

"Federation Corner" column
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Civic Federation monitors environmental issues

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Stormwater activity

The Montgomery County Stormwater Partners (of which MCCF is a member) met with Department of Environmental Protection (DEP) Director Bob Hoyt, Watershed Management Division Chief Steve Shofar, and Meo Curtis, Manager of Watershed Planning and Monitoring. DEP provided updates on implementation of the National Pollutant Discharge Elimination System (NPDES) "MS-4" (Municipal Separate Storm Sewer) Permit, issued by the Maryland Department of the Environment February 2010. Steve Shofar reported that, after extensive analysis, DEP estimates that the permit's watershed restoration provision requires treating roughly 4,000 acres of existing impervious surface with a range of retrofit or restoration projects.

"We need armies of citizens to implement ESD (Environmental Site Design) retrofits for this permit," said Director Hoyt. "We can't do this as government alone. We need citizens to communicate to other citizens, neighbor-to-neighbor, the need for sustainable landscaping and behavior changes."

Hoyt also noted that when DEP moved the dialogue on the permit away from concerns of whether the permit could be implemented to how to implement, it was a gamechanger. Under current plans, about 1,000 impervious acres, or about a quarter of the total required acres to be addressed, will have runoff treated with green infrastructure or ESD retrofits, including rain gardens, roadside bio-retention, permeable pavements, tree plantings, conservation landscaping with native plants, and green roofs. About 3,000 remaining impervious acres will be treated with retrofits to conventional stormwater retention ponds to enlarge their capacity to store runoff.

After initially planning to use ESD retrofits to treat only about 5% of the required impervious acres (due to official cost estimates that put a very high price tag on ESD retrofits), DEP increased the proportion of ESD retrofits. The Stormwater Partners have highlighted the multiple benefits of green retrofits, and questioned the efficacy of pond retrofits that don't reduce runoff volumes. DEP plans to submit its draft Implementation Strategy, including watershed plans for the County's 8 major watersheds, to MDE on February 16.

These watershed plans and the overall strategy will integrate the permit's relevant requirements, including plans to meet Total Maximum Daily Load Waste Load Allocations, trash elimination, and retrofits. On or about the same date, the draft Strategy will also be released to the public for a 30-day public comment period. DEP plans to then revise its Implementation Strategy based on that input, and submit its final Strategy and Plans to MDE by the end of April 2011.

A T&E committee report by Keith Levchenko on artificial turf (AT) is pending. The report will cover pros and cons, including the water quality concerns that prompted the Stormwater Partners' call for a moratorium on the use of AT. One concern is that AT relies on pulverized rubber tires containing toxic chemicals.

Update on forests and trees

As discussed in the January MCCF meeting, our county Forest Conservation Law (FCL) is overdue for comprehensive revisions. DEP has undertaken a project to revise the law and is currently negotiating with the Maryland-National Capital Park and Planning Commission (M-NCPPC), which administers the current law, on a draft bill. DEP has met for the past two years with environmental organizations and members of the building community, which is regulated by the FCL.

Councilmember Roger Berliner (D-District 1), newly appointed Chairman of the Council T&E Committee, will host a larger stakeholder meeting on the DEP proposal. A goal of the stakeholder meeting is to explore common ground on the current draft and make suggestions for improvements before the bill is introduced in Council. Submission of a bill is expected soon. Both the environmental community and builders are urging that forest conservation be addressed separately from urban tree canopy protection and restoration in draft legislation.

The current Forest Conservation Law has begun to yield results in reforesting the more rural UpCounty. However, as pressure has mounted for infill development in the DownCounty and dense building to take place on the 4% of Montgomery County where there is still developable land, the urbanized sections of the county have become denuded, resulting in a mere 13% of forested land in the urban ring of the county, according to data from M-NCPPC. Our county currently has no countywide urban tree canopy goal, although urban canopy goals are included in several master plans.

Separate from jurisdiction of the FCL is our county street tree program, which is guided by the State Roadside Tree Law but has a line item in the County budget. The budget for the street tree program was suspended in last year's budget cuts, resulting in no ability for street trees in our neighborhoods to be either maintained or replaced when trees are lost due to age, disease, storm damage or construction damage. With Pepco's ongoing pruning around power lines, remaining neighborhood street trees are looking grim in many sections of the county.

According to land use planner Donald C. Outen, who developed the Baltimore County Forest Sustainability Strategy, Maryland is heading toward a "no net loss of forest" policy. A report from the Maryland Sustainable Forestry Council, appointed by the Governor, is due in December of this year. There is no representation from Montgomery County on this statewide Council. To learn more about this state Council and the Maryland Sustainable Forestry Act of 2009, visit: <http://www.dnr.state.md.us/forests/sfcouncil.asp>

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 theelms518@earthlink.net