



Environmental Protection

APPROVED FY21 BUDGET

\$32,756,760

FULL TIME EQUIVALENTS

108.40

 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 FY21 Operating Budget for the Department of Environmental Protection is \$32,756,760, an increase of \$806,228 or 2.52 percent from the FY20 Approved Budget of \$31,950,532. Personnel Costs comprise 35.99 percent of the budget for 92 full-time position(s) and one part-time position(s), and a total of 108.40 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 64.01 percent of the FY21 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 \$9,202,649 for Water Quality Protection bonds is required in FY21.



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**

INITIATIVES

-  Increase funding from the Tree Canopy Fund to allow an additional 550 trees to be planted on private property through the Tree Montgomery Program. This initiative allows for credit under the MS4 permit as well as helps address issues related to adapting to climate change impacts.
-  DEP, in collaboration with the Arts and Humanities Council of Montgomery County (AHCMC), sponsored three mini grants for County artists to develop temporary artworks that engage the community around the issue of climate change. The effort

shows an intersection of climate science, civic art practice, equity, community engagement and sustainable behavior.

- ★ Add funding for outreach with retailers regarding the County's pesticide law, which restricts what kinds of pesticides may be used in the County.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ★ Successfully reorganized the Department of Environmental Protection (DEP) with a focus on operational efficiency. This includes integrating all watershed management functions within DEP into the Watershed Restoration Division, centrally managing enterprise functions such as procurement, IT and budget, and reorienting the focus of the previous Solid Waste Division to be focused on movement towards zero waste.
- ★ Developed a Geographic Information System (GIS) Suitability Model to create science-based geographic targeting maps for implementing stormwater management best management practices (BMPs) and other DEP programs. These targeting maps will guide the County's efforts to meet future MS4 permit requirements, achieve biological uplift, ensure project longevity, and address environmental justice issues.
- ★ Re-developed the Tree Montgomery database to manage all aspects of the Tree Montgomery Program, including customer applications, planting locations and tree species, ordering with the planting contractor, inspections and invoicing, and coordinating after-care services. The total number of trees planted through the program increased significantly by mid-year, earning impervious area restoration credits under the MS4 permit.
- ★ Relocate Department of Environmental Protection offices to Wheaton as part of a Countywide initiative to centralize government services to support business growth and development. This move was planned as part of the Wheaton Redevelopment Program, which will encourage private reinvestment in Wheaton through targeted, complementary public investment.

PROGRAM CONTACTS

Contact Patrice Bubar of the Department of Environmental Protection at 240.777.7786 or Richard H. Harris of the Office of Management and Budget at 240.777.2795 for more information regarding this department's operating budget.

PROGRAM 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 FY20 estimates reflect funding based on the FY20 Approved Budget. The FY21 and FY22 figures are performance targets based on the FY21 Approved Budget and funding for comparable service levels in FY22.

PROGRAM DESCRIPTIONS

★ Administration

The Office of the Director provides for overall management of departmental programs to ensure safe and efficient operations, including contract administration management for the department, continuity of operations, and oversight of operational programs at the County's waste management facilities (including the Transfer Station and Resource Recovery Facility). The Director's Office manages the revenue from the Water Quality Protection Charge, which funds many environmental programs around the

County. The Director's Office also oversees the development of the fee for services charges to County residents related to recycling and trash collection services.

The Office provides strategic direction and support on IT systems and infrastructure for departmental operations and programs, oversees the human resources and human capital programs for the department, and manages other supporting functions such as fleet vehicles. The Office provides for management of partnerships with multiple county departments with which DEP cooperates, including DPS, DOT, and DGS, as well as external groups including faith-based institutions, MNCPCP and WSSC. The Office develops water and wastewater policies and updates the County's comprehensive water and sewer plan.

FY21 Approved Changes	Expenditures	FTEs
FY20 Approved	1,073,960	5.26
Increase Cost: IT Equipment for Wheaton Building	12,888	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.	146,779	1.59
FY21 Approved	1,233,627	6.85

Energy, Climate and Compliance

The Energy, Climate and Compliance Division enforces County laws and regulations related to air and water pollution, illegal dumping, noise control, pesticides and other environmental laws. The division implements programs that educate and assist County residents with ensuring their properties are energy efficient. These programs include extensive outreach and assistance with understanding tools and financing available to increase energy efficiency. The Division is responsible for oversight and implementation of the Benchmarking Law which requires certain commercial property owners to benchmark the energy efficiency of their properties and report that to the County. The Division develops programs that will assist with reducing greenhouse gas emissions in the County, including support to the working groups for clean energy and building efficiency, created as part of the initiative to develop a Climate Action and Resiliency Plan. It also oversees programs that provide financial support to property owners to improve energy efficiency such as PACE and the Green Bank, and manages the Green Business Certification Program which recognizes businesses that adapt practices that enhance sustainability.

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Number of outreach impressions to educate residents on Energy Efficiency and Renewable Energy	7,872	8,283	9,000	9,500	10,000
Percent of commercial buildings in compliance with the building benchmarking law ¹	N/A	N/A	85%	95%	95%
Average days to close environmental cases	31	27	30	30	30
Percent of customers rating themselves as satisfied with DEP's response to environmental complaints	75%	84%	80%	80%	80%

¹ CY18 data are still being submitted, and CY19 data is not yet available. CY17 is County buildings = 50,000 sf + private buildings = 50,000 sf (58%). The total number of buildings required to comply is uncertain due to inaccurate/conflicting data sources. Figures for buildings in compliance include buildings filing exemptions/waivers as authorized under the law.

FY21 Approved Changes	Expenditures	FTEs
FY20 Approved	2,116,885	11.44
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program	(66,700)	0.00
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program	(500,000)	0.00
Environmental Protection	<i>Environment</i>	66-3

FY21 Approved Changes	Expenditures	FTEs
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(175,281)	(2.00)
FY21 Approved	1,374,904	9.44

Watershed Restoration

The Watershed Restoration Division leads the County's efforts to improve stream health and water quality through the targeted planning, design, construction, inspection and maintenance of best management practices (BMP) built to manage stormwater runoff. The Watershed Restoration Division supports watershed-based monitoring 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. 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 BMPs that mitigate those impacts within the County's designated "Special Protection Areas". The Division implements programs to extend stewardship and BMPs beyond streams and facilities by targeting private property owners. These programs include Tree Montgomery (Chapter 55, Article 3), RainScapes, and pet waste. The Division oversees the carry out bag tax program, which helps address issues with litter in streams.

The Watershed Restoration Division successfully implements these programs through extensive partnerships with the Maryland Department of Natural Resources, Maryland Department of the Environment, Maryland Department of Agriculture, Montgomery County Public Schools, Montgomery County Departments of Transportation and General Services, Maryland National Capital Park and Planning Commission, the Towns of Chevy Chase, Kensington, Somerset and Poolesville, and the Villages of Chevy Chase and Friendship Heights, watershed organizations, home-owner associations, businesses, and private property owners. The long-term goal is to protect and improve water resources for Montgomery County residents and the Chesapeake Bay.

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. Revenue from the carry out bag tax is also provided to support these programs.

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Pounds of sediment reduced (thousands) ¹	N/A	532	984	1,830	2,212
Pounds of nitrogen reduced ²	N/A	463	1,274	2,170	3,000
Percent of stormwater management triennial inspections completed ³	95%	64%	95%	95%	95%
Percent of stormwater management facility maintenance work orders completed	93%	82%	99%	100%	100%

¹ FY19 shows the beginning of an anticipated new MS4 Permit requirement for nitrogen reduction. Past performance data no available as this is a new permit requirement. MDE does not anticipate issuing a permit until Summer 2020. However, DEP continues to implement restoration projects based on the approved CIP budget. These projects will contribute to the success of the new permit when it is issued.

² FY19 shows the beginning of an anticipated new MS4 Permit requirement for nitrogen reduction. Past performance data no available as this is a new permit requirement. MDE does not anticipate issuing a permit until Summer 2020. However, DEP continues to implement restoration projects based on the approved CIP budget. These projects will contribute to the success of the new permit when it is issued.

³ Does not include triennial inspections of BMPs on Single Family Residential (SFR) properties, which are covered under a separate inspection program.

FY21 Approved Changes	Expenditures	FTEs
FY20 Approved	28,759,687	93.17
Increase Cost: Wheaton Redevelopment Project Operating Budget Impacts	537,343	0.00
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program	500,000	0.00
Enhance: Additional Tree Planting Funded Through the Tree Montgomery Program (Tree Canopy Fund)	250,000	0.00
Increase Cost: Council Action: Increase Funds for Maryland-National Capital Park and Planning Commission	175,523	0.00
Increase Cost: Watershed Monitoring	151,350	0.00
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program	66,700	0.00
Increase Cost: IT Equipment for Wheaton Building	26,588	0.00
Increase Cost: Storm Drain Maintenance	25,506	0.00
Add: Outreach to Retailers for County Pesticide Law	4,000	0.00
Technical Adj: Property Tax Billing Chargeback from Finance	(9,920)	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.	(338,548)	(1.06)
FY21 Approved	30,148,229	92.11

BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Approved FY21	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	1,178,617	1,584,064	1,379,229	1,599,669	1.0 %
Employee Benefits	411,191	505,077	434,368	467,472	-7.5 %
County General Fund Personnel Costs	1,589,808	2,089,141	1,813,597	2,067,141	-1.1 %
Operating Expenses	756,243	1,035,004	1,185,924	1,291,390	24.8 %
County General Fund Expenditures	2,346,051	3,124,145	2,999,521	3,358,531	7.5 %
PERSONNEL					
Full-Time	46	46	46	46	—
Part-Time	0	0	0	0	—
FTEs	16.50	16.70	16.70	16.29	-2.5 %
REVENUES					
Other Charges/Fees	3,137	60,400	60,400	60,400	—
Other Fines/Forfeitures	15,900	15,000	15,000	15,000	—
Other Licenses/Permits	20,025	10,000	20,000	20,000	100.0 %
Tree Canopy	847,000	500,000	500,000	750,000	50.0 %
County General Fund Revenues	886,062	585,400	595,400	845,400	44.4 %
WATER QUALITY PROTECTION FUND					
EXPENDITURES					
Salaries and Wages	6,533,355	7,476,220	6,849,821	7,405,384	-1.0 %

BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Approved FY21	%Chg Bud/App
Employee Benefits	1,925,643	2,456,943	2,255,011	2,316,419	-5.7 %
Water Quality Protection Fund Personnel Costs	8,458,998	9,933,163	9,104,832	9,721,803	-2.1 %
Operating Expenses	16,920,414	18,893,224	18,804,724	19,676,426	4.2 %
Water Quality Protection Fund Expenditures	25,379,412	28,826,387	27,909,556	29,398,229	2.0 %
PERSONNEL					
Full-Time	45	46	46	46	—
Part-Time	0	1	1	1	—
FTEs	91.47	93.17	93.17	92.11	-1.1 %
REVENUES					
Bag Tax	2,566,990	2,471,921	2,471,921	2,500,000	1.1 %
Investment Income	808,871	934,070	934,070	750,000	-19.7 %
Other Charges/Fees	391,310	50,000	50,000	47,500	-5.0 %
Water Quality Protection Charge	38,307,412	37,515,190	37,767,816	38,993,180	3.9 %
Water Quality Protection Fund Revenues	42,074,583	40,971,181	41,223,807	42,290,680	3.2 %
DEPARTMENT TOTALS					
Total Expenditures	27,725,463	31,950,532	30,909,077	32,756,760	2.5 %
Total Full-Time Positions	91	92	92	92	—
Total Part-Time Positions	0	1	1	1	—
Total FTEs	107.97	109.87	109.87	108.40	-1.3 %
Total Revenues	42,960,645	41,556,581	41,819,207	43,136,080	3.8 %

FY21 APPROVED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
	FY20 ORIGINAL APPROPRIATION	3,124,145 16.70
<u>Changes (with service impacts)</u>		
Enhance: Additional Tree Planting Funded Through the Tree Montgomery Program (Tree Canopy Fund) [Watershed Restoration]	250,000	0.00
Add: Outreach to Retailers for County Pesticide Law [Watershed Restoration]	4,000	0.00
<u>Other Adjustments (with no service impacts)</u>		
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program [Watershed Restoration]	500,000	0.00
Increase Cost: FY21 Compensation Adjustment	33,308	0.00
Increase Cost: Annualization of FY20 Compensation Increases	19,427	0.00
Increase Cost: IT Equipment for Wheaton Building [Administration]	12,888	0.00
Increase Cost: MLS Pay for Performance (Increase to Base Pay)	4,810	0.00
Increase Cost: Print and Mail Adjustment	365	0.00

FY21 APPROVED CHANGES

	Expenditures	FTEs
Decrease Cost: Motor Pool Adjustment	(10,867)	0.00
Decrease Cost: Annualization of FY20 Personnel Costs	(12,888)	(0.41)
Decrease Cost: Retirement Adjustment	(29,918)	0.00
Decrease Cost: Council Compensation Adjustment	(36,739)	0.00
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program [Energy, Climate and Compliance]	(500,000)	0.00
FY21 APPROVED	3,358,531	16.29

WATER QUALITY PROTECTION FUND

	FY20 ORIGINAL APPROPRIATION	28,826,387	93.17
<u>Other Adjustments (with no service impacts)</u>			
Increase Cost: Wheaton Redevelopment Project Operating Budget Impacts [Watershed Restoration]	537,343	0.00	
Increase Cost: Council Action: Increase Funds for Maryland-National Capital Park and Planning Commission [Watershed Restoration]	175,523	0.00	
Increase Cost: Watershed Montintoring [Watershed Restoration]	151,350	0.00	
Increase Cost: FY21 Compensation Adjustment	125,961	0.00	
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program [Watershed Restoration]	66,700	0.00	
Increase Cost: Annualization of FY20 Compensation Increases	65,168	0.00	
Increase Cost: Annualization of FY20 Lapsed Positions	33,460	0.00	
Increase Cost: IT Equipment for Wheaton Building [Watershed Restoration]	26,588	0.00	
Increase Cost: Storm Drain Maintenance [Watershed Restoration]	25,506	0.00	
Increase Cost: MLS Pay for Performance (Increase to Base Pay)	9,099	0.00	
Decrease Cost: Print and Mail Adjustment	(4,249)	0.00	
Technical Adj: Property Tax Billing Chargeback from Finance [Watershed Restoration]	(9,920)	0.00	
Shift: Move Tree Montgomery Program from Energy, Climate, and Compliance program to Watershed Restoration Program [Energy, Climate and Compliance]	(66,700)	0.00	
Decrease Cost: Retirement Adjustment	(68,242)	0.00	
Decrease Cost: Motor Pool Adjustment	(82,653)	0.00	
Decrease Cost: Council Compensation Adjustment	(138,384)	0.00	
Decrease Cost: Annualization of FY20 Personnel Costs	(274,708)	(1.06)	
FY21 APPROVED	29,398,229	92.11	

PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 APPR Expenditures	FY21 APPR FTEs
Administration	1,073,960	5.26	1,233,627	6.85
Energy, Climate and Compliance	2,116,885	11.44	1,374,904	9.44
Watershed Restoration	28,759,687	93.17	30,148,229	92.11

PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 APPR Expenditures	FY21 APPR FTEs
Total	31,950,532	109.87	32,756,760	108.40

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY20 Total\$	FY20 FTEs	FY21 Total\$	FY21 FTEs
WATER QUALITY PROTECTION FUND					
CIP	Capital Fund	2,580,971	19.20	2,494,750	18.35

FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY21	FY22	FY23	FY24	FY25	FY26
COUNTY GENERAL FUND						
EXPENDITURES						
FY21 Approved	3,359	3,359	3,359	3,359	3,359	3,359
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Approved in FY21	0	(17)	(17)	(17)	(17)	(17)
Items recommended for one-time funding in FY21 will be eliminated from the base in the outyears. In FY21, this represents IT equipment for the Wheaton Office Building and outreach related to the County's pesticide law.						
Stormwater Management Retrofit: Countywide (P808726)	0	0	150	150	150	150
Subtotal Expenditures	3,359	3,342	3,492	3,492	3,492	3,492
WATER QUALITY PROTECTION FUND						
EXPENDITURES						
FY21 Approved	29,398	29,398	29,398	29,398	29,398	29,398
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Approved in FY21	0	(27)	(27)	(27)	(27)	(27)
Items recommended for one-time funding in FY21 will be eliminated from the base in the outyears. In FY21, this represents IT equipment for the Wheaton Office Building.						
Building Lease Operating Budget Impacts	0	(733)	(733)	(733)	(733)	(733)
Reduction of lease costs in FY21 - FY25 to reflect move to Wheaton in Fall 2020						
Wheaton Building Operating Costs	0	7	7	7	14	14
Subtotal Expenditures	29,398	28,645	28,645	28,645	28,652	28,652