



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item #4  
5/30/02

## MEMORANDUM

**TO:** Montgomery County Planning Board

**VIA:** Jeff Zyontz, Chief, County-Wide Planning Division  
Jorge A. Valladares, P.E., Chief, Environmental Planning, County-Wide Planning

**FROM:** Mark Pfefferle, Planning Coordinator, County-Wide Planning

**DATE:** May 24, 2002

**SUBJECT:** Montgomery County Environmental Policy

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## STAFF RECOMMENDATION

Generally, staff is supportive of a countywide environmental policy and development of environmental management systems to identify ways to improve environmental performance for the Maryland-National Capital Park and Planning Commission (M-NCPPC). The County Council should be aware that the proposal has unresolved work program and budget issues.

## BACKGROUND

The County Executive determined individual county agencies and departments operate under a variety of policies, procedures, mandates, visions, and mission statement and that no comprehensive environmental policy functions to protect, enhance, and restore environmental resources. The county wishes to be recognized as a leader by developing a countywide environmental policy to plan, prioritize, and implement environmental initiatives in a coordinated fashion.

In order to enhance the consciences of all county agencies, the Transportation and Environment Committee will discuss the County Executive's resolution that directs and encourages all agencies and departments that receive budget approval by the Montgomery County Council to adopt environmental initiatives that are consistent with the resolution (Attachment A).

## M-NCPPC IMPACTS

The full impacts of this Resolution on M-NCPPC are still under review. The resolution appears to:

- Provide DEP the opportunity to mandate changes in existing M-NCPPC work programs through their findings in the Environmental Issues and Actions Report and bi-annual data requests.
- Develop a countywide environmental policy and prioritize actions that may not be consistent with M-NCPPC's protection strategy.
- Require M-NCPPC to develop an environmental management system and training for selected employees on environmental management systems without additional funding.
- The Resolution will have budgetary impacts but the total impact is unknown at this time. Briefly, funds would need to be made available to develop an environmental management system, train all employees on the merits of an environmental management system, acquire additional capital assets which may not be required by law or regulations, and provide data to DEP which may be outside existing work programs. If the Resolution is unfunded, funds to implement the Resolution could be directed to come from existing programs.

## ANALYSIS

The environmental policy is intended to set the framework for Montgomery County agencies and departments to achieve improvement in the implementation of program measures to improve public health, environmental resource management and environmental protection. More specifically, the resolution requires:

- The Department of Environmental Protection (DEP) to prepare an Environmental Issues and Actions Report for the county and submit the report to the County Council within 60 days of the adoption of the Environmental Policy resolution.
- M-NCPPC, and other county agencies, to develop an Environmental Action Plan based on the recommendations contained within the DEP's Environmental Issues and Actions Report.
- M-NCPPC, and other county agencies, to develop an environmental management system consistent with the principles contained with the International Organization for Standardization (ISO) 14001 principles (Attachment B).
- M-NCPPC, and other county agencies, to train staff in environmental management systems 14001 during the next five years.
- DEP to update the Environmental Issues and Actions Report on a bi-annual basis. Included in the bi-annual update will be a collaborative report by the Office of Management and Budget to review individual program measures designed to carry out the identified objectives.
- M-NCPPC, and other county agencies, to provide DEP with data and information requested by DEP in developing the report updates.

Where as the ISO approach requires an introspective review of environmental risks created by each agency, the environmental action report could become a directive to departments and agencies. It may make the Action Report a critical document with little time for an inclusive

development process. The environmental assessment is “global” in scope. It includes not only effects we may directly cause but also effects of the regulatory process itself. By measuring and reporting only environmental effects, there will be a tendency for the DEP to look for more environmental regulation without considering such livability measures such as affordable housing. Several years ago, M-NCPPC proposed a “Quality of Life” measure of the County. That was rejected by the County Council. Here, though is a proposal more limited in scope and balance.

## **RECOMMENDATION**

M-NCPPC staff is supportive of a countywide environmental policy and development of environmental management systems to identify ways to improve environmental performance for each agency. However, implementation of the Resolution has unknown fiscal implications for M-NCPPC. In addition, M-NCPPC needs to be assured that work procedures, goals and objectives will be established by the Council and Planning Board. Staff recommends a thorough fiscal analysis be conducted on the resolution prior to its acceptance to determine an overall agency impact and whether economy of scale can be realized in the development of agency specific environmental management systems.

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council Member Steven A. Silverman at the request of the County Executive

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Subject: Montgomery County Environmental Policy

Background and Purpose

1. The Montgomery County Council and the County Executive determined that individual County Government agencies and departments operate under a variety of policies, procedures, mandates, visions, and mission statements, but no overarching County environmental policy exists under which environmental initiatives are planned, implemented, and evaluated.
2. The County wishes to be recognized as a leader in the area of environmental policy by other public and private organizations that operate both within Montgomery County and in the region. Adoption of a comprehensive environmental policy will allow Montgomery County to plan, prioritize and implement environmental initiatives in a coordinated fashion and allow Montgomery County to lead by example.
3. Montgomery County desires to raise the consciences of all county agencies, departments and employees that their actions have environmental consequences and that we all have a responsibility to promote public health, environmental resource management and environmental protection.
4. In April 2000 the County's Department of Environmental Protection developed the Montgomery County Environmental Assessment 2000, an assessment of baseline conditions and indicators to evaluate the quality of environmental resource conditions in the County. The base line conditions and indicators were evaluated for air quality, energy consumption, hazardous materials, noise, biodiversity, stream and groundwater quality, water supply, stormwater and watershed management, forest conservation, recycling and transportation. These assessments identified the status and trends in protecting the public health and the environment for these indicators of the quality of life in Montgomery County. This document provides the type of indicators and trend analyses that are useful in directing resources in the county for measurable and effective environmental improvements.
5. The Montgomery County Council and the County Executive recognize that responsible environmental stewardship necessitates a reversal in the declining trends identified in the *Environmental Assessment 2000*. Environmental

stewardship is the responsibility of all citizens in Montgomery County and must be supported by the actions of both the public and private sectors of our community. Adoption of an environmental policy for the agencies and departments of the county is viewed as an opportunity for the county government to lead by example.

6. The Department of Environmental Protection has successfully piloted a program that coordinated the development of Environmental Management Systems (EMS) in several executive branch departments. The EMS process encouraged each department that participated in the pilot, to review their operating practices and procedures to identify opportunities for greater environmental compatibility. This program required environmental awareness education for both management and staff before each department developed their own list of improved practices that allowed them to conduct their work with greater environmental sensitivity.
7. It is recognized that identification and prioritization of environmental policy initiatives will assist the county in focusing to set clear program objectives and goals. The County also wishes to develop measurable indicators to evaluate progress toward meeting these objectives and goals. The development of such an environmental policy in Montgomery County will allow elected and appointed officials to require a competent, coordinated and effective program in the major functional elements of the county government. The Environmental Policy will provide guidance to the elected officials for directing funding initiatives and other resources to promote sound environmental practices that will improve the quality of life in our communities and in our places of work.

#### Action

The County Council for Montgomery County, Maryland, approves the following resolution:

PREAMBLE: Montgomery County Government is obligated to promote and ensure public health, environmental resource management and environmental protection. These actions are required to support a high quality of life in our communities and for our employees. An environmental policy for Montgomery County will direct and encourage all agencies and departments of the County that receive budget approval by the Montgomery County Council to adopt environmental initiatives that are consistent with the initiatives that are identified and adopted by this resolution.

This policy sets the framework for all Montgomery County agencies and departments to achieve improvement in implementation of program measures to improve public health, environmental resource management and environmental

protection. This framework for environmental action is to assist elected and appointed officials by providing guidance and to establish priorities for the identified environmental areas. These actions will promote a comprehensive and sustained effort by the County to make measurable progress as environmental stewards.

The Environmental Policy of Montgomery County:

1. The Department of Environmental Protection (DEP) will prepare an Environmental Issues and Actions Report for the county. This report will identify the priority environmental issues in the county and propose actions that can be taken to mitigate the impacts of these environmental issues. The environmental issues addressed in this report shall include, but not be limited to, the issues outlined in DEP's *Environmental Assessment 2000*. The Environmental Issues and Actions Report will be submitted to the Council within 60 days of the adoption of this resolution. The Council will review and adopt this report as a reference document for the development of Environmental Action Plans by the agencies and departments as defined in item (3) below.
2. Each public agency and department in the county that is subject to County Council budget oversight will develop an Environmental Action Plan based on the recommendations contained in the Environmental Issues and Actions Report. All agencies and departments are expected to define and implement an Environmental Action Plan for their facilities and operations. Each agency and department, through its annual budget submissions to the Office of Management and Budget, is required to exhibit and report progress in the implementation of environmental program measures as defined in its Environmental Action Plan.
3. Montgomery County endorses, supports and encourages the use of the principles contained in the Environmental Management Systems (EMS) (International Standards Organization 14001) in the development of each agency and departmental Environmental Action Plan. Accordingly, it is envisioned that each agency and department in the county will provide staff and management training in EMS (ISO 14001) during the next five years.
4. DEP will update the Environmental Issues and Actions Report on a bi-annual basis. This report will also evaluate and report on County progress in improving baseline conditions for the identified environmental issues. Each agency and department will provide DEP with the data and information that DEP requests to develop this updated report. Included in this biannual update will be a collaborative report with the Office of Management and Budget to review individual agency program measures designed to carry out the identified objectives. This report will evaluate the overall progress being made in the County, as a whole; toward improving the environmental trends as identified in the Environmental Assessment 2000 report. Recommendations will be developed that may suggest the Council and the County Executive consider the development

of legislative or regulatory actions to address identified needs for environmental improvement.

5. The County is to design and administer an environmental awards program as a component of *Montgomery's Best* award program. This environmental awards program will recognize environmental leadership in promoting and implementing the objectives of the Environmental Policy.
6. The content of this policy resolution must be reviewed in the fifth year following the date of adoption. A Councilmember may propose amendments at any time.

Resolution Jointly Sponsored By:

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Steven A. Silverman, President  
County Council

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Douglas M. Duncan, County Executive

This is a correct copy of Council action.

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Mary Edgar, CMC  
Clerk of the Council

### **Incorporation by Reference**

Montgomery County, Maryland has various documents, including this resolution, that present their commitments, activities, goals, and objectives. These other documents are incorporated into this resolution by referencing their existence and by re-affirming their role in setting Montgomery County's environmental agenda. The following is a list of the Statutory Authority and related documents that establish the basis for Montgomery County's Environmental Policy:

#### Federal

Clean Air Act  
Clean Water Act  
Energy Policy Act  
Safe Drinking Water Act  
Resource Conservation and Recovery Act as amended by Hazardous and Solid Waste Act

Comprehensive Environmental Response Compensation and Liability Act as amended by  
SARA (Superfund Amendments and Reauthorization Act)  
Pollution Prevention Act  
National Environmental Policy Act (NEPA)  
Federal Insecticide Fungicide and Rodenticide Act (FIFRA)  
Emergency Planning and Community Right to Know Act  
Toxic Substances Control Act (TOSCA)  
Occupational Safety and Health Act (OSHA)

State

COMAR Environmental Section 26  
Wellhead Protection Program  
MOSH, Maryland Occupational Safety and Health Act  
State Implementation Program  
Chesapeake Bay Agreement  
NPDES Municipal Separate Storm Sewer System Discharge Permit  
Governor's Green Building Executive Order  
Maryland Economic Development, Resource Protection and Planning Act of 1992  
Environmental Noise Act of 1974

Local

Montgomery County Maryland Code:  
Chapter 3 Air Quality  
Chapter 11 Procurement of Recycled Paper  
Chapter 18A Energy Policy  
Chapter 19 Water Quality  
Chapter 28 Brownfield Credit  
Chapter 31B Noise Control  
Chapter 33 B Pesticides  
Chapter 38 Quarries  
Chapter 48 Solid Waste  
County Building Code which incorporates ASHRAE (American Society of Heating,  
Refrigeration and Air Conditioning Engineers and BOCA Code  
General Plan – On Wedges and Corridors  
Functional and Area Master Plans  
M-NCPPC Environmental Guidelines  
Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
Montgomery County Comprehensive Solid Waste Plan

Executive Orders & Council Resolutions

Integrated Pest Management (IPM)  
Pollution Prevention  
Recycling  
Energy Policy  
Cities for Climate Protection Resolution



Administrative Procedures

Energy Conservation [AP 5-4]

Electric Power Emergencies [AP 8-8]

Agency and Departmental Documents

Montgomery County Maryland's Countywide Stream Protection Strategy

Montgomery County Maryland's Countywide Forest Preservation Strategy

Montgomery County Maryland's Groundwater Protection Strategy

Montgomery County Maryland Environmental Assessment

Montgomery County Maryland's Energy Design Guidelines

## **ATTACHMENT B**

### **Environmental Management Systems/ISO 14001 Frequently Asked Questions**

#### **What is ISO 14001?**

ISO stands for the International Organization for Standardization, located in Geneva, Switzerland. ISO promotes the development and implementation of voluntary international standards, both for particular products and for environmental management issues. ISO 14000 refers to a series of voluntary standards in the environmental field under development by ISO. Included in the ISO 14000 series are the ISO 14001 EMS Standard and other standards in fields such as environmental auditing, environmental performance evaluation, environmental labeling, and life-cycle assessment. The EMS and auditing standards are now final. The others are in various stages of development.

#### **How are these standards developed?**

All the ISO standards are developed through a voluntary, consensus-based approach. Each member country of ISO develops its position on the standards and these positions are then negotiated with other member countries. Draft versions of the standards are sent out for formal written comment and each country casts its official vote on the drafts at the appropriate stage of the process. Within each country, various types of organizations can and do participate in the process including industry, government (Federal and State), and other interested parties, including various non-government organizations (NGOs).

#### **What must a community do to have an EMS that meets the ISO 14001 standard?**

The ISO 14001 standard requires that a community or organization put in place and implement a series of practices and procedures that, when taken together, result in an environmental management system. ISO 14001 is not a technical standard and as such does not in any way replace technical requirements embodied in statutes or regulations. It also does not set prescribed standards of performance for organizations. The major requirements of an EMS under ISO 14001 include:

- A policy statement, which includes commitments to prevention of pollution, continual improvement of the EMS leading to improvements in overall environmental performance, and compliance with all applicable statutory and regulatory requirements.
- Identification of all aspects of the community organization's activities, products, and services that could have a significant impact on the environment, including those that are not regulated
- Setting performance objectives and targets for the management system which link back to the three commitments established in the community or organization's policy (i.e. prevention of pollution, continual improvement, and compliance)

- Implementing the EMS to meet these objectives. This includes activities like training of employees, establishing work instructions and practices, and establishing the actual metrics by which the objectives and targets will be measured.
- Establishing a program to periodically audit the operation of the EMS
- Checking and taking corrective and preventive actions when deviations from the EMS occur, including periodically evaluating the organization's compliance with applicable regulatory requirements.
- Undertaking periodic reviews of the EMS by top management to ensure its continuing performance and adjusting it, as necessary.

**What are some of the potential benefits of an EMS based on ISO 14001?**

- Improvements in overall environmental performance and compliance
- Provide a framework for using pollution prevention practices to meet EMS objectives
- Increased efficiency and potential cost savings when managing environmental obligations
- Promote predictability and consistency in managing environmental obligations
- More effective targeting of scarce environmental management resources
- Enhance public posture with outside stakeholders

**Can existing environmental management activities be integrated into the EMS under 14001?**

Yes. The standard is flexible and does not require organizations to necessarily "retool" their existing activities. The standard establishes a management framework by which organizational impacts on the environment can be systematically identified and reduced. For example, many organizations, including counties and municipalities, have active and effective pollution prevention activities underway. These could be incorporated into the overall EMS under ISO 14001.