

"Federation Corner" column
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The "rain tax" scam and other damaging county environmental policies

by Alyce Ortuzar
natural landscape advocate

Hypocrisy is alive and well in Montgomery County government and in the "rain" tax (otherwise known as the impervious surface tax). The purported purpose of this tax is to benefit the Chesapeake Bay and efforts to restore its health.

But the practices definitively understood to degrade the Bay are readily apparent throughout the county in recently clearcut and denuded development sites; in the widespread prevalence of manicured and monoculture turf grass that captures no stormwater and leaves no pollinator behind; and in the ubiquitous nonstop noise (and sediment) from lawn mowers, leafblowers, and trimmers that too often operate from 6:30am to 6pm four to six days a week in developments throughout the county. The CO₂ that is spewed from this machinery constitutes the third largest source of greenhouse gases after coal power plants and vehicle emissions. Residents who mow add to the CO₂ load and to the noise.

The Washington, DC, version of an impervious surface tax includes a green area ratio residents can put in to offset the tax. The DC Riversmart program sends people door-to-door to educate residents about reducing and even eliminating stormwater runoff by replacing impervious concrete driveways and walkways with pervious pavers that absorb water and by replacing turf grass with biodiverse, chemical-free, watershed friendly native vegetation that captures stormwater (flowers, robust bushes, and trees) to prevent runoff and flooding; returns the water to the aquifer; and attracts and feeds pollinators and other beneficials such as butterflies and damselflies.

Watershed friendly yards require no mowing and little to no watering; generate no sediment runoff; do not use toxic chemicals; and can include rain barrels, living walls, and green roofs. It is possible to achieve zero runoff. (See *Bringing Nature Home* by Doug Tallamy; *The Earth Moved* by Amy Stewart; and the Fish & Wildlife Service Guide entitled *Native Plants for Wildlife Habitat and Conservation Landscaping for the Chesapeake Bay Watershed*.)

Montgomery County has the Department of Environmental Protection (DEP) Rainscapes brochure encouraging meadows and tall native grasses, but the program itself has unreasonable and counterintuitive constraints if residents want rebates. This program requires deep digging and even excavating portions of a yard before planting. That is just not necessary.

And DEP has not coordinated with the Department of Housing and Community Affairs (DHCA), the entity authorized to enforce the county lawn and yard code, to make that code compatible with watershed friendly (rainscape) vegetation such as clover, dandelions, and tall flowering native grasses that all develop deep roots. DHCA still insists on listing these wildflowers as weeds—I call this the ChemLawn paradigm, a leftover from the 1950s when Americans were told that DDT was safe.

DHCA still threatens residents with stiff fines if they permit these wildflowers to thrive and feed vitally important pollinators. Thanks to DHCA, my watershed friendly yards have been destroyed more than 14 times. It is heartbreaking to see my beautiful native ground cover and flowers that were providing food and refuge for so many important insects and birds mowed to

the ground. My robust bushes which captured thousands of gallons of stormwater from the roof were so mutilated in the last destruction that three bird nests were abandoned because there was not enough vegetation left to protect them.

The heads of these two departments say they work closely together, but why would they want to embarrass County Executive Leggett and the County Council by maintaining these inconsistencies? State and county buildings and too many medians still have turf grass, and too many homeowner associations (HOAs) also harass residents who try to replace turf grass. Most developments are intensively mowed and heavily sprayed, and it all ends up in the Bay. State and local stormwater management regulations fail to include yards and lawns, and turf grass is now the largest landmass in the Chesapeake Bay watershed.

I witnessed a bee die-off last July after two of my neighbors sprayed their yards. When it rains, ponds and streets flood; sidewalks are under water from puddles; and sediment laced with synthetic fertilizers and toxic chemicals enters all of our water sources including the Bay. And we can never catch up economically or environmentally while these destructive practices continue.

So this scam known as the “rain” tax should be repealed until every county resident has the right to replace turf grass with watershed friendly yards, and all government buildings do the same, and turf grass is removed from state and county lists of effective stormwater management vegetation so that all new and restored buildings will have watershed friendly vegetation.

NOTE: as MCCF does every year, following its June meeting (which took place this year on Monday, June 9) the Federation takes a break in its meeting schedule, resuming monthly meetings in September. But the work of the group does not cease, and we continue to work with our officials to effect policy changes that will improve quality of life in the county. If you or your community has a question, or needs assistance on an issue over the summer, visit our website at montgomerycivic.org, where you can get information on how to contact MCCF officers and committee chairs who can help.

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