



Committee: T&E
Committee Review: At a future date
Staff: Keith Levchenko, Senior Legislative Analysts
Purpose: Final action – vote expected
Keywords: #WaterQualityProtectionCharge and DEP

AGENDA ITEM #5
May 18, 2023
Action

SUBJECT

FY24 Water Quality Protection Charge Rate Resolution

EXPECTED ATTENDEES

None

DESCRIPTION/ISSUE

- On March 15, 2023, the County Executive transmitted a proposed resolution related to the Water Quality Protection Charge equivalent residential unit (ERU) rate for FY24 (see ©1). The Executive recommends an ERU rate of \$128.00 which is an increase of \$8.50 (or 7.1 percent) from the FY23 approved rate of \$119.50. This proposed resolution is consistent with the Executive's recently transmitted FY24 Recommended Operating Budget.
- The Council first created the Water Quality Protection Charge as part of Bill 28-00 in 2001 and made substantive changes to the charge in 2013 as part of Bill 34-12. The Council is required under County Code Section 19-35(c) to set the ERU rate each fiscal year by resolution. The resolution must be adopted no later than the date the Council approves the annual operating budget.

T&E COMMITTEE RECOMMENDATION AND COUNCIL DISCUSSION

- On May 4, 2023, the Transportation and Environment (T&E) Committee recommended approval of the FY24 Department of Environmental Protection (DEP) Water Quality Protection Fund budget as transmitted by the County Executive.
- On May 10: the Full Council preliminarily approved the DEP Water Quality Protection Fund budget. Regarding the FY24 Water Quality Protection Charge, the Council preliminarily supported an FY24 ERU rate of \$126 (instead of the \$128 rate recommended by the County Executive). For more information on the ERU rate discussion, please see the [Full Council Staff Report](#) from that meeting (see the addendum attached after ©86).

This report contains:

Draft Resolution

©1

March 15, 2023 Memorandum from the County Executive

©2-3

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Resolution No.: _____
Introduced: March 28, 2023
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: Water Quality Protection Charge for FY24

Background

1. Under County Code Section 19-35(c), each fiscal year, the County Council must, by resolution, set the rate for the Water Quality Protection Charge.
2. Under Section 19.35.01.02 of the Code of Montgomery County Regulations (COMCOR), the Base Rate is the annually designated dollar amount set by the County Council to be assessed for each Equivalent Residential Unit (ERU) of property that is subject to the Water Quality Protection Charge (the "Charge"). The ERU is defined in COMCOR Section 19.35.01.02 as the statistical median of the total horizontal impervious area of developed single family detached residences in the County. The designated ERU for Montgomery County equals 2,406 square feet of impervious surface.
3. COMCOR Section 19.35.01.04 sets forth the process to determine the appropriate charge for each classification of property as a function of the Base Rate per ERU.

Action

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

The Base Rate for the Water Quality Protection Charge for Fiscal Year 24 is \$126.00
~~\$128.00~~ per Equivalent Residential Unit (ERU).

This resolution takes effect on July 1, 2023.


This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

MEMORANDUM

March 15, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: FY24 Water Quality Protection Charge

The purpose of this memorandum is to transmit the proposed resolution for the FY24 Water Quality Protection Charge. The proposed charges are consistent with my FY24 Recommended Operating Budget. I recommend the Council adopt this Resolution as part of its deliberations on the FY24 Operating Budget.

Enclosed: Resolution – FY24 Water Quality Protection Charge

cc: Richard S. Madaleno, Chief Administrative Officer, Office of the County Executive
Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive
Dale Tibbitts, Special Assistant to the County Executive, Office of the County Executive
Jennifer Bryant, Director, Office of Management and Budget
Michael Coveyou, Director, Department of Finance
Adriana Hochberg, Acting Director, Department of Environmental Protection

**County Executive's Recommended FY24
Water Quality Protection Charge
Resolution Transmitted March 15, 2023**

Resolution No.: _____
Introduced: _____
Adopted: _____

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Clerk of the Council