

The Montgomery County Stormwater Partners Network

The Honorable Nancy Floreen
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD

July 11, 2010

Dear Council President Floreen,

The Montgomery County Stormwater Partners consist of 22 organizations working together for the protection and restoration of Montgomery's streams, rivers, and lakes. We appreciate this opportunity to convey our comments on Expedited Bill 40-10, containing proposed changes to our County's stormwater regulations (Chapter 19 of the County Code). We trust that the Council will seriously consider the public's input on this Bill and conduct a full and deliberative process at this juncture.

We support several key aspects of the proposed stormwater code changes, including the continuance of Montgomery's longstanding tradition of applying the same stormwater volume standards for on-site management to both new development and redevelopment projects.

Other aspects of Bill 40-10 are counter to the Stormwater Management Act and/or existing County policy; the Council must remedy these problems before approving the ordinance:

- 1) The bill's grandfathering provisions are much too broad and lenient. The revised stormwater ordinance should require that all County-owned project proposals, and all private projects with substantial county subsidies, that went into facility planning in or after Fiscal Year 2009, comply with the new Environmental Site Design (ESD) requirements. This is consistent with the 2007 Clean Water Task Force recommendations.
- 2) The proposed waiver eligibilities would make it easier for projects to be waived from on-site stormwater capture and treatment requirements for infill, redevelopment and phased projects, and projects with unspecified special circumstances; we ask that these be removed. Such broad categorical waiver eligibility is counter to existing County policy and practice, and to the Stormwater Management Act.
- 3) Remove the loophole that allows projects discharging to regional stormwater facilities to be eligible for waivers.
- 4) Establish that the Water Quality Protection Charge is a fee for service, not a tax.
- 5) Use of public parkland for off-site stormwater management should be discouraged, and the bill must designate the Department (and Director) of Parks as full partners in the process of deciding whether or not to allow placement of stormwater facilities on parkland, or to allow stream restoration or wetland restoration on parkland.

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- 6) Include a requirement that DPS provide reasonable opportunity for public review and input on proposed Concept Plans.
- 7) Change the word “*structural*” to the word “*standard*,” since the Stormwater Management Act prioritizes ESD techniques over *standard* techniques. ESD techniques include bioretention and green roofs, while standard techniques include stormwater ponds and underground storage tanks and sand filters; all are considered “structural.” The current bill’s use of the word *structural* would create confusion in the future, and could even hamper the growth of green businesses and technology evolution in the ESD field, since designers and decisionmakers may erroneously conclude that only “*non-structural*” measures constitute Environmental Site Design.

We will greatly appreciate your support of these needed changes to the expedited bill, and your partnership with the public in a deliberative process to make this one of the best stormwater codes in Maryland.

Thank you for considering our request,

Diane M. Cameron
Steve Dryden
Co-Chairs, Montgomery County Stormwater Partners

Attachments

Clean Water Task Force
April 2007 Recommendations

Stormwater Management Act of 2007