

T&E COMMITTEE #1
October 7, 2021

Briefing/Discussion

MEMORANDUM

October 4, 2021

TO: Transportation and Environment (T&E) Committee

FROM: Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Briefing/Discussion:** Department of Environmental Protection (DEP) Update¹

PURPOSE: To Receive an Update from DEP on Water Quality, Noise Enforcement, Climate Action Plan, and Recycling and Resource Management Issues

Participants

County Government

- Adam Ortiz, Director, Department of Environmental Protection (DEP)
- Patty Bubar, Deputy Director, DEP
- Frank Dawson, Chief, Watershed Restoration Division, DEP
- Stan Edwards, Chief, Division of Energy, Climate, and Compliance, DEP
- Willie Wainer, Chief, Division of Recycling and Resource Management
- Melanie Wenger, Director, Office of Intergovernmental Relations (OIR)
- Amy Samman, OIR
- Sara Morningstar, OIR
- Rich Harris, Office of Management and Budget

NOTE: Presentation Slides are being prepared by DEP and will be made available to Councilmembers and the public prior to the October 7 Committee meeting.

On October 7, the T&E Committee will receive an update from DEP on the status of a number of timely issues across DEP's portfolio. A summary of the issues to be covered is provided below.

¹ Key words: #DEP, NPDES-MS4Permit, Climate Change, Solid Waste, Recycling

Water Quality Issues

- Status of the NPDES-MS4 Permit
- Status of DEP's Stormwater Management CIP

The T&E Committee last received a briefing on the status of the County's NPDES-MS4 permit in October 2020. The County's most recent National Pollution Discharge Elimination System Municipal Separate Storm Sewer System (NPDES-MS4) Permit expired in February 2015 (although the requirements remain in effect pending the issuance of a new permit).

On June 29, 2020, the Maryland Department of the Environment (MDE) submitted its draft NPDES-MS4 permit for Montgomery County to the Environmental Protection Agency (EPA). A tentative determination of the draft permit was issued in October 2020. The expected date for issuance of the final permit has been repeatedly pushed back and is now assumed to be late 2021 or January 2022.

During the FY21-26 CIP review process in early 2020, DEP noted that its stormwater management CIP was in alignment with DEP's expectations for the new permit's requirements. DEP has continued to move forward with its CIP projects and can provide a summary of this work at the T&E meeting.

Noise Enforcement Issues

- Urban noise
- Lawn equipment

DEP enforces the County's [noise law](#) and has been dealing with a rise in urban noise-related complaints in recent years as more residential housing is built in and around active urban centers. Another area of significant complaint from residential properties (especially during the pandemic as more people have been working from home) is noise from lawn equipment (such as leaf blowers and lawn mowers).

Climate Action Plan

- Update on State and Federal activities
- FY22 Climate Change Workplan Status (DEP-led initiatives)

The Council received a [briefing](#) on the County's [Climate Action Plan](#) on September 21. At that meeting T&E Committee Chair Hucker expressed an interest in having follow-up discussions at T&E and in particular requested a briefing on State and Federal climate change initiatives and how those may impact and influence the County's efforts going forward.

DEP will also provide an update on its FY22 activities noted in the [FY22 Climate Change Workplan](#).

Recycling and Resource Management (RRM)

- Food Waste Initiatives (including the residential food waste pilot, commercial food waste program, and backyard composting)

- Materials Recovery Facility (MRF) and Transfer Station Capital Project Updates
- Recycling Market/Revenue Trends
- Pay as You Throw Pilot
- Analysis of potential landfilling options for waste disposal

The T&E Committee typically receives updates semi-annually from DEP on various solid waste issues (often in the Fall or Winter and then again as part of the spring Operating Budget review of the DEP budget). The most recent [update](#) for the Committee was done in December 2020.

On September 21, the Council discussed and preliminarily supported a comprehensive update to the County's Ten Year Comprehensive Solid Waste Management Plan. Final action is expected on October 12. The Plan will then be transmitted to the Maryland Department of the Environment for its review and approval.

Many of the solid waste items noted above came up in the context of the Ten-Year Plan discussion. The T&E Committee briefing will provide an opportunity for DEP to provide some additional information and answer questions.

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Update to T & E Committee

Environmental Programs Addressing
Clean Air, Land, and Water

Thursday, October 7, 2021



Topics for Discussion

- Urban Noise
- Building Energy Performance
- Community Choice Energy
- Update on MS4 Permits
- Commercial Food Scraps Recycling
- Residential Food Scraps Recycling
- Backyard Composting
- Pay as you Throw
- Update on Commodity Prices
- Waste Disposition

Urban Noise Issues



What we want for Silver Spring: Nightlife and Quality of Life

- The current nighttime activity has been incompatible with residential properties.
- Developed new procedure with Board of License Commissioners related to review of liquor licenses following multiple noise violations
- Evaluating development of C-weighted standard to address low bass noises

Building Energy Performance Standards

- Finalizing building research to inform BEPS standards
- Research underway on options for incorporating solar and other renewable energy into BEPS
- Continuing engagement with BEPS stakeholders to address costs, equity, and timelines

Community Choice Energy

- Issued solicitation for consultant support to develop program plan
- Public Service Commission work group to help design regulations kicked off September 20th
- Benchmarking CCE programs in other jurisdictions



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Proposed NPDES MS4 Permit



Current MS4 Permit

Background:

- Montgomery County has been a national leader in addressing stormwater management.
- This will be the fourth MS4 permit designed to reduce pollution from stormwater management (1996, 2001, and 2010).
- County met the requirement to restore 20% of untreated impervious surface.
- County has continued constructing restoration projects since meeting 2010 permit.



Pervious Pavement Cleaning

Next MS4 Permit Timeline

- MDE Submitted Draft Permit to EPA June 29, 2020
- DEP Submitted Comments to MDE August 28, 2020
- DEP met with MDE September 11, 2020
- MDE Submitted Revised Draft Permit to EPA September 29, 2020
- DEP Received Revised Draft Permit October 2, 2020
- Tentative Determination of Draft Permit issued on October 23, 2020
 - DEP submitted comments to MDE on January 21, 2021
- Final Determination may be in November or December 2021 or January 2022

Latest Changes (as of 9/24/21)

MDE has indicated they might add language to the new permit that will require the County to provide information on:

- The County's stormwater management design standards to control urban flooding
- A County Urban Stormwater Flood Report and a prioritized list of watersheds in the County, based on flood risk
- Plans for the highest flood risk watersheds that describe what will be done to prevent or mitigate future increased stormwater runoff

Next MS4 Permit Major Changes

- Salt Management Plan
- Develop good housekeeping plans for County properties
- The County must restore 1,814 impervious acres and meet required annual benchmark
- Update TMDL "Pollution Diet" Implementation Plans within 1 year (trash, bacteria, PCB's, nutrients, sediment)
- Conduct Watershed Assessment Monitoring through biological and habitat assessment at randomly selected sites, bacteria and chloride monitoring

Ongoing CIP Work

Despite not having received a new MS4 Permit, DEP has continued working on Capital stormwater projects:

- In the last year, DEP has completed restorative work on four stormwater management ponds (Briar Acres, Persimmon Tree, Peachwood and Quail Valley)
- DEP presently has four Capital projects in construction (Booze Creek stream restoration, Glenmont Forest GreenStreets, Lake Whetstone Dam Drainage Repair, and Railroad Branch Dam Repair)

Ongoing CIP Work

DEP currently has the following projects in design and permitting:

- Nine SWM Pond Retrofit projects (Airpark, Watkins Mill, Germantown Park, Clearspring Manor, Plum Gar, Longmead Crossing, Williamsburg Village, Norbeck Manor and Leisure World)
- Three Stream Restoration projects (Grosvenor Stream, Old Farm Creek and Germantown Park Stream)
- Two Major Repair projects (Wheaton Dam Overtopping, and Gunners Lake Erosion Repair)
- Wheaton Flood Mitigation project

Photographs - CIP Work



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RECENTLY COMPLETED QUAIL VALLEY PROJECT



Photographs - CIP Work

RECENTLY COMPLETED PERSIMMON TREE PROJECT



Photographs - CIP Work

BOOZE CREEK STREAM RESTORATION DURING AND AFTER CONSTRUCTION (DIFFERENT VIEWPOINTS)



Photographs - CIP Work

GLENMONT FOREST GREENSTREETS PROJECT BMP DURING AND AFTER CONSTRUCTION



Commercial Food Scraps Recycling Partnership Program

- Working with generators; collectors; and processors of food scraps
 - Increase recycling rate; decrease amount of waste disposed
 - Encourage development of commercial food scraps recycling and composting facilities in the region
 - Increase market development for commercial food scraps recycling collection
- Technical assistance, including educational materials; staff trainings; food scraps recycling containers and compostable bags
- Participants encourage to use commercial companies once trained by DEP



Single-Family Curbside Recycling Collection of Food Scraps Pilot

- Recruiting 1,700 volunteer households (850 in each of 2 areas)
- Conducting targeted outreach to raise awareness and solicit participation
- Issued a competitive RFP; contract with food scraps recycling collector
- Each participating household will be provided 35-gallon cart with locking lid; 1.8-gallon kitchen counter-top caddy; 2.5-gallon capacity compostable bags
- Information and educational materials (website with lookup feature; letter; doorhanger; brochure, laminated card; refrigerator magnet)
- Evaluation via data tracking, surveys, and focus groups



Backyard Food Scraps Composting Project

Testing/evaluation: two types of backyard compost bins:

- Rodent-proof?
- Effectiveness
- 450+ residents signed up to participate
- Educational sessions
- Provide food scraps composting kit, including compost bin, thermometer, scale, tracking datasheet, and newly designed multi-lingual educational tip sheets in October
- Give technical support: consistent guidance and troubleshooting
- Surveys to obtain feedback from participants



Save-As-You-Throw (SAYT)

Summary



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Chapter 48 – Systems Benefit Change



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Chapter 48 allows for a SAYT system to be implemented.

Sec. 48-8A. Establishment of solid waste management district; systems benefit charge.

(D) Variable rate systems benefit charge. The residential systems benefit charge may, in whole or in part, be structured as a variable rate charge. The County Executive may by regulation under method 2 adopt a means of calculating and collecting a partial or total variable rate systems benefit charge. The regulation may require that:

- (i) only properly identified solid waste bags may be accepted at County solid waste acceptance facilities; or
- (ii) bags or identification tags must be purchased from the County.

Current Recycling & Trash Conditions

For Montgomery County Single Family Homes and Townhomes

Residents are provided weekly collection of:

- One (1) County provided 64-gallon or 96-gallon recycling cart with wheels and closing lid for mixed paper
- At least one (1) County provided 22-gallon open-top bin for commingled materials
- Yard trim collection – unlimited number of containers, either resident provided reusable can/cart, approved paper bags, or bundles
- Scrap metal (on-call basis)
- Unlimited number of trash containers, resident provided reusable cans/carts with lid (Subdistrict A only)

Save-As-You-Throw Research

Side-by-side pricing comparison

Location	Low end charges/year	High end charges/year
Montgomery County, MD	\$329.86*	\$329.86*
San Francisco, CA	\$354.96	\$403.20
Seattle, WA	\$379.20	\$1,106.40
Austin, TX	\$253.80	\$576.00

*Note: This applies only to Subdistrict A single-family homes and townhouses, where trash and recycling collection is provided by the County. The remainder of County single-family homes and townhouses (Subdistrict B) secure their own trash services independently.



Program Considerations

- Differing trash cart sizes, colors, costs
- Only Approved Trash bags, colors, sizes, costs
- Equity and family concerns
- Variable fee and savings structure
 - Tax bill/utility bill
 - Monthly/bi-monthly charge
- Pilot vs. full rollout
- Tracking and enforcement

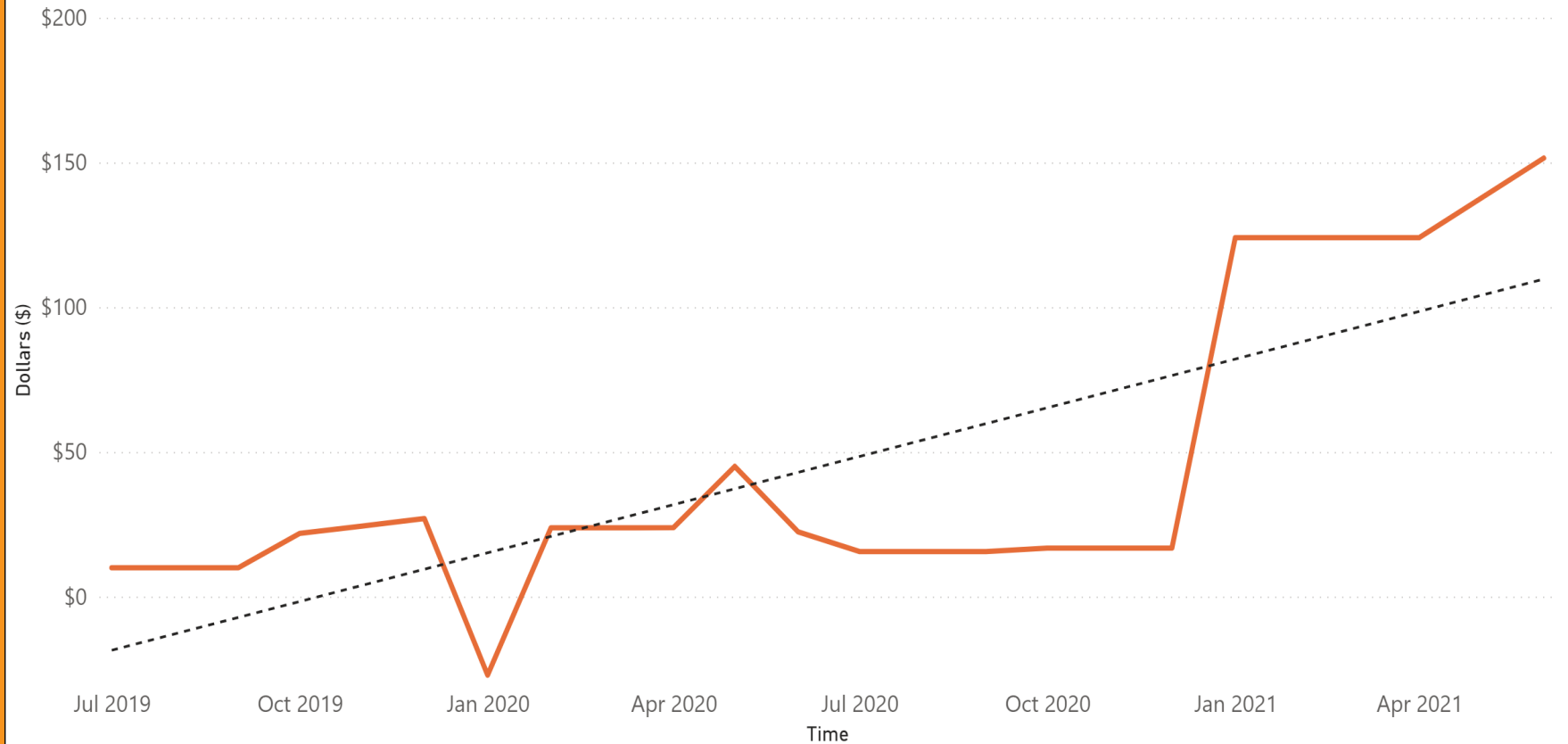




MRF Commodity Pricing

Monthly unit rate per ton

Material — Mixed Paper



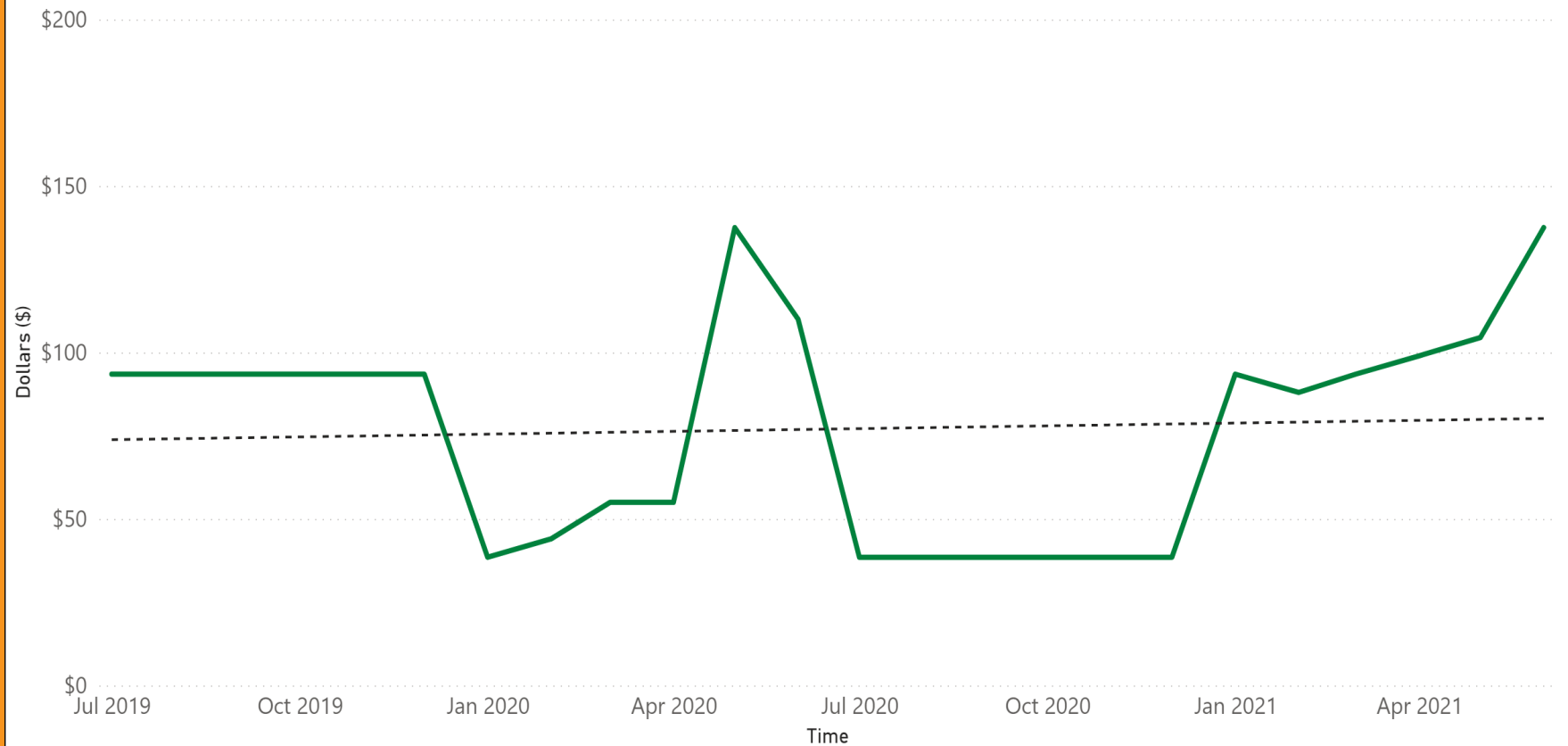
Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

Monthly unit rate per ton

Material — Cardboard



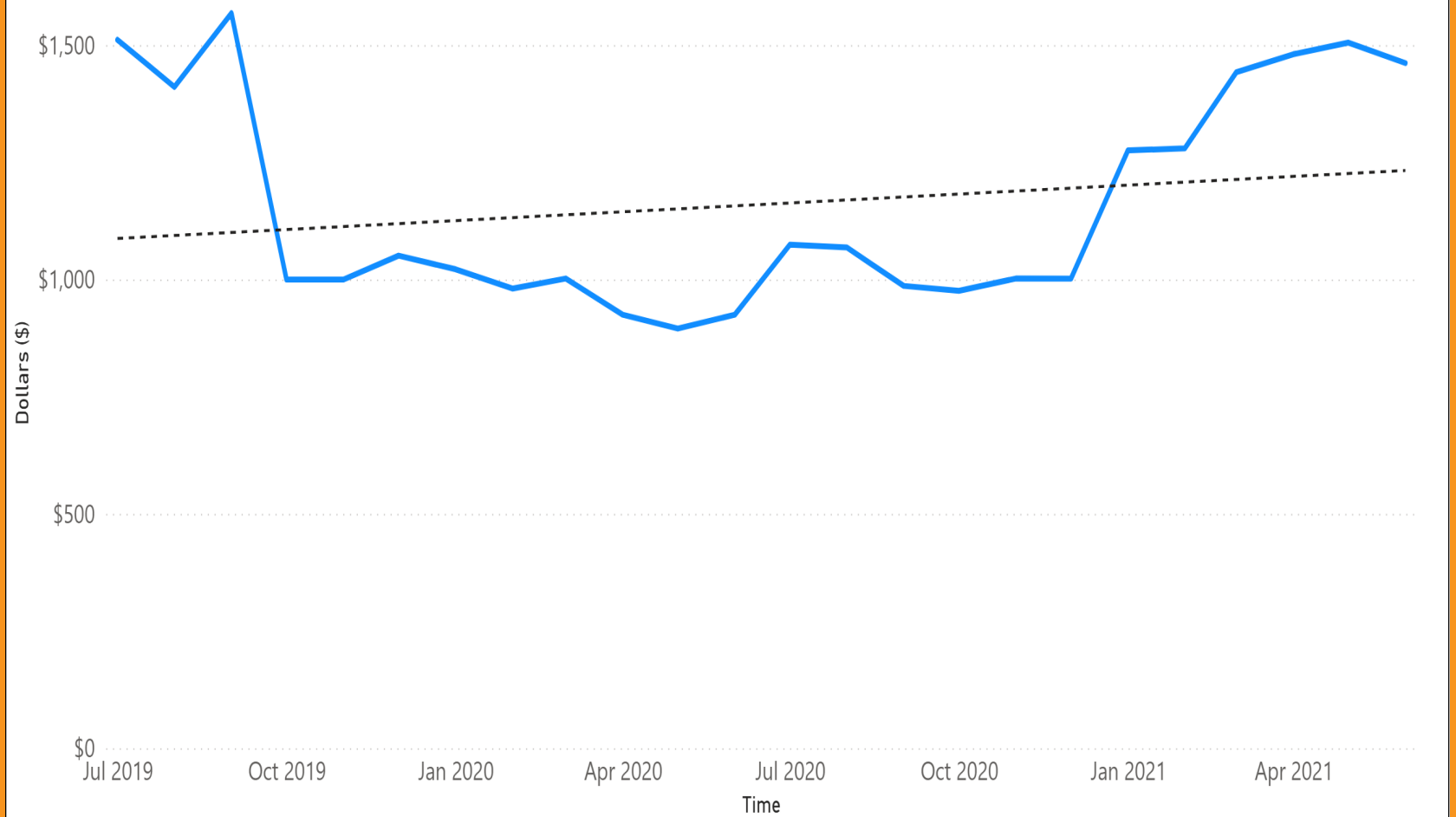
Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

Monthly unit rate per ton

Material — Aluminum



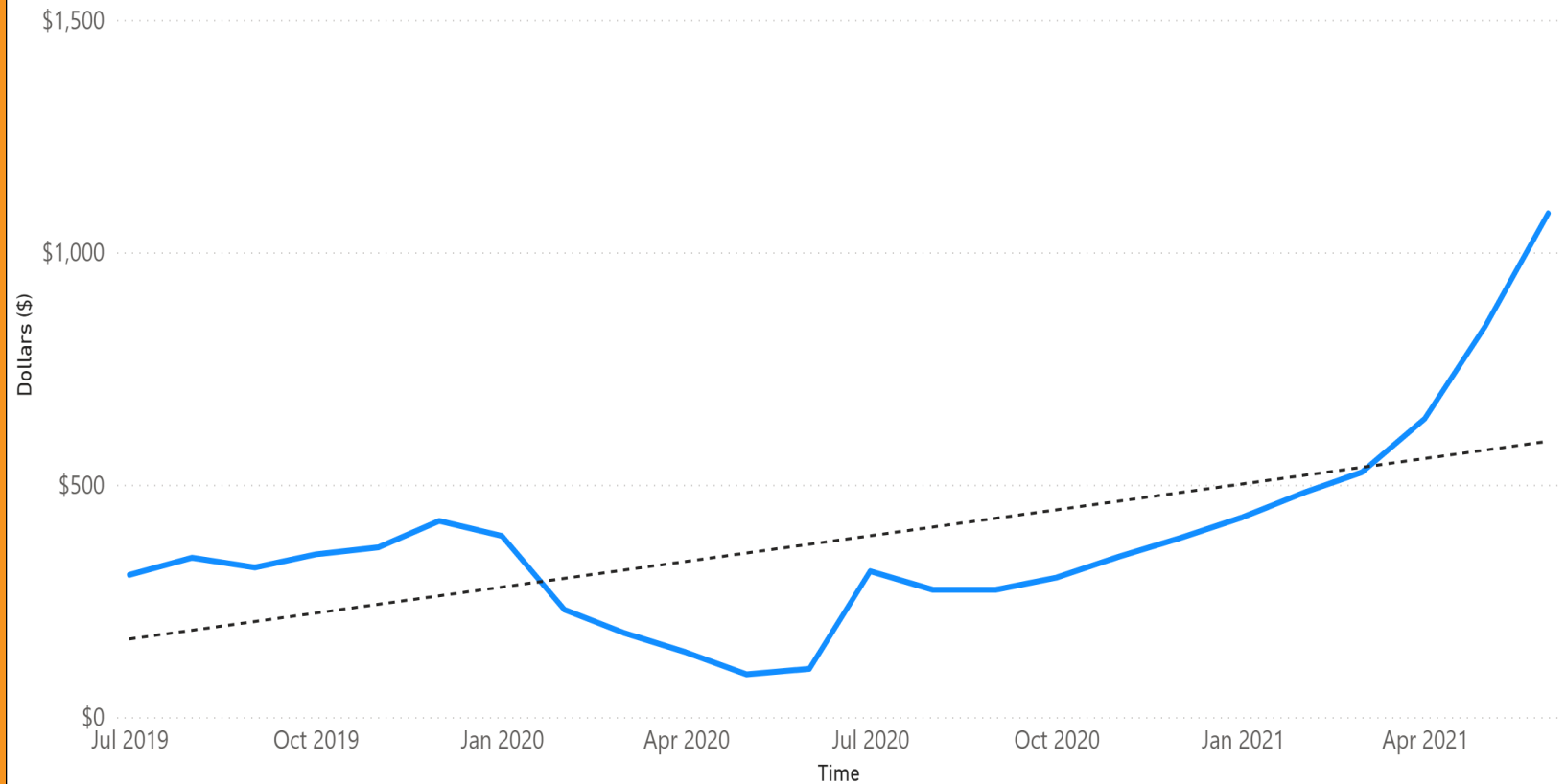
Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

Monthly unit rate per ton

Material — HDPE Color



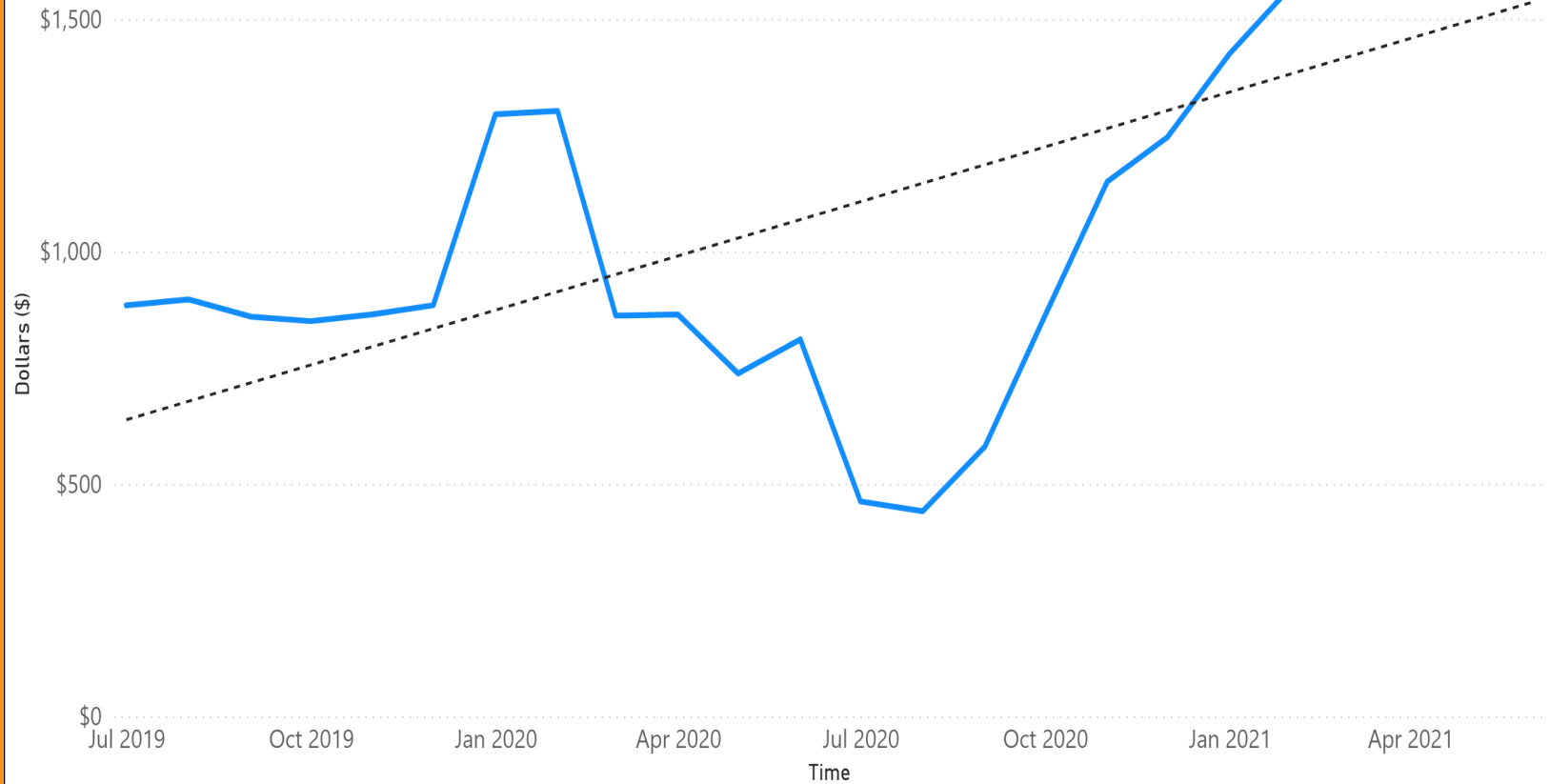
Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

Monthly unit rate per ton

Material — HDPE Natural



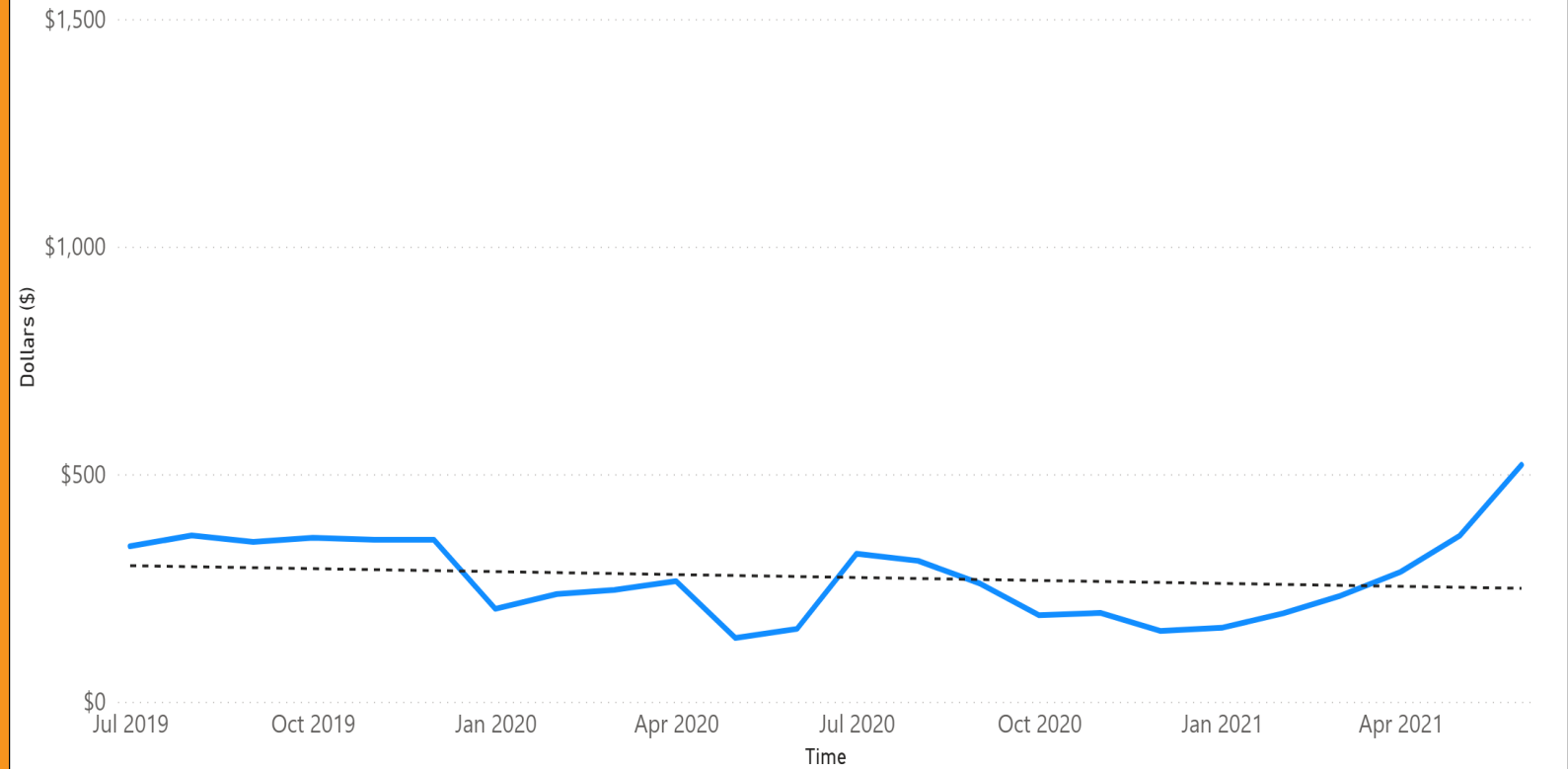
Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

Monthly unit rate per ton

Material — PET



Assumes material is sold at the rate provided.

FY Period

| 07/01/19 06/30/21

REQUEST FOR INFORMATION (RFI)

Municipal Solid Waste
Acceptance, Processing,
Transportation,
and
Disposal Services



Purpose of RFI

- Obtain information from organizations interested in operating the Shady Grove Processing Facility and Transfer Station and to provide processing, transportation and disposal services for approximately 600,000 tons per year of MSW.
- Responses should provide information on the following:
 - Company experience and environmental record
 - Available landfills
 - Other processing alternatives (recycling, composting, reuse, etc.)
 - Transportation by rail, truck or a combination
 - Environmental and Health impacts
 - Social justice information
 - Cost estimates

Additional Topics of Interest

Update on State and Federal Landscape

Thank You

Questions and Discussion