



Water Quality Advisory Group

MISSION: 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.

2010-2011 ANNUAL REPORT OF THE WATER QUALITY ADVISORY GROUP TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL

Established by the Water Quality Discharge Law, the Water Quality Advisory Group (WQAG) is required to report once a year to the County Executive and Council on its activities and findings. This report discusses the issues confronted by the WQAG during the past year and summarizes its activities and recommendations during 2010, and planned areas of focus for 2011.

There has been some reorganization of the WQAG this year. First, the leadership of the group transitioned from a single chair, Larry Silverman, to two co-chairs: Carol Henry and Daphne Pee. Furthermore, the WQAG split its focus and organized itself into work groups to address three broad subject areas: (1) Development and Environmental Site Design, (2) Pollution Reduction, and (3) Emerging Issues. There was also some turnover in the group this year. Several members' terms expired and others left for personal reasons. Although several new members have joined, there is still a need for additional members, particularly from the business community. WQAG members have made various efforts to contact people in the County to solicit membership for these vacancies.

In addressing the issues of water quality in 2010, the WQAG relied on the expertise of its members, as well as consulting subject-matter experts, staff, and department representatives to present information and options on the broad areas identified as 2010 priorities. Work groups had frequent conference calls in between the monthly meetings of the WQAG to further explore these subject areas and bring preliminary recommendations to larger group. This consultative process informed the WQAG's deliberations on its 2010 actions and recommendations.

WQAG meetings included presentations organized by the work groups to regularly bringing 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.

Summary of 2010 Activities and Recommendations

1. EPA's TMDL and State Watershed Implementation Plan (WIP)

In December 2010 EPA issued the Draft Bay TMDLs, and Maryland issued the Final State Phase I WIP (developed by MDE, DNR, and MDA) in November 2010. The TMDL and WIP requirements include all pollution source sectors (point and non-point pollution), and thus require considerable action by multiple stakeholders. In order to meet the relevant deadlines, the WQAG supports the DEP lead to convene a formal 'Planning Committee' with representatives



and stakeholders from the County departments, major cities, and private citizens involved in the pollution control programs.

In order to better understand the potential implications of the WIP to Montgomery County, the WQAG has been following the efforts of Anne Arundel County as it undertakes a pilot effort in Phase II WIP implementation. Anne Arundel County anticipates a price tag of \$2.02 billion to address point source, septic, and urban stormwater. This estimate does not include control of non-point source pollution or the staffing capacity needed to implement these capital projects. Moreover, Anne Arundel stated that achieving these goals by the EPA-designated timeframe of 2017 and 2020 will be difficult, and that meeting their local TMDLs will actually be harder to achieve and more costly. While Montgomery County differs from Anne Arundel County in many aspects, **it seems likely that TMDL implementation in Montgomery County will be similarly costly and difficult to accomplish – especially by the 2020 Maryland deadline.**

2. **US DEA Drug Take Back Program in Montgomery County**

On September 25, 2010 the Montgomery County Police Department coordinated with DEA to provide County residents a safe and secure avenue to dispose of unwanted and/or outdated prescriptions and pharmaceuticals. The WQAG enthusiastically supported this program, since it reduces the potential for these pollutants to enter the water. This is an emerging water quality concern in the County. While other sources of pharmaceuticals in water also need to be addressed, as well as improved technologies for removing them once they are in, these Drug Take Back events provide an important contribution. **WQAG recommends continued County participation and support of these events.** *[The WQAG sent a letter to the County Executive in January, 2011 formally making that recommendation.]* In addition, we are also pursuing ways to enhance how County residents are informed about these emerging water quality issues.

3. **Environmental Site Design (ESD) and Montgomery County's Municipal Separate Storm Sewer System (MS4) Permit**

ESD is a suite of technologies designed to minimize and mitigate stormwater pollution from buildings and other developed surfaces in urbanized areas. In recognition of the County's MS4 Permit requirements and the statewide Stormwater Management Act of 2007—which mandates that ESD be implemented to the maximum extent practicable—DEP led an interagency group to review our local planning, zoning, and other codes that would impede this implementation. The WQAG recommends that the Executive and Committee fully support recommendations from the final report on this effort, as there may be several institutional barriers to the full implementation of ESD. The effectiveness of ESD code revisions will be reflected in the quality of our drinking water, the integrity of aquatic ecosystems, and the reduction of future flood damages. Montgomery County is the first jurisdiction in Maryland to undertake comprehensive ESD code changes, and our goal is to advocate that ESD is implemented to the maximum extent practicable.



4. **Anacostia Watershed Restoration**

The Anacostia River and its surrounding watershed are an important part of our local ecosystem, which is currently threatened by several pollutant and stormwater problems. In fact, 34% of the Anacostia Watershed lies within Montgomery County. In conjunction with several representatives of the US Congress, the US Army Corps of Engineers, and the Anacostia Watershed Restoration Partnership, a watershed restoration plan has been developed. Given the importance of this watershed to Montgomery County water resources, the **WQAG recommends that the County maximize County funds to leverage federal funding in support of the Anacostia restoration, and to advocate for local Congressional delegation support of such funding.** *[The WQAG sent a letter to the County Executive in January, 2011 formally making that recommendation.]*

5. **Funding for Water Resource Programs and Activities in Montgomery County**

We understand the difficult economic times the County and all of us are experiencing. Our primary concern as a Water Quality Advisory Group is the ability of the County to meet its obligations under the new Stormwater Permit. The permit imposes large, new, and legally binding obligations on the County. DEP is one of the critical agencies for meeting those obligations. Meeting these obligations will be extremely difficult in any case, and budget cuts at this time will likely lead to non-compliance and result in costs to the County far in excess of the budget under consideration. **It is our duty to report to you that however dire the general budget situation is today, it will likely become even worse if the County fails in meeting its permit responsibilities because of budget cuts.**

Priority Topics for 2011

The WQAG continues to monitor activities and to advocate for programs and requirements that protect water quality in Montgomery County. As part of that ongoing effort, the WQAG and its three work groups expect to address the following issues in 2011.

1) Development and Environmental Site Design

The Development & ESD subcommittee will examine the ESD public outreach effort and continue to follow the ESD code implementation process. We will also organize a tour of local development projects that utilize ESD and look at different technologies, their impact on water quality, cost-effectiveness, and ancillary environmental and economic benefits.

2) Pollution Reduction

We plan to monitor the implementation of Maryland's Phase II WIP and assess its implications for Montgomery County's stormwater, wastewater, and source water programs. This would include evaluating what the potential cost of meeting the County's current stormwater permit requirements as well as what additional measures may be required in order to implement the WIP locally.



3) Emerging Issues

We will continue to monitor the issues of contaminants entering our waters and exploring what tools and knowledge can be shared to better inform residents about these water quality issues. We will explore other innovative approaches that may be beneficial for improving water quality, such as the Green Area Ratio, which incorporates a standard of environmental sustainability into development with landscaping and stormwater management. We will also work with other Boards and Commissions to address issues that also have water quality implications, in particular various sustainability initiatives within the County.

Another area of focus in 2011 that has cross-cutting implications is the issue of **Adequacy of Funding for Water Quality Protection**. The County will have to develop budgets in these difficult financial times; and consistent with its charge, the WQAG expects to continue to monitor funding for DEP's programs, as well as funding in other programs that also protect water quality in Montgomery County, such as those within MC-NCPPC and WSSC; and to draw attention to changes in funding that could most adversely impact water quality in the County.

As the WQAG continues its activities in 2011, we will continue to assess topics that appear to have implications for Montgomery County's water quality; and consistent with our role, to continue to make recommendations to the County Executive and Council on these matters.

Thank you for the opportunity to present this report.

Respectfully submitted,

WATER QUALITY ADVISORY GROUP

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