



## MONTGOMERY COUNTY OFFICE OF RACIAL EQUITY & SOCIAL JUSTICE

### REIA #26-50

### Stormwater Management Retrofit: Countywide (P808726)

Requesting Agency/Department(s)	Dollar Amount
Department of Environmental Protection	\$11,327,000

#### Funding Source

Long-Term Financing

#### Finding

The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #26-50 has the potential to advance racial equity, social justice, and environmental justice in the County. The funds will improve stormwater management facilities, enhance local water quality, and bring native plants, trees, and habitats to communities. The Department of Environmental Protection (DEP) plans to address community concerns and incorporates community feedback into the project design and implementation. If not already doing so, DEP could also develop explicit site selection criteria that prioritize communities with environmental justice concerns, track project locations and investments to ensure equitable distribution across the County and publicly report on the geographic and demographic distribution of stormwater investments.

#### Background

##### Purpose

The purpose of SA #26-50 is to accelerate funding to pay contractors for stormwater management facilities throughout the County. Due to faster-than-expected implementation and higher construction bids, the increase moves several pay-for-performance subprojects from FY27 to FY26 to meet the County's Municipal Separate Storm Sewer System (MS4) permit requirements and water quality goals. Advancing these projects ensures compliance with State and County environmental regulations while protecting local stream habitats. The project is partially funded through the Maryland Water Quality Revolving Loan Fund from the Maryland Department of Environment, which is identified as Long Term Financing in the Capital Budget.

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According to the Project Description Form (PDF), Stormwater Management Retrofit: Countywide provides for the design and construction of new and upgraded stormwater management facilities throughout the County under the County's Municipal Separate Storm Sewer System (MS4) Permit.<sup>1</sup> Facilities include, but are not limited to, new or upgraded stormwater management ponds, Environmental Site Design (ESD) / Low-Impact Development (LID) facilities, and stream restorations. The PDF also provides further justification for the project, including compliance with the County's MS4 permitting requirements, implementation of the County's adopted water quality goals (COMCOR Chapter 19, Article IV), and protection of habitat conditions in local streams. In addition, the project supports the goals of the Anacostia Watershed Restoration Agreement.

## **Relevant REIAs and Other Assessments**

ORESJ has conducted REIAs since 2021. The following REIA(s) are relevant to supplemental appropriation #26-50.

- REIA #25-69 – Congressionally Directed Spending/Community Grant Round 2  
<https://www.montgomerycountymd.gov/ore/Resources/Files/25-69.pdf>
- #22-72 Flood Control Study  
<https://www.montgomerycountymd.gov/ore/Resources/Files/22-72.pdf>
- River Falls Drainage Assessment Project 14-21  
<https://www.montgomerycountymd.gov/ore/Resources/Files/CBG850.pdf>

## **Analysis**

Over the years, ORESJ developed a Capital Improvements Program Budget Equity Tool (CIP BET) and Guidance Manual<sup>2</sup> to help stakeholders in Montgomery County incorporate a racial equity lens into CIP project development and resource decisions. Best practices for using a racial equity tool, such as the CIP BET, suggest that the tool should be used early and often in project development and involve a diverse set of project stakeholders, including community members and the project's intended beneficiaries. Using ORESJ's CIP BET as a framework, we offer several observations for consideration:

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**What racial disparities or inequities in Montgomery County does this project seek to reduce or eliminate?**

This project addresses environmental inequities in stormwater management by installing or improving stormwater facilities for communities in the County. Low-income and communities of color often experience disproportionate environmental burdens, including inadequate stormwater infrastructure and increased flooding vulnerability. By upgrading stormwater management facilities in the County, this project has the potential to reduce these disparities if site selection prioritizes areas with the greatest environmental needs.

**How does this project address the racial disparities and inequities you described?**

The project's plans will improve local water quality, bring native planting, trees, and native habitats to communities in the County. DEP has incorporated community engagement into the project development process, creating opportunities for residents to provide input on design and implementation as well as express project concerns. The Department plans to consider demographics, including race, ethnicity, age, and the community composition of the project audience and stakeholders, and to take steps to understand the community's concerns and issues that may or may not be addressed by the project.

**Does this project (including its development, construction, or implementation) have the potential to create any unintended consequences?**

This project does not appear to create burdens or disproportionate negative impacts on low-income or communities of color. DEP's commitment to holding community outreach meetings could help mitigate unintended consequences by creating opportunities to identify and address concerns during the development process.

Including environmental justice and equity at each step of a project, including site selection, helps advance the County's racial equity goals. At the time of writing, it was unclear if racial equity factors, such as existing environmental burdens or flooding vulnerability in low-income communities or communities of color, were integrated into site selection or what the site selection process included. The Cary Institute for Ecosystem Studies notes that "stormwater infrastructure has long been cast as a win-win in big cities. But a recent line of research suggests that underprivileged communities are far less likely to see it."<sup>3</sup> To address this disparity, jurisdictions are encouraged to incorporate data into their decision-making. One example is the Washington Environmental Health Disparities Map, which allows planners to overlay toxic stormwater hotspots with environmental justice-focused tools to prioritize retrofit investments in the communities facing the most environmental health burdens.<sup>4</sup> Without transparent criteria

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and investment tracking, it is unclear whether improvements are distributed equitably or if some communities receive a disproportionate amount of investment. If not already doing so, DEP could track project locations and investments to ensure equitable distribution across the County.

## Caveats

This REIA has been conducted with the best available information at the time of writing, including department responses to the Racial Equity and Social Justice template and research conducted by ORESJ Policy Team Analysts. While the assessment examines specific racial equity and social justice impacts of the funding request, it cannot fully address all systemic inequities that affect the communities in question, nor do we seek to examine impacts outside the scope of the funding request. We recommend using this assessment as a starting point for discussions about the impact of the program on advancing racial equity and social justice in Montgomery County.

## References

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<sup>1</sup> The main objective of the MS4 Permit Program is to reduce stormwater pollution across the United States and preserve the health of our waters. Montgomery County receives its own MS4 Permit from MDE, which requires the County to meet specific water quality standards. This permit is renewed every five years. Available at:

<https://www.montgomerycountymd.gov/DEP/water/clean-water-montgomery/watershed/watershedplanning.html#ms4>.

<sup>2</sup> FY27-32 Capital Improvements Program, Budget Equity Tool Guidance Manual. Available at:

<https://www.montgomerycountymd.gov/ORE/Resources/Files/GuidanceManualFY27-32CBET.pdf>.

<sup>3</sup> Green stormwater projects less likely in Black neighborhoods. April 20023. Available at:

<https://www.caryinstitute.org/news-insights/media-coverage/green-stormwater-projects-less-likely-black-neighborhoods>.

<sup>4</sup> Retrofitting Our Legacy Accelerating the Strategic Use of Green Stormwater Infrastructure to Improve Water Quality for People and Nature Across the Puget Sound Region. The Nature Conservancy. Available at:

<https://www.cityhabitats.org/wp-content/uploads/2023/07/retrofitting-our-legacy-gsi-policy-urban-stormwater.pdf>.