, DEP, made a presentation of the general state of financing and funding for water quality projects in the county.

   Under the current administratively extended MS4 permit Montgomery County needs to restore 3,378 acres of impervious surface. This is expensive. There are three main sources of funding for the Water Quality Protection Charge, which funds these restorations. 1) tax on real property, only land owners pay this. 2) solid waste fees that everyone pays. 3) the general fund. Also bag tax revenues go to the water quality fund.

   Bonds of 45 million were issued in 2012 and 2016 to build stormwater treatment facilities.

   The County is still negotiating the consent decree for the MS4 permit and DEP thinks they will get a new 2019-2024 five year permit. County is trying to take credit for previously uncounted impervious surface restorations. The FY17 MS4 annual report shows more than 800 acres of credit from new Best Management Practices (BMPs) treating existing impervious area, however this number is pending Maryland Department of the Environment (MDE) review and approval. The FY17 MS4 annual report overall shows/claims more than 2,900 acres have been restored. This is also pending MDE review and approval. DEP expects the new permit will probably require the backlog to be cleared plus another 1000 acres.
April 2018

Frank Dawson of DEP discussed the cancellation of 25 stormwater projects. He explained the recently announced changes to the capital improvement program and how by using new data and information, DEP identified about 1,000 acres which had not been counted, putting Montgomery County 77% towards its required progress toward the permit. DEP mailed out 3,000 letters to effected community groups and stakeholders announcing the cancellation of 25 projects.

Mr. Dawson explained that DEP will be carrying additional acreage to complete this permit and toward the new permit. He also explained that DEP will be issuing an RFP as a new vehicle for future projects that should be more cost-effective.

Amy Stevens discussed and explained the MS4 Annual Report to the WQAG. The Report was prepared with help from an outside firm to be responsive to the need for better communication.

May 2018

Amy Stevens of DEP discussed current issues. She highlighted the next steps for improving communications of the Department’s activities. Ms. Stevens presented two different draft materials from DEP regarding Watershed Restoration which were distributed at events and on the DEP website.

Discussion of the County Council vote regarding DEP budget.

The relationship to “Design-Build-Maintain” process vs. current “Design-Bid-Build” was explained.

Other topics discussed were the new MS4 permit forthcoming in the fall; DEP re-doing their budget to determine how projects fit in and revisit.
June 2018

Discussion of the County Executive’s veto of the Stormwater Management Program capital budget approved by County Council: Capital budget includes eight (8) projects and the County Executive vetoed three (3) [Miscellaneous Stream Valley Improvements, Stormwater Management Retrofit - Roads, and Stormwater Management Retrofit - Countywide].

WQAG moved to support override of the veto with a letter regarding Stormwater Management capital program to the County Council.

Viewing and discussion of Councilman Rice’s Chesapeake Bay Awareness Week video and Breewood Tributary Restoration Project. Montgomery County DEP is now controlling significant amount of the impervious surfaces in the Breewood watershed through installation of bioretention, raingardens, and pervious pavement; DEP restored 1,200 linear feet of stream; the only area not controlled with stormwater management practices is University Blvd, which is state highway property. DEP will be monitoring the site in the fall.

July 2018

The July meeting was a field trip to the Sligo Creek watershed to view a number of raingardens that had been installed in Sligo Park Hills in Silver Spring. Kit Gage of Friends of Sligo Creek hosted the tour.

Several years ago, Montgomery County started the RainScapes program to address stormwater issues by building rain gardens on public property, including parks and schools, and giving private property owners rebates for building them on their land. Also called a bioswale, a rain garden is basically a landscaped area that is designed to collect rainwater after a storm. They include a mix of native plants, rocks, dirt, and sand that filters the rainwater before it seeps into the ground below or is directed to a storm drain.
The WQAG members were impressed not only with how well the rain gardens in the Sligo Creek area were designed and functioning, but also with how many of the neighborhood’s residents had had them installed.

Some examples of rain gardens within Montgomery County are shown below:
August 2018 – No meeting

September 2018

DEP sent a response to the WQAG regarding their letter to the County Executive on Improving Communications for Water Quality Programs and Projects. They are working to bring on a consultant to help develop actions to improve communication, using an existing DOT contracting mechanism.

The group discussed the new role as liaison with DEP on the County’s new DBM contracting process. Ryan Zerbe, DEP, reviewed the scope of work for the new communications consultant support. He explained that the project will likely start around late November, and last for approximately 12 months.

October 2018

Frank Dawson, DEP, briefed WQAG members on the status of the request for proposals (RFP) which was issued on 10/4/18. These two contracts (with a single contractor) will be needed to fulfill the new MS4 permit that will be issued in 2019. The design and construction work will be separate from the maintenance work.

There are annual performance goals. The work plans should identify specific projects and provide a two-year future outlook. The county will lead on communications and public outreach. There is a provision allowing an increase in scope – up to 1,000 acres – depending on the terms of the 2019 MS4 permit from MDE. 60% of projects must meet the definition of green infrastructure (e.g. stream restoration, ponds with vegetation). 5% of projects or 10% of costs must be low-impact development (e.g. porous pavement, rain gardens).

Patty Bubar, DEP, provided a handout on the proposed types of information to be included in the quarterly updates that the WQAG will discuss before their presentations to the County Council on the DBM contract. The handout lists such key RFP points as criteria for project selection and evaluation, DEP oversight approach, and tools
for ensuring good performance. DEP has decided that the first quarterly report should be provided after the bids are received.

The WQAG has been chosen to review and advise on these updates. It was proposed that we add that DEP will respond to the WQAG and will consider the WQAG feedback prior to submitting its quarterly reports to the County Council. The WQAG would like to have two weeks to review updates prior to them going Council.

When a member raised a question about confidentiality, Ms. Bubar indicated that the WQAG would always be given information that is public. The evaluators of the bids do sign confidentiality agreements.

Mr. Dawson noted that the consent decree does require a supplemental project in an educational setting and costing about $300,000. The current plan calls for integrating stormwater management into the curriculum at an Olney Elementary School.

Anacostia Tributary Bandalong litter trap – Montgomery County is considering whether to use litter traps; Prince George’s County and Washington, DC have already started doing so. The litter traps, while anchored, float in waterways and gather trash that then has to be emptied out (with sorting). Some evaluation factors in prioritizing sites include site accessibility, level of trash accumulating, any walls to which to attach the traps, stream velocity, and site visibility (as a potential educational tool).

There will be a request in the FY 2020 budget to fund a trap project at one of these sites. One related topic might be the availability of one or more county watershed groups to assist with maintenance. The cost is about $250,000 to purchase and install a litter trap, followed by about $50,000 per year for maintenance. Permits will also be needed.

November 2018

DEP will provide the County Council with quarterly program status updates of the Design, Build, and Maintenance Contract. From a water quality perspective, the purpose of the contract is to provide
up to 530 acres of impervious area credits. WQAG’s role for the project would be to act as a “sounding board” and inform DEP of any issues concerning the contract and process. As stated above, the Request for Proposals was issued on October 4, 2018, the Pre-Proposal Conference took place on October 18, 2018, and the due date for proposals was extended from November 5, 2018 to November 26, 2018 at 3PM.

As of November 19, 2018, 77 questions about the RFP have been asked by potential proposers and answered by the County. As a result of some of those questions, the language in the RFP was modified to clarify the intent of DEP’s needs.

A DEP Committee consisting of 5 people, who are generally managers and individuals with technical backgrounds, will evaluate the received proposals using the criteria in the RFP. Members of the DEP Committee will sign nondisclosure agreements. Companies that receive a score of 75 or above will be requested to be interviewed. DEP will recommend the highest ranked proposer and work with the Office of Procurement to negotiate the contract.

County stormwater management projects are funded using loans with the Maryland Department of the Environment (MDE). A January 2018 application for $60 million of loans for multiple projects was submitted to MDE for preliminary approval. Final loan approval is expected in Spring 2019 and loan execution is expected Summer 2019.

Frank Dawson, DEP, presented to the WQAG about the stormwater management pilot project (SMP) at Olney Elementary School (OES). DEP built 1 rain garden and 2 bioretention facilities at OES and treated 2.62 acres of pavement. The OES SMP cost $500,000 to launch. SMP maintenance will most likely cost an estimated $1,300-$1,500 per year. Maintenance for the SMP will be performed by the OES and shared with Montgomery County. OES will most likely manage aesthetic maintenance and Montgomery County would manage structural maintenance.
December 2018

Frank Dawson explained the rationale for requiring 10 of the existing DEP projects in the DBM (this was required by Council resolution) and noted there are two contracts – one for Design/Build and the other for Maintenance.

Patty Bubar explained the rationale for the risk sharing model, to make the contract more performance-based and allow for liquidated damages. Also, there is added accountability due to the maintenance requirement. DEP staff explained the contract is for 10 years and then maintenance reverts to whoever has the maintenance agreement (county or property owner). Always new contracts every 3-6 years.

For the update report on the Chesapeake and Atlantic Coastal Bays Trust fund grant, WQAG members suggested the possibility of adding nitrogen and phosphorus numbers to the report and/or adding a little info to give context to the report’s inclusion.

Caitlin Wall reported that the Stormwater Partners are looking forward to the interaction around the new contracting proposal. They like to see dedicated funding for stormwater projects. Public engagement and engagement moving forward is critical.

Paul Billingsley reported on the Washington Suburban Sanitary Commission (WSSC) consent decree for discharges in violation of their national pollutant discharge elimination system (NPDES) permit. In 2015, an agreement was reached to pay a $100,000 fine and dedicate $1M for projects related to streams and sediment. New goal of 50% sediment removal. WSSC made operational changes and will upgrade the plant with several improvements in early 2019. Plan of moving intake further into the Potomac River has been pushed back due to permitting issues. 2026 will be a new permit level. The current permit is expired. Unclear if people know the plan to move the intake has been postponed.
Areas of Focus for the Coming Year

The WQAG will continue to invite speakers and presenters to provide information on topics and issues that can potentially affect water quality. The WQAG is interested in the categories of stormwater, wastewater, and communication. Topics of interest within these categories include (but are not limited to):

• 10-Year Water and Sewer Plan
• Educational Outreach – Other Organizations
• Blue Plains and Seneca Treatment Plants Tours
• Rainscapes update
• Geese and deer management
• Expert panel on water quality benefits on stream restorations
• Community gardening
• Erosion and sediment plan transparency
• Chesapeake Bay total maximum daily load (TMDL), nutrient trading, and growth offsets
• Montgomery County Sustainability Committee report & water related issues
• WSSC discharges from Potomac Filtration Plant and the ensuing litigation
• WSSC drinking water testing for EPA unregulated contaminants
• Quantitative approaches to stormwater management
• New administration priorities for water quality
• Local water quality
• Microcystin issues in County lakes
• One DEP
• Trash issues in County
• MNCPPC topics