



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 12 (1)
November 5, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief, Environmental Planning Division *MP*

FROM: *CB* Candy Bunnag, Planner Coordinator, Environmental Planning Division

DATE: October 30, 2009

DISCUSSION: State Highway Administration (SHA) Intersection Improvements,
Md. 198 (Spencerville Road) at Good Hope Road in Upper Paint Branch
Special Protection Area (SPA)

The intersection improvements of Rte. 198 at Good Hope Road involve creating permanent concrete medians to replace the existing temporary medians, widening the shoulder on the westbound lane (northern side of the road), and reconfiguring and redeveloping the intersection accordingly. State Highway Administration (SHA) proposes to add 0.113 acre of new impervious surface within the right-of-way of Rte. 198. A portion of existing open section roadway will be converted to closed section.

This set of improvements is located within the Upper Paint Branch Special Protection Area (SPA) and the SPA's Environmental Overlay Zone (EOZ). However, this project was not submitted as a mandatory referral project for review by M-NCPPC.

In the past, SHA has submitted its projects that lie within a county-designated SPA as mandatory referrals with County review using SPA criteria and requirements. These projects have included the U.S. 29 improvements at Briggs Chaney Road (reviewed by the Planning Board as a mandatory referral and SPA water quality plan in June 2002) and, more recently, the Intercounty Connector segment through the Upper Rock Creek and Upper Paint Branch SPAs (conducted by the Planning Board as environmental reviews in February 2008 for the Upper Rock Creek SPA segment and in February and June, 2009 for the Upper Paint Branch SPA segments).

The original scope of this intersection improvement project was described to M-NCPPC Transportation Planning staff as the replacement of an existing striped median and flexible bollards with a curbed median; such maintenance-type projects would not normally be reviewed as Mandatory Referrals. The plans and documents that show the increase in impervious surface and proposed stormwater management measures were not provided to staff until we requested the information following a County Council staff inquiry about the project. Unfortunately, the plans and documents were provided to staff

after the contract for the project had already been awarded and a start date for the construction had been set.

Staff reviewed the plans and information provided. We also requested the Montgomery County Department of Permitting Services (DPS) do a quick review of the plans and information to determine how the plans compare to SPA stormwater management and sediment and erosion control criteria. The following is a summary of Environmental Planning Division staff's and DPS' conclusions:

- The impervious increase of 0.113 acre (or 4922 square feet) is relatively small. However, SHA has not proposed to offset the new impervious surface by taking out existing impervious surfaces to create no-net increase of impervious surfaces for the project in the SPA, as required in the Environmental Overlay Zone of the Upper Paint Branch SPA.
- No large trees or forests have been cleared.
- DPS notes that the project proposes to convert an open-section roadway segment into a closed-section design (i.e., curb and gutter). The County typically requires open section road designs in Use III and IV watersheds in the county to provide for filtering of stormwater runoff and groundwater recharge. If an open-section road is not possible, DPS typically requires additional groundwater recharge to be provided via other means. The project does not address this issue, which is of particular concern in this headwaters area.
- DPS also notes that the county usually requires the entire redevelopment area for a project provide water quality controls onsite. The project proposes to provide water quality treatment for only 0.02 acre of the 0.458 acre of new and "redeveloped" impervious area. The remainder of the impervious area will receive "credits" from a "water quality bank". According to SHA, since the project includes impervious surfaces that require water quality treatment (based on Maryland Department of the Environment criteria) but will not be treated onsite, the project will be using "credits" for water quality treatment from a water quality bank that covers the Washington Metropolitan Watershed. This watershed includes the portions of Montgomery and Prince Georges counties which drain the Anacostia and Potomac Rivers and all of Washington, D.C. This watershed covers a much larger area than the Upper Paint Branch SPA. "Credits" in the bank are created from water quality treatment measures that exceed regulatory requirements for SHA projects. Based on this bank, the water quality "credits" that SHA is proposing to use could very well be tied to water quality treatments for a project that lies outside the SPA. DPS does not believe that use of the water quality bank is appropriate since it would involve local degradation of water quality within the Upper Paint Branch.
- DPS notes that safe conveyance of stormwater runoff from the project area is provided. The project will be modifying an existing riprap outfall.
- For sediment control, DPS notes that it would have preferred the use of super silt fence rather than silt fence to provide better controls to avoid or minimize sediment leaving the project site. In addition, DPS would have recommended more emphasis on immediate stabilization.

Although SHA may indicate that the environmental impacts of this particular project to the SPA are small, the cumulative impacts of many small projects can be considerable. In addition, staff is concerned that other, larger SHA projects within the SPA that could have greater environmental impacts may progress and be finalized without mandatory referral or environmental review and input from County agencies, including the Planning Board. The absence of County-level review would not allow staff or other County agencies to minimize or offset additional impervious surfaces due to these projects in the SPA.

Staff recommends:

- (1) For the SHA Rte. 198 Intersection Improvement Project at Good Hope Road, SHA should identify and permanently remove 0.113 acre (or 4922 square feet) of existing impervious surfaces in the Upper Paint Branch SPA. This would create a no-net increase of impervious surfaces for this project. SHA should provide a progress report on meeting this recommendation to the Planning Board by January 15, 2010.
- (2) For projects that lie partly or entirely within an SPA, SHA staff should coordinate early and often with M-NCPPC and County DPS and DEP staffs so that local agencies can review and provide comments at appropriate points in these projects' timeline.
- (3) In addition, each of these projects should also be reviewed by the Planning Board to provide comments prior to the projects' final approvals by State regulatory agencies, and certainly well before the grant of contract and start of construction.

Upper Paint Branch SPA

