



of the Anacostia River

**P.O. Box 4314
Silver Spring, MD
20914-4312**

Anne Ambler
President
anambler@gmail.com

Heather Phipps
First Vice President,

John Fay
Secretary

Larry Husb
Treasurer and
VP, Lower Region

James Graham
VP, Lower Region

Glenn Welch
VP, Middle Region

Elaine Lamirande
VP, Middle Region

Jim Fary
VP, Upper Region

Victoria Ray-Henderson
VP, Upper Region

Karen Durland
Board Member at Large

Edward Murtagh
Liaison, Friends of Sligo
Creek

www.neighborsnwb.org

Testimony on Expedited Bill 40-10

**Position: Favorable assuming certain critical modifications
July 13, 2010**

My name is Anne Ambler. I am speaking on behalf of Neighbors of the Northwest Branch, a citizen-based nonprofit dedicated to the restoration of the Northwest Branch of the Anacostia River. We experience first hand the results of current “best management practices” for stormwater: deeply eroded stream channels, exposed and vulnerable sewer pipes, and pollution and nutrients from streets and yards carried down the Northwest Branch to the Anacostia River to be deposited in a dying Bay.

The Stormwater Management Act of 2007 opened a new chapter, setting Environmental Site Design (ESD) as the new *standard for development*. Bill 40-10 begins the process of writing the new standards into existing county code. Kudos to the County Exec for continuing to apply the same stormwater volume standards to both new development and redevelopment projects. But some other parts of the code revision must be strengthened—now, before approval.

My decade of advocacy in this county has shown me the time constraints under which the Council works. That is why I believe that *now* is the time and opportunity for the Council to approve regulations that maintain our county’s longstanding leadership role in stormwater and make a positive difference for our streams. Approving the current version as you have been urged to do, with hopes of tightening it up in 6 months (when developers will already be relying on this version) is unrealistic. This complex matter deserves your careful consideration at the front end.

Among the several revisions needed, the following two are particularly relevant to the Northwest Branch:

1. The entire section 19-25(c)(3) on Circles 19 and 20 under the heading Waivers should be deleted. Allowing qualitative waivers would be a big step backward from existing policy. By listing these categories from on-site stormwater capture and treatment waivers—for redevelopment, infill, and staged—Bill 40-10 encourages applications for waivers that our streams can ill afford. Redevelopment and infill projects are precisely those that offer the most chance for improving inadequate stormwater control in the older developments in the Northwest Branch watershed.

2. In Section 19-26, we insist that **if** any stream restoration, wetland restoration or stormwater facility is proposed for parkland, the Director

of the Department of Parks must be a more than equal partner in the discussion, and must determine that any such project *benefits* the watershed. In its inventory of needed Anacostia watershed remediation, the Army Corps identified 79 stream and 26 wetland restoration projects just in the Northwest Branch in Montgomery County. It could be useful to have some projects built by developers, but only with complete collaboration and agreement of the Department of Parks, which has the responsibility for stewardship of our parkland.

Others:

3. Grandfathering is too extensive. Consistent with the 2007 Clean Water Task Force's recommendations, at least county-owned and county-subsidized projects that went into facility planning on or after July 1, 2008, should meet ESD requirements. But we urge you to request a report from the County Executive as to how many projects would then need to be redesigned.
4. Make the Water Quality Protection Charge a fee for service rather than a tax in order to spread its applicability.
5. Given the importance of stormwater capture and infiltration to the quality of life of our community, we urge you to require DPS to give the public a reasonable opportunity to review and provide input on proposed Concept Plans.

In conclusion, I know of at least one redeveloper in Silver Spring who is embracing ESD because the additional greenery will be attractive to purchasers and renters. In his view, ESD for redevelopment is just good business. Let's maintain Montgomery County's dominance in the field of stormwater. Our citizens, developers, rivers, and the Bay will ultimately benefit.

Thank you for the opportunity to comment.

Anne Ambler, President

12505 Kuhl Road
Silver Spring, MD 20902
301-946-5599