



Environmental Protection

APPROVED FY20 BUDGET

\$31,950,532

FULL TIME EQUIVALENTS

109.87

 **ADAM ORTIZ, DIRECTOR**

MISSION STATEMENT

The mission of the Department of Environmental Protection (DEP) is to enhance the quality of life in our community by protecting and improving Montgomery County's air, water, and land in a sustainable way while fostering smart growth, a thriving economy, and healthy communities.

BUDGET OVERVIEW

The total approved FY20 Operating Budget for the Department of Environmental Protection is \$31,950,532, an increase of \$1,242,167 or 4.05 percent from the FY19 Approved Budget of \$30,708,365. Personnel Costs comprise 37.63 percent of the budget for 92 full-time position(s) and one part-time position(s), and a total of 109.87 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 62.37 percent of the FY20 budget.

The debt service for the Water Quality Protection Fund is appropriated in the Debt Service Fund and is, therefore, not displayed in this section. To pay for the debt service, a transfer of funds from the Water Quality Protection Fund to the Debt Service Fund of \$6,148,600 for Water Quality Protection bonds is required in FY19.

In addition, this department's Capital Improvements Program (CIP) requires Current Revenue funding.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following are emphasized:

-  **A Greener County**
-  **Effective, Sustainable Government**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY19 estimates reflect funding based on the FY19 Approved Budget. The FY20 and FY21 figures are performance targets based on the FY20 Approved Budget and funding for comparable service levels in FY21.

INITIATIVES

- ★ Identify opportunities for enhanced coordination between the Department of Environmental Protection, the Department of Transportation, the Department of General Services, the Department of Permitting Services, Montgomery County Public Schools, municipalities, and the Maryland-National Capital Park and Planning Commission to integrate activities and requirements in preparation for the next National Pollutant Discharge Elimination Municipal Separate Storm Sewer System (MS4) permit that will be issued to the County in 2019.
- ★ DEP, along with the Department of Health and Human Services and a variety of community service providers, are developing an "energy coach" network to connect County residents and businesses with resources related to energy efficiency and energy assistance.
- ★ Establish partnerships with the Latin American Youth Council and the Conservation Corps to have youth assist DEP with the maintenance of green infrastructure and the dissemination of information about energy saving initiatives.

ACCOMPLISHMENTS

- ☑ Successfully met the requirements of the Consent Decree and the 2010 MS4 permit, in Calendar Year 2018 by completing the impervious surface restoration requirement and implementing and identifying stormwater management controls for an additional 3,781 acres.
- ☑ Fulfilled the Supplemental Environmental Project requirement of the Consent Decree in Calendar Year 18 by completing the construction of two bioretention practices and one rain garden at Olney Elementary School. A celebration of this accomplishment was held on site with the County Executive, students, teachers, PTA representatives, Maryland Department of the Environment, local watershed groups, and parents.
- ☑ During FY18, the County's Commercial Property Assessed Clean Energy (C-PACE) Financing program accepted an additional ten projects, resulting in the implementation of more than \$6 million in privately funded improvements to commercial buildings.
- ☑ Continued planting trees through Tree Montgomery utilizing funds provided by the Tree Canopy Law. The total number of shade trees planted through the program is more than 2,200, earning over 7 acres of impervious area restored under the MS4 permit.
- ☑ Responded to over 1,800 environmental complaints and requests related to air, water quality, illegal dumping, noise, and other environmental compliance issues in FY18.
- ☑ As part of the multi-agency Montgomery County Climate Mobilization Workgroup, submitted a comprehensive report outlining 100+ measures to move the County toward decarbonization by 2035, a goal established by the County Council through a December 2017 resolution.
- ☑ Since 2016, DEP's Residential Energy Program has engaged more than 20,000 residents at over 250 events about ways to reduce their energy use and save money. Events have been held at congregations, libraries, senior centers, schools, and Manna food distribution sites in an effort to reach a wide variety of residents. In addition to discussions about ways to save energy, activities have included swapping inefficient incandescent light bulbs for energy saving LEDs, and helping residents sign up for Quick Home Energy Checkups from their electric utility.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ★ Enhanced partnerships with other County agencies, State agencies, and utilities to include restoration credit in the County's MS4 permit that was delivered by other agencies.

- ★ DEP is automating the assignment of preventative maintenance and inspection schedules for over 16,000 stormwater management assets. Preventative maintenance schedules will be assigned based on geographic location and property lines which will lead to increased efficiencies in completing preventative maintenance inspections required by the MS4 permit.
- ★ Modified the bag tax reporting database by adding a linkage with the State Business Licensing database. This connection will give DEP and Finance a better mechanism to identify the potential vendors that are not reporting.
- ★ Developed the Tree Montgomery database to manage all aspects of the Tree Montgomery program, including tracking customer applications, providing planting locations and tree species to the planting contractor, and coordinating after-care service.
- ★ As of January 2018, DEP's Stormwater Facility Maintenance Program continues to conduct a triennial maintenance and inspection program of underground facilities as required by State and local law and the MS4 NPDES permit. The results of previously conducted annual inspections determined that they were no longer necessary.

PROGRAM CONTACTS

Contact Patty Bubar of the Department of Environmental Protection at 240.777.7786 or Trevor Lobaugh of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

★ Watershed Management Operations

The Watershed Management Operations Division manages, inspects, and ensures the operational effectiveness of over 16,000 stormwater management facilities, and is also responsible for the structural maintenance of over 5,000 of these facilities.

The Watershed Management Operations Division supports watershed-based monitoring, planning, policy development, and reporting to achieve County stream protection goals (Montgomery County Code Chapter 19, Article IV) and comply with the federal Clean Water Act NPDES Municipal Separate Storm Sewer System (MS4) permit. Program staff conducts baseline stream monitoring, storm drain discharge monitoring, and public outreach activities that increase awareness and promote citizen involvement in stream stewardship. The program also assesses land development impacts on water resources and the effectiveness of best management practices that mitigate those impacts within the County's designated "Special Protection Areas."

Revenue for this program is generated by the Water Quality Protection Charge, applied to all residential and non-residential properties except for those owned by the State and County government and those in the cities of Gaithersburg, Rockville, and Takoma Park.

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Amount of total nitrogen loads reduced or controlled (pounds / year) ¹	19,414	22,117	23,978	25,840	27,701
Amount of total phosphorus loads reduced or controlled (pounds / year) ²	8,541	11,547	13,047	14,548	16,048
County watershed stream quality Index of Biological Integrity (IBI) score	60.4	62.4	63.1	63.9	64.7
Stormwater facility maintenance compliance rate	79%	87%	89%	89%	89%

¹ This measure has been modified to prepare to align with a new model based on guidance from the Maryland Department of the Environment to be consistent with other jurisdictions.

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FY20 Approved Changes	Expenditures	FTEs
FY19 Approved	27,878,765	91.47
Increase Cost: M-NCPPC WQPF Allocation Increase	89,364	0.00
Increase Cost: Add Accountant III Position	74,269	1.00
Increase Cost: Increase in Agriculture Chargeback	36,187	0.00
Increase Cost: Add Part-time Planning Technician Position to Digitize Stormwater Facility Information	29,784	0.50
Increase Cost: Increased Cost for DOT Storm Drains Chargeback	18,339	0.00
Decrease Cost: Reduced Cost for Property Tax Billing Chargeback	(1,980)	0.00
Shift: Annualization of ESRI Enterprise Agreement - Shift to DTS	(17,800)	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	652,759	0.20
FY20 Approved	28,759,687	93.17

Environmental Policy and Compliance

The Division of Environmental Policy and Compliance develops and implements integrated programs which protect and enhance the County's environmental resources and promote sustainable practices by residents, businesses, and the County government. The division analyzes, develops, and implements programs related to air quality, energy conservation and renewable energy, forest and tree resources, and other sustainability issues. The division also helps formulate and enforce County laws and regulations related to air and water pollution, illegal dumping, noise control, pesticides, and other environmental issues. Finally, the division is responsible for environmental monitoring of the County's solid waste facilities; coordination of responses on all legislative referrals at the local, state, and federal levels; and participation on local and regional task forces, committees, and various advisory groups.

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Average number of days to resolve incoming complaints	30	36	36	36	36
Percent of customers who rated themselves as satisfied with DEP response to environmental complaints	67%	75%	70%	70%	70%

FY20 Approved Changes	Expenditures	FTEs
FY19 Approved	2,044,277	11.44
Shift: Shift Champion Trees Publication from Department of Agriculture	5,000	0.00
Decrease Cost: Lapse of Project Manager II, Data and Analysis Position	(42,749)	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	110,357	0.00
FY20 Approved	2,116,885	11.44

Administration

The Office of the Director provides leadership on policy development, implementation, and administration for all departmental programs and management services. The Director's Office is also responsible for planning, development, and administration of water supply and wastewater policies for the County, as well as development of the State-required Montgomery County Comprehensive Water Supply and Sewerage System Plan, in order to ensure that the County's management of water and wastewater protects public health and the environment. The Director's Office generates the Water Quality Protection Charge

revenue and rate, and manages integration of the Water Quality Protection Charge funds, bond issuance funds, and other County funds with program and permit requirements. The Director's Office provides IT support, including geographical information systems and services, procurement, budget, human resources, and other management services to implement capital and non-capital programs.

FY20 Approved Changes	Expenditures	FTEs
FY19 Approved	785,323	5.06
Shift: Shift Management of Conservation Corps Contract from HHS to DEP to Support Non-Water Quality Related Costs	287,087	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	1,550	0.20
FY20 Approved	1,073,960	5.26

BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Approved FY20	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	1,366,547	1,499,769	1,174,060	1,584,064	5.6 %
Employee Benefits	458,413	521,215	411,650	505,077	-3.1 %
County General Fund Personnel Costs	1,824,960	2,020,984	1,585,710	2,089,141	3.4 %
Operating Expenses	275,795	741,917	776,534	1,035,004	39.5 %
County General Fund Expenditures	2,100,755	2,762,901	2,362,244	3,124,145	13.1 %
PERSONNEL					
Full-Time	46	46	46	46	—
Part-Time	0	0	0	0	—
FTEs	16.50	16.50	16.50	16.70	1.2 %
REVENUES					
Other Charges/Fees	25,300	40,400	40,400	60,400	49.5 %
Other Fines/Forfeitures	21,375	10,000	10,000	15,000	50.0 %
Other Licenses/Permits	13,050	9,000	10,000	10,000	11.1 %
Tree Canopy	819,250	500,000	500,000	500,000	—
County General Fund Revenues	878,975	559,400	560,400	585,400	4.6 %

WATER QUALITY PROTECTION FUND

EXPENDITURES					
Salaries and Wages	6,628,578	7,212,255	6,428,727	7,476,220	3.7 %
Employee Benefits	1,995,137	2,328,123	2,009,841	2,456,943	5.5 %
Water Quality Protection Fund Personnel Costs	8,623,715	9,540,378	8,438,568	9,933,163	4.1 %
Operating Expenses	16,512,249	18,405,086	17,065,431	18,893,224	2.7 %
Capital Outlay	21,134	0	0	0	—
Water Quality Protection Fund Expenditures	25,157,098	27,945,464	25,503,999	28,826,387	3.2 %

BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Approved FY20	%Chg Bud/App
PERSONNEL					
Full-Time	53	45	45	46	2.2 %
Part-Time	0	0	0	1	—
FTEs	91.47	91.47	91.47	93.17	1.9 %
REVENUES					
Bag Tax	2,574,126	2,471,921	2,471,921	2,471,921	—
Investment Income	444,772	333,980	876,880	934,070	179.7 %
Other Charges/Fees	97,920	50,000	200,000	50,000	—
Water Quality Protection Charge	37,811,709	37,415,935	37,415,935	37,515,190	0.3 %
Water Quality Protection Fund Revenues	40,928,527	40,271,836	40,964,736	40,971,181	1.7 %
DEPARTMENT TOTALS					
Total Expenditures	27,257,853	30,708,365	27,866,243	31,950,532	4.0 %
Total Full-Time Positions	99	91	91	92	1.1 %
Total Part-Time Positions	0	0	0	1	—
Total FTEs	107.97	107.97	107.97	109.87	1.8 %
Total Revenues	41,807,502	40,831,236	41,525,136	41,556,581	1.8 %

FY20 APPROVED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
	FY19 ORIGINAL APPROPRIATION	2,762,901 16.50
Other Adjustments (with no service impacts)		
Shift: Shift Management of Conservation Corps Contract from HHS to DEP to Support Non-Water Quality Related Costs [Administration]	287,087	0.00
Increase Cost: Restore One-Time Lapse Increase	80,172	0.00
Increase Cost: FY20 Compensation Adjustment	54,151	0.00
Technical Adj: Reflect Prior Addition of Public Services Intern Position	6,948	0.20
Shift: Shift Champion Trees Publication from Department of Agriculture [Environmental Policy and Compliance]	5,000	0.00
Increase Cost: Motor Pool Adjustment	1,000	0.00
Increase Cost: Retirement Adjustment	364	0.00
Decrease Cost: Annualization of FY19 Personnel Costs	(30,729)	0.00
Decrease Cost: Lapse of Project Manager II, Data and Analysis Position [Environmental Policy and Compliance]	(42,749)	0.00
	FY20 APPROVED	3,124,145 16.70
WATER QUALITY PROTECTION FUND		
	FY19 ORIGINAL APPROPRIATION	27,945,464 91.47

FY20 APPROVED CHANGES

	Expenditures	FTEs
Other Adjustments (with no service impacts)		
Shift: Shift Management of Conservation Corps Contract from HHS to DEP to Support Green Infrastructure Maintenance and Outreach	287,089	0.00
Increase Cost: FY20 Compensation Adjustment	175,116	0.00
Increase Cost: M-NCPPC WQPF Allocation Increase [Watershed Management Operations]	89,364	0.00
Increase Cost: Annualization of FY19 Personnel Costs	88,614	0.00
Increase Cost: Add Accountant III Position [Watershed Management Operations]	74,269	1.00
Increase Cost: Increase in Agriculture Chargeback [Watershed Management Operations]	36,187	0.00
Increase Cost: Increased Payments to Municipalities for Stormwater Pollution Control Services	36,000	0.00
Increase Cost: Building Rent Escalation	34,070	0.00
Increase Cost: Add Part-time Planning Technician Position to Digitize Stormwater Facility Information [Watershed Management Operations]	29,784	0.50
Increase Cost: Increased Cost for DOT Storm Drains Chargeback [Watershed Management Operations]	18,339	0.00
Increase Cost: Motor Pool Adjustment	17,557	0.00
Increase Cost: Retirement Adjustment	7,366	0.00
Technical Adj: Reflect Prior Addition of Public Services Intern Position	6,948	0.20
Decrease Cost: Reduced Cost for Property Tax Billing Chargeback [Watershed Management Operations]	(1,980)	0.00
Shift: Annualization of ESRI Enterprise Agreement - Shift to DTS [Watershed Management Operations]	(17,800)	0.00
FY20 APPROVED	28,826,387	93.17

PROGRAM SUMMARY

Program Name	FY19 APPR Expenditures	FY19 APPR FTEs	FY20 APPR Expenditures	FY20 APPR FTEs
Watershed Management Operations	27,878,765	91.47	28,759,687	93.17
Environmental Policy and Compliance	2,044,277	11.44	2,116,885	11.44
Administration	785,323	5.06	1,073,960	5.26
Total	30,708,365	107.97	31,950,532	109.87

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY19 Total\$	FY19 FTEs	FY20 Total\$	FY20 FTEs
WATER QUALITY PROTECTION FUND					
CIP	Capital Fund	2,552,445	19.20	2,580,971	19.20

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
COUNTY GENERAL FUND						

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
EXPENDITURES						
FY20 Approved	3,124	3,124	3,124	3,124	3,124	3,124
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	19	19	19	19	19
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	3,124	3,143	3,143	3,143	3,143	3,143
WATER QUALITY PROTECTION FUND						
EXPENDITURES						
FY20 Approved	28,826	28,826	28,826	28,826	28,826	28,826
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Approved in FY20	0	33	33	33	33	33
New positions in the FY20 budget are generally assumed to be filled at least two months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
Building Lease Operating Budget Impacts	0	(550)	(733)	(733)	(733)	(733)
Reduction of lease costs in FY21 - FY24 to reflect move to Wheaton in Fall 2020						
Increased Payments to Municipalities for Stormwater Pollution Control Services	0	16	33	52	72	94
Increased Payments to Municipalities for Stormwater Pollution Control Services						
Maintenance of New and Newly Transferred Facilities	0	114	780	821	696	696
Wheaton Redevelopment Project Operating Budget Impacts	0	1,266	1,266	1,266	1,266	1,266
These figures represent the total impact (debt service and operating expenses net of lease savings) of the Wheaton Redevelopment project on the Water Quality Protection Fund.						
Labor Contracts	0	65	65	65	65	65
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Operating Budget Impacts of CIP Projects	0	20	5	35	50	50
These figures represent the Operating Budget Impacts of Stormwater Management Projects in the FY19-24 CIP.						
Subtotal Expenditures	28,826	29,790	30,275	30,365	30,275	30,297

ANNUALIZATION OF PERSONNEL COSTS AND FTES

	FY20 Approved		FY21 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Add Accountant III Position	74,269	1.00	98,525	1.00
Add Part-time Planning Technician Position to Digitize Stormwater Facility Information	29,784	0.50	38,988	0.50
Total	104,053	1.50	137,513	1.50