



Environmental Protection

APPROVED FY23 BUDGET

\$38,559,548

FULL TIME EQUIVALENTS

122.48

 ADRIANA HOCHBERG, ACTING 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 FY23 Operating Budget for the Department of Environmental Protection is \$38,559,548, an increase of \$5,587,574 or 16.95 percent from the FY22 Approved Budget of \$32,971,974. Personnel Costs comprise 34.61 percent of the budget for 121 full-time position(s) and one part-time position(s), and a total of 122.48 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 65.39 percent of the FY23 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

-  Add two positions to address flooding Countywide, including a general flood program manager and a mapping specialist. In addition, amend the CIP to create a new Flood Control Study project to investigate sub-watershed-level flooding solutions.
-  Provide funding and positions to implement a Building Energy Performance Standards program to improve energy efficiency and reduce the greenhouse gas emissions from buildings, one of the largest emitters in the County. This is a cutting edge

initiative on which Montgomery County is leading the way.

- ★ Add funding for climate justice efforts, engaging with minority and low-income communities to collaboratively solve locally-felt environmental problems. Funds are also added for the electrification and resiliency of low- and moderate-income housing.
- ★ Initiate enhanced inspection and maintenance of stream restorations and best management practices (BMPs), required under the newly-issued MS4 Permit.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ★ Enhanced coordination and cooperation between General Services and the Department of Environmental Protection (DEP) to allow for transfer of stormwater management facilities built by DGS to DEP for maintenance in a manner that reflects clear information on the condition of the assets. This allows for improved planning and budgeting to ensure these facilities are inspected and maintained.
- ★ Enhanced use of a social justice tool to guide placement of new stormwater management facilities and structures to address equity and ensure that water quality improvements are installed in an equitable manner.

PROGRAM CONTACTS

Contact Vicky Wan of the Department of Environmental Protection at 240.777.7722 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 FY22 estimates reflect funding based on the FY22 Approved Budget. The FY23 and FY24 figures are performance targets based on the FY23 Approved Budget and funding for comparable service levels in FY24.

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 the department cooperates, including Permitting Services, Transportation, and General Services, as well as external groups including

faith-based institutions, the Maryland National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission. The Office develops water and wastewater policies and updates the County's comprehensive water and sewer plan.

FY23 Approved Changes	Expenditures	FTEs
FY22 Approved	1,313,828	6.85
Add: Support for Digital and Media Outreach Efforts	100,000	0.00
Enhance: Professional Career/Skill Development - WQPF	50,000	0.00
Shift: Reallocation of Positions Based on Actual Work Activities - General Fund	46,140	0.35
Increase Cost: Eight Percent Inflationary Increase to Non-Profit Service Provider Contracts	22,967	0.00
Enhance: Professional Career/Skill Development - General Fund	20,000	0.00
Shift: Reallocation of Positions Based on Actual Work Activities - WQPF	(56,664)	(0.45)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	167,861	2.95
FY23 Approved	1,664,132	9.70

☀ 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 it 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 commercial property owners to improve energy efficiency such as Property-Assessed Clean Energy Financing (PACE) and the Green Bank, and manages the Green Business Certification Program which recognizes businesses that adapt practices to enhance sustainability.

Program Performance Measures	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Percent of commercial buildings in compliance with the building benchmarking law ¹	91%	87%	88%	88%	88%
Average days to close environmental cases	24	28	28	28	28
Percent of customers rating themselves as satisfied with DEP's response to environmental complaints	80%	81%	80%	80%	80%

¹ FY21 data as of Aug 2021, CY 2020 reports are still being received.

FY23 Approved Changes	Expenditures	FTEs
FY22 Approved	1,222,304	8.00
Add: Building Energy Performance Standards Support	1,013,674	4.00
Add: Funding for New Appliance Electrification Incentive Program	1,000,000	0.00
Add: Efficiency & Climate Resiliency Pilot Program for Low- and Moderate-Income Housing	675,000	0.00
Add: Community Justice Academy and Fund	300,000	0.00
Add: Consultant Support for Sustainability Zoning and Code Review and Recommendations	150,000	0.00
Add: Broadscale Climate + Alert Montgomery Communication Campaign	150,000	0.00
Add: High Road Economic Development Implementation	132,749	1.00
Add: Incentives for Electrification of Lawn Care Equipment	100,000	0.00

Environmental Protection

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FY23 Approved Changes	Expenditures	FTEs
Add: Flooding GIS Specialist	86,080	1.00
Add: Residential Energy Program Manager	76,578	1.00
Add: Manager of County Flood Program	76,578	1.00
Add: Position for Natural Climate Solutions	75,782	1.00
Add: Agrivoltaic Technical Assistance	50,000	0.00
Add: Project Equity Worker Coop Implementation	50,000	0.00
Add: Decision Support Tool License	20,000	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.	(152,288)	(2.00)
FY23 Approved	5,026,457	15.00

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 conduct 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; the Villages of Chevy Chase and Friendship Heights; watershed organizations; homeowner 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 FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Pounds of sediment reduced (thousands)	4,386	8,865	9,887	11,494	13,358
Percent of stormwater management triennial inspections completed ¹	100%	94%	90%	95%	100%
Percent of stormwater management facility maintenance work orders completed	91%	82%	89%	90%	100%
Amount of total phosphorus loads reduced or controlled (pounds / year) ²	9,446	12,101	13,089	14,078	15,066

Program Performance Measures	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Percent of the impervious acreage control goal met	100%	100%	100%	100%	100%
Amount of total nitrogen loads reduced or controlled (pounds / year) ³	21,358	24,443	25,880	27,317	28,754

¹ Does not include triennial inspections of BMPs on Single Family Residential (SFR) properties, which are covered under a separate inspection program.

² 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.

³ 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.

FY23 Approved Changes	Expenditures	FTEs
FY22 Approved	30,435,842	95.05
Increase Cost: Increase for M-NCPPC Programs	244,441	0.00
Add: Inspections and Maintenance of Facilities Transferred from General Services	233,000	0.00
Add: Inspections and Maintenance of Stream Restorations for New MS4 Permit Requirements	162,000	0.00
Add: Maintenance of Glenmont GreenStreet	150,000	0.00
Add: Position and Funding for RainScapes Program (Planning Specialist III)	126,578	1.00
Increase Cost: Eight Percent Inflationary Increase to Non-Profit Service Provider Contracts	78,261	0.00
Add: Position for MS4-related Stream Inspections	76,578	1.00
Add: Funding for Senior Engineer (Assigned to the Office of Agriculture)	62,989	1.00
Increase Cost: Watershed Grants	50,000	0.00
Add: Contract Costs for Information Technology Service System	26,000	0.00
Increase Cost: Council of Governments Dues	2,000	0.00
Add: Partial Shift of Street Sweeping Budget from Operating Costs to Personnel Costs	0	0.68
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	221,270	(0.95)
FY23 Approved	31,868,959	97.78

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Approved FY23	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	1,431,719	1,737,926	1,625,533	2,395,047	37.8 %
Employee Benefits	396,474	465,752	465,752	630,306	35.3 %
County General Fund Personnel Costs	1,828,193	2,203,678	2,091,285	3,025,353	37.3 %
Operating Expenses	1,368,705	1,287,605	1,420,605	4,543,695	252.9 %
County General Fund Expenditures	3,196,898	3,491,283	3,511,890	7,569,048	116.8 %
PERSONNEL					
Full-Time	46	49	49	61	24.5 %
Part-Time	0	0	0	0	—
FTEs	16.29	16.29	16.29	25.64	57.4 %
REVENUES					
Other Charges/Fees	20,469	60,400	60,400	60,400	—

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Approved FY23	%Chg Bud/App
Other Fines/Forfeitures	15,350	15,000	15,000	15,000	—
Other Licenses/Permits	14,700	20,000	20,000	20,000	—
Tree Canopy	594,000	750,000	750,000	750,000	—
County General Fund Revenues	644,519	845,400	845,400	845,400	—

WATER QUALITY PROTECTION FUND

EXPENDITURES

Salaries and Wages	7,059,075	7,649,003	7,331,062	7,816,284	2.2 %
Employee Benefits	1,950,527	2,306,909	2,207,745	2,504,815	8.6 %
Water Quality Protection Fund Personnel Costs	9,009,602	9,955,912	9,538,807	10,321,099	3.7 %
Operating Expenses	18,978,045	19,524,779	19,495,779	20,669,401	5.9 %
Water Quality Protection Fund Expenditures	27,987,647	29,480,691	29,034,586	30,990,500	5.1 %

PERSONNEL

Full-Time	46	48	48	60	25.0 %
Part-Time	1	1	1	1	—
FTEs	92.11	93.61	93.61	96.84	3.5 %

REVENUES

Bag Tax	2,754,404	2,500,000	2,500,000	2,500,000	—
Investment Income	51,440	300,000	300,000	500,000	66.7 %
Other Charges/Fees	360,652	47,500	162,979	47,500	—
Water Quality Protection Charge	39,974,205	41,137,400	41,137,400	43,414,720	5.5 %
Water Quality Protection Fund Revenues	43,140,701	43,984,900	44,100,379	46,462,220	5.6 %

GRANT FUND - MCG

EXPENDITURES

Salaries and Wages	11,613	0	0	0	—
Employee Benefits	0	0	0	0	—
Grant Fund - MCG Personnel Costs	11,613	0	0	0	—
Operating Expenses	368,119	0	0	0	—
Grant Fund - MCG Expenditures	379,732	0	0	0	—

PERSONNEL

Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—

REVENUES

Federal Grants	38,551	0	0	0	—
Grant Fund - MCG Revenues	38,551	0	0	0	—

DEPARTMENT TOTALS

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Approved FY23	%Chg Bud/App
Total Expenditures	31,564,277	32,971,974	32,546,476	38,559,548	16.9 %
Total Full-Time Positions	92	97	97	121	24.7 %
Total Part-Time Positions	1	1	1	1	—
Total FTEs	108.40	109.90	109.90	122.48	11.4 %
Total Revenues	43,823,771	44,830,300	44,945,779	47,307,620	5.5 %

FY23 APPROVED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY22 ORIGINAL APPROPRIATION	3,491,283	16.29
<u>Changes (with service impacts)</u>		
Add: Building Energy Performance Standards Support [Energy, Climate and Compliance]	1,013,674	4.00
Add: Funding for New Appliance Electrification Incentive Program [Energy, Climate and Compliance]	1,000,000	0.00
Add: Efficiency & Climate Resiliency Pilot Program for Low- and Moderate-Income Housing [Energy, Climate and Compliance]	675,000	0.00
Add: Community Justice Academy and Fund [Energy, Climate and Compliance]	300,000	0.00
Add: Consultant Support for Sustainability Zoning and Code Review and Recommendations [Energy, Climate and Compliance]	150,000	0.00
Add: Broadscale Climate + Alert Montgomery Communication Campaign [Energy, Climate and Compliance]	150,000	0.00
Add: High Road Economic Development Implementation [Energy, Climate and Compliance]	132,749	1.00
Add: Incentives for Electrification of Lawn Care Equipment [Energy, Climate and Compliance]	100,000	0.00
Add: Flooding GIS Specialist [Energy, Climate and Compliance]	86,080	1.00
Add: Residential Energy Program Manager [Energy, Climate and Compliance]	76,578	1.00
Add: Manager of County Flood Program [Energy, Climate and Compliance]	76,578	1.00
Add: Position for Natural Climate Solutions [Energy, Climate and Compliance]	75,782	1.00
Add: Project Equity Worker Coop Implementation [Energy, Climate and Compliance]	50,000	0.00
Add: Agrivoltaic Technical Assistance [Energy, Climate and Compliance]	50,000	0.00
Add: Decision Support Tool License [Energy, Climate and Compliance]	20,000	0.00
Enhance: Professional Career/Skill Development - General Fund [Administration]	20,000	0.00
<u>Other Adjustments (with no service impacts)</u>		
Shift: Reallocation of Positions Based on Actual Work Activities - General Fund [Administration]	46,140	0.35
Increase Cost: Annualization of FY22 Compensation Increases	41,050	0.00
Increase Cost: FY23 Compensation Adjustment	26,349	0.00
Increase Cost: Eight Percent Inflationary Increase to Non-Profit Service Provider Contracts [Administration]	22,967	0.00
Increase Cost: Annualization of FY22 Personnel Costs	21,942	0.00
Increase Cost: Printing and Mail Adjustment	2,803	0.00
Decrease Cost: Retirement Adjustment	(25,247)	0.00
Decrease Cost: Motor Pool Adjustment	(34,680)	0.00

FY23 APPROVED CHANGES

	Expenditures	FTEs
FY23 APPROVED	7,569,048	25.64

WATER QUALITY PROTECTION FUND

FY22 ORIGINAL APPROPRIATION	29,480,691	93.61
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Changes (with service impacts)

Add: Inspections and Maintenance of Facilities Transferred from General Services [Watershed Restoration]	233,000	0.00
Add: Inspections and Maintenance of Stream Restorations for New MS4 Permit Requirements [Watershed Restoration]	162,000	0.00
Add: Maintenance of Glenmont GreenStreet [Watershed Restoration]	150,000	0.00
Add: Position and Funding for RainScapes Program (Planning Specialist III) [Watershed Restoration]	126,578	1.00
Add: Support for Digital and Media Outreach Efforts [Administration]	100,000	0.00
Add: Position for MS4-related Stream Inspections [Watershed Restoration]	76,578	1.00
Add: Funding for Senior Engineer (Assigned to the Office of Agriculture) [Watershed Restoration]	62,989	1.00
Enhance: Professional Career/Skill Development - WQPF [Administration]	50,000	0.00
Add: Contract Costs for Information Technology Service System [Watershed Restoration]	26,000	0.00
Add: Partial Shift of Street Sweeping Budget from Operating Costs to Personnel Costs [Watershed Restoration]	0	0.68

Other Adjustments (with no service impacts)

Increase Cost: Increase for M-NCPPC Programs [Watershed Restoration]	244,441	0.00
Increase Cost: Annualization of FY22 Compensation Increases	130,012	0.00
Increase Cost: FY23 Compensation Adjustment	87,291	0.00
Increase Cost: Eight Percent Inflationary Increase to Non-Profit Service Provider Contracts [Watershed Restoration]	78,261	0.00
Increase Cost: Motor Pool Adjustment	63,005	0.00
Increase Cost: Watershed Grants [Watershed Restoration]	50,000	0.00
Increase Cost: Annualization of FY22 Lapsed Positions	30,434	0.00
Increase Cost: Printing and Mail Adjustment	2,140	0.00
Increase Cost: Council of Governments Dues [Watershed Restoration]	2,000	0.00
Decrease Cost: Retirement Adjustment	(38,973)	0.00
Shift: Reallocation of Positions Based on Actual Work Activities - WQPF [Administration]	(56,664)	(0.45)
Decrease Cost: Annualization of FY22 Personnel Costs	(69,283)	0.00

FY23 APPROVED	30,990,500	96.84
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GRANT FUND - MCG

FY22 ORIGINAL APPROPRIATION	0	0.00
FY23 APPROVED	0	0.00

PROGRAM SUMMARY

Program Name	FY22 APPR Expenditures	FY22 APPR FTEs	FY23 APPR Expenditures	FY23 APPR FTEs
Administration	1,313,828	6.85	1,664,132	9.70
Energy, Climate and Compliance	1,222,304	8.00	5,026,457	15.00
Watershed Restoration	30,435,842	95.05	31,868,959	97.78
Total	32,971,974	109.90	38,559,548	122.48

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY22 Total\$	FY22 FTEs	FY23 Total\$	FY23 FTEs
COUNTY GENERAL FUND					
NDA - Climate Change Planning	General Fund	250,200	3.00	283,021	3.00
WATER QUALITY PROTECTION FUND					
CIP	Capital Fund	2,394,741	17.85	2,489,857	18.40
Total		2,644,941	20.85	2,772,878	21.40

FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
COUNTY GENERAL FUND						
EXPENDITURES						
FY23 Approved	7,569	7,569	7,569	7,569	7,569	7,569
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Approved in FY23	0	236	236	236	236	236
New positions in the FY23 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.						
Elimination of One-Time Items Approved in FY23	0	(200)	(200)	(200)	(200)	(200)
Items recommended for one-time funding in FY23, including funding for agrivoltaic technical assistance and a climate-related zoning and code review, will be eliminated from the base in the outyears.						
Labor Contracts	0	95	95	95	95	95
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	7,569	7,699	7,699	7,699	7,699	7,699
WATER QUALITY PROTECTION FUND						
EXPENDITURES						
FY23 Approved	30,991	30,991	30,991	30,991	30,991	30,991
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Approved in FY23	0	70	70	70	70	70

FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
New positions in the FY23 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.						
Labor Contracts	0	270	270	270	270	270
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	30,991	31,331	31,331	31,331	31,331	31,331

ANNUALIZATION OF FULL PERSONNEL COSTS

	FY23 Approved		FY24 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Residential Energy Program Manager	76,578	1.00	101,752	1.00
Manager of County Flood Program	76,578	1.00	101,752	1.00
Position for Natural Climate Solutions	75,782	1.00	100,956	1.00
Flooding GIS Specialist	86,080	1.00	115,034	1.00
Position for MS4-related Stream Inspections	76,578	1.00	101,752	1.00
Funding for Senior Engineer (Assigned to the Office of Agriculture)	62,989	1.00	82,737	1.00
High Road Economic Development Implementation	82,749	1.00	110,378	1.00
Position and Funding for RainScapes Program (Planning Specialist III)	76,578	1.00	101,752	1.00
Building Energy Performance Standards Support	313,674	4.00	417,298	4.00
Total	927,586	12.00	1,233,411	12.00