

AGENDA ITEM #3F
May 13, 2009

Action

MEMORANDUM

May 11, 2009

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Action:** FY10 Water Quality Protection Charge Rate Resolution

Attached is a memorandum and draft resolution (©1-2) from the County Executive regarding the Water Quality Protection Charge rate for FY10. The County Council created the charge as part of Bill 28-00 in 2001. The Council is required under County Code Section 19-35(c) to set the rate for this charge each fiscal year by resolution. The resolution must be adopted no later than the date the Council approves the annual operating budget.

The assumptions in the draft resolution are consistent with the County Executive's Recommended FY10 Operating Budget transmitted to the Council on March 16, 2009. The budget assumes to increase the rate per equivalent residential unit (ERU) from \$35.50 to \$45.00.

A public hearing was held on April 21. The Transportation, Infrastructure, Energy and Environment (T&E) Committee discussed the Water Quality Protection Fund and the proposed rate for FY10 during its review of the Department of Environmental Protection (DEP) budget on April 22.

The T&E Committee recommended approval of the DEP budget with the following changes to the Water Quality Protection Fund:

- **Add \$90,000 in expenditures to complete a storm drain inventory of MCPS' facilities as required by the new NPDES-MS4 permit.**
- **Defer, for FY10, the phase-in of the new impervious area assessment method for calculating the Water Quality Protection Charge for associated non-residential properties. This will result in an expected reduction of \$63,000 in revenue to the fund.**
- **Approve the Water Quality Protection Charge per equivalent residential unit (ERU) at \$45.50 for FY10. This includes the increase recommended by the County**

Executive as well as an additional 50 cent increase to cover the impacts on the Water Quality Protection Fund of the above recommendations.

On May 5, as part of the Council's consent calendar actions on a number of departmental budgets, the Council concurred with the T&E Committee recommendations, including the Water Quality Protection Fund expenditures for FY10 and the and the charge for FY10. **Council Staff recommends approval of the attached resolution which is consistent with Council action to date.**

Attachment

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Resolution No.: _____

Introduced: _____

Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the request of the County Executive

SUBJECT: Water Quality Protection Charge for FY10

Background

1. Under County Code Section 19-35(c), each fiscal year, the County Council must, by resolution, set the rate or rates for the Water Quality Protection Charge.
2. The base rate for the Water Quality Protection Charge is the annually designated dollar amount set by the County Council to be assessed for each equivalent residential unit of property that is subject to the Charge.
3. Under Executive Regulation 6-02, an equivalent residential unit (ERU) is defined for these purposes, as the statistical median of the total horizontal impervious area of developed single-family detached residences in the County that serves as the base unit of assessment for the Water Quality Protection Charge. The designated ERU for Montgomery County equals 2,406 square feet of impervious surface.
4. Under County Code Section 19-35, properties in the City of Takoma Park and the City of Rockville are not subject to the Water Quality Protection Charge.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The base rate for the Water Quality Protection Charge for Fiscal Year 2009 is \$45.50 per equivalent residential unit (ERU).

This resolution takes effect on July 1, 2009.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council