

"Federation Corner" column
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Is water quality initiative one tax too many or needed change?

by Jim Humphrey
member, MCCF Executive Committee

It is spring time and green is the color of spring, so it is appropriate that the Montgomery County Council is wrestling with a "green" environmental issue at this time.

Bill 34-12, legislation focused on stormwater management and water quality protection, was introduced in the County Council on November 27, 2012 at the request of County Executive Isiah Leggett. The bill is intended to bring Montgomery County into compliance with the state Stormwater Management Act of 2007.

The goals of the state and county initiatives regarding stormwater management are laudable: to use environmental site design and best management practices, as related to stormwater management, to maintain the "chemical, physical, and biological integrity of the waters of the state", to protect the public health, to safeguard fish and aquatic life and the scenic and ecological value of streams and rivers, and ensure groundwater recharge through infiltration of rainwater into the soil.

Following introduction of the Water Quality Protection Charge legislation last November, our County Council held a public hearing on the bill on January 15 of this year. Then on March 11, the Council's Transportation, Infrastructure, Energy and Environment Committee (T&E) held a work session on Bill 34-12. T&E reported the bill out to the full Council for action on March 19, recommending approval with amendments; but action was deferred.

While homeowners already pay such a charge, the bill would subject non-residential properties to a Water Quality Protection Charge, to be calculated based on the amount of impervious surface on the property (that is, in the language of the bill, surface that "prevents or significantly impedes the infiltration of water into the underlying soil"). The charge would be added onto the property tax bill each year, with a five year phase-in up to the full charge.

The Department of Environmental Protection also intends that property owners have the option of providing a variety of small-scale management practices and non-structural techniques (e.g.; rainbarrel, rain garden, green wall, drainage patterns that would increase infiltration and evapotranspiration) to reduce the charge that would otherwise be imposed on a property based solely on amount of impervious surface. However, these practices and techniques are not included in the bill but were intended instead to be listed in the regulations promulgated by the Executive Branch after Council passage of the bill.

On March 19 the County Council took up Bill 34-12, and it quickly became apparent that there were concerns about the legislation. Of principal concern was a chart provided to members by the Roman Catholic Archdiocese of Washington showing an enormous increase in the Water Quality Charge for several church owned properties over the five year phase-in period. The comment was also made to Council that purchase and installation of many of the stormwater facilities that could be used to offset the charge were too costly for non-profits and religious institutions to afford.

The legislation would also provide a credit available to property owners who can demonstrate that meeting the stormwater management standards, or paying the Water Quality Charge, would constitute a financial hardship. Under the bill, however, an application for credit or waiver of the charge must be

applied for by September 20 of this year. Some council members were unsure if most county property owners would even note there was a new Water Quality Protection Charge on the property tax bill they received in June, let alone discover that a credit/waiver program exists by the September 20 deadline.

The bill would also establish a grant program to help property owners needing to fund installation or maintenance of stormwater management facilities, yet the details of this would also be included in executive branch regulation. Again, according to some members of Council, this constituted a situation in which Council would be agreeing to a program for which the detailed process of implementation had not been established.

By majority vote, the Council deferred action on Bill 34-12 until sometime in April, after the spring recess. Members felt they simply had too many questions and insufficient answers to proceed with action on the bill. In the meantime, the Department of Environmental Protection has been tasked with providing Council a better idea of what the regulations would include and also answers to other specific questions.

The environmental initiative before the County Council in Bill 34-12 is an extremely valuable and worthwhile one. I hope the executive branch can provide sufficient answers to enable the Council to approve this water quality protection legislation, which holds the promise of improving the health of our county streams and the groundwater from which upcounty residents draw their household drinking water.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to montgomerycivic@yahoo.com