

Resolution No.:	<u>16-1149</u>
Introduced:	<u>October 6, 2009</u>
Adopted:	<u>October 13, 2009</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Mike Knapp, Nancy Floreen, George Leventhal, Duchy Trachtenberg,
Marc Elrich, and Roger Berliner

SUBJECT: Ad Hoc Water Quality Working Group

Background

1. The Clarksburg Master Plan, approved by the County Council in 1994, established four stages of development. The Plan mandated that certain criteria must be met before development could proceed to the next stage. Currently, all of the triggers required to advance Stage 4 have been met. One final requirement is a Council evaluation of the water quality results of Best Management Practices (BMPs) in the area.
2. On January 26, 2009, the County Executive released the 2007 Special Protection Area Annual Report. The Report presented early monitoring results indicating that there have been detrimental impacts to the biological health of the streams in Clarksburg. However, the Report's information was based on 2007 data collected before much of the stormwater management infrastructure planned for Clarksburg has been constructed. Therefore, the true stormwater impact of potential development is not complete.
3. The Master Plan offers four options for the Council to consider as the final step after its evaluation: grant water and sewer category changes without limits on property owners; grant water and sewer category changes with certain conditions to protect Ten Mile Creek; consider other land use actions; or defer action on a Water and Sewer Plan category change pending further consideration.
4. In addition to considering the well-documented importance of impervious surfaces for maintaining water quality protection, the Council would benefit from an update on many new and pending regulations and initiatives for improved sediment control and stormwater management and their potential to improve development standards for water quality in Clarksburg. For instance, regulations resulting from the Maryland Storm Water Act of 2007 will apply to all new development that does not have final grading and stormwater construction plans approved before May 2010. Projects without their final approval may be redesigned to meet the new standards which could result in a significant decrease in impervious surface. The County's Department of Environmental Protection is completing its draft of the Storm Water Management Law, Chapter 9, as required by the State which will base the new requirements on "environmentally sensitive design".

One new aspect of the law will reduce runoff by requiring many smaller basins causing the water to infiltrate into the soil rather than become concentrated in large ponds.

5. There are many other initiatives that will impact the construction industry to be reviewed as to their effect on water quality. MDE is in the process of updating the Revisions to Erosion and Sediment Control Standards and expects to complete this by December 31, 2009. The recent changes to National Pollution Discharge Elimination System Permit Requirements for Construction Activity, effective July 13, 2009 will also have a positive impact. In addition, at the federal level the Environmental Protection Agency's Creation of Effluent Limit Guidelines and the Development of the Chesapeake Bay Total Maximum Daily Load are being developed.
6. These new and pending changes to the overall stormwater management and water quality requirements should be studied and reviewed as to their potential to improve development standards for water quality in Clarksburg.
7. Since the approval of the 1994 Clarksburg Master Plan, Montgomery County has gained experience in protecting streams using land cover requirements, including limiting impervious surfaces and maintaining riparian and upland forest cover, in the Upper Paint Branch and Upper Rock Creek Special Protection Areas and in the Sandy Spring/Ashton Rural Neighborhood Cluster Zone in Upper Northwest Branch. Key to the establishment of these land-cover-based watershed protection approaches was the County's recognition of the importance of headwater stream systems. These systems provide the foundation for a stable flow of water, including through maintenance of groundwater recharge levels.
8. A Working Group that would collect information on all new and pending State and Federal regulations regarding water quality, stormwater management, and sediment control; analyze how these new requirements could impact future development in Clarksburg, especially in Stage 4; and seek input from Clarksburg stakeholders as to the methods they propose for minimizing development impacts on water quality in the Ten Mile watershed would help the Council determine steps necessary to preserve water quality in Stage 4.

Action

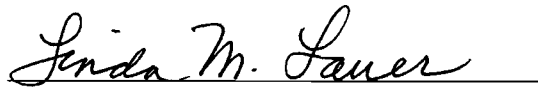
The County Council for Montgomery County, Maryland approves the following resolution:

The Council will appoint an Ad Hoc Water Quality Working Group and direct the Working Group to issue its report and recommendations by February 1, 2010.

The Council intends to review the report of the Ad Hoc Water Quality Working Group.

The Council intends to defer any Water and Sewer Plan category change related to Stage 4 in Clarksburg until after it has reviewed the Working Group's report.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council