

HOUSE BILL 508

M3, L6

3lr0303

By: **Delegates Carr, Hucker, Niemann, and Reznik**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Local Stormwater Management Charges – State Property**

3 FOR the purpose of ~~providing a certain exception to an exemption from certain taxes,~~
4 ~~user charges, and utility fees relating to stormwater management for property~~
5 ~~owned by the State or a unit of State government; providing, with certain~~
6 ~~exceptions and under certain conditions, that property owned by the State or a~~
7 ~~unit of State government is subject to a certain stormwater management charge~~
8 ~~imposed by the governing body of the county or municipality within which the~~
9 ~~property is located; prohibiting, with a certain exception, a certain permitted~~
10 ~~jurisdiction from imposing a certain charge on a property that is located wholly~~
11 ~~within another permitted jurisdiction; providing for a certain allocation of~~
12 ~~charges when a property is located in more than one permitted jurisdiction;~~
13 ~~providing an exception to an exemption from the application of a certain~~
14 ~~provision of law relating to stormwater management charges for State~~
15 ~~construction activities; defining a certain term; providing an exemption from a~~
16 ~~certain stormwater remediation fee for property specifically covered by a certain~~
17 ~~permit held by the State or a unit of State government unless being charged a~~
18 ~~fee is mutually agreed on by the State or unit of State government and the~~
19 ~~county or municipality charging the fee; specifying that the systems, facilities,~~
20 ~~services, or activities that a county or municipality must account for in~~
21 ~~establishing policies and procedures to reduce a certain stormwater remediation~~
22 ~~fee include stormwater treatment or reduction that is required to meet total~~
23 ~~maximum daily load requirements under a certain permit; making stylistic~~
24 ~~changes; repealing obsolete language; providing for a delayed effective date; and~~
25 ~~generally relating to stormwater management charges.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~
 3 ~~Section 24-406~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2011 Replacement Volume and 2012 Supplement)~~

6 BY repealing and reenacting, with amendments,
 7 Article – Environment
 8 Section ~~4-204 and 4-205~~ 4-202.1(e) and (f)(1)
 9 Annotated Code of Maryland
 10 (2007 Replacement Volume and 2012 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 ~~**Article 24 – Political Subdivisions – Miscellaneous Provisions**~~

14 ~~24-406.~~

15 ~~(a) [Property] EXCEPT AS PROVIDED UNDER § 4-204 OF THE~~
 16 ~~ENVIRONMENT ARTICLE, PROPERTY owned by the State or a unit of State~~
 17 ~~government, a county, a municipality, or a regularly organized volunteer fire~~
 18 ~~department that is used for public purposes shall be exempt from the taxes, user~~
 19 ~~charges, and utility fees imposed under this subtitle.~~

20 ~~(b) Property that is not within a stormwater management district or is not~~
 21 ~~otherwise provided direct or indirect stormwater management services in a~~
 22 ~~stormwater management district may not have a tax imposed by the county until the~~
 23 ~~county acquires, extends, or begins to provide stormwater management services,~~
 24 ~~facilities, or programs to the property.~~

25 ~~**Article – Environment**~~

26 ~~4-204.~~

27 ~~(a) (1) [After July 1, 1984, unless] UNLESS exempted, a person may not~~
 28 ~~develop any land for residential, commercial, industrial, or institutional use without~~
 29 ~~submitting a stormwater management plan to the county or municipality that has~~
 30 ~~jurisdiction, and obtaining approval of the plan from the county or municipality.~~

31 ~~(2) A grading or building permit may not be issued for a property~~
 32 ~~unless a stormwater management plan has been approved that is consistent with this~~
 33 ~~subtitle.~~

34 ~~(b) The developer shall certify that all land clearing, construction,~~
 35 ~~development, and drainage will be done according to the plan.~~

1 ~~(e) Each county or municipality may provide by ordinance for the review and~~
2 ~~approval of stormwater management plans by the local soil conservation district.~~

3 ~~(d) (1) Each governing body of a county or municipality may adopt a~~
4 ~~system of charges to fund the implementation of stormwater management programs,~~
5 ~~including the following:~~

6 ~~(i) Reviewing stormwater management plans;~~

7 ~~(ii) Inspection and enforcement activities;~~

8 ~~(iii) Watershed planning;~~

9 ~~(iv) Planning, design, land acquisition, and construction of~~
10 ~~stormwater management systems and structures;~~

11 ~~(v) Retrofitting developed areas for pollution control;~~

12 ~~(vi) Water quality monitoring and water quality programs;~~

13 ~~(vii) Operation and maintenance of facilities; and~~

14 ~~(viii) Program development of these activities.~~

15 ~~(2) The charges shall take effect upon enactment by the local~~
16 ~~governing body.~~

17 ~~(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS~~
18 ~~SUBSECTION, PROPERTY OWNED BY THE STATE OR A UNIT OF STATE~~
19 ~~GOVERNMENT IS SUBJECT TO A CHARGE THAT IS ADOPTED BY THE GOVERNING~~
20 ~~BODY OF THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROPERTY IS~~
21 ~~LOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:~~

22 ~~(I) THE CHARGE IS PROPORTIONATE TO THE SHARE OF~~
23 ~~STORMWATER MANAGEMENT SERVICES RELATED TO THE PROPERTY AND~~
24 ~~PROVIDED BY THE COUNTY OR MUNICIPALITY; AND~~

25 ~~(II) THE COUNTY OR MUNICIPALITY HAS ESTABLISHED A~~
26 ~~SYSTEM OF CREDITS OR EXEMPTIONS TO ADJUST THE CHARGE TO ACCOUNT~~
27 ~~FOR THE COSTS OF, AND THE LEVEL OF TREATMENT PROVIDED BY,~~
28 ~~STORMWATER MANAGEMENT FACILITIES THAT ARE FUNDED AND MAINTAINED~~
29 ~~BY A PROPERTY OWNER.~~

30 ~~(4) THE REQUIREMENT SET FORTH IN PARAGRAPH (3) OF THIS~~
31 ~~SUBSECTION DOES NOT APPLY TO PROPERTY OWNED BY:~~

1 ~~(I) THE UNIVERSITY SYSTEM OF MARYLAND; OR~~

2 ~~(II) THE DEPARTMENT OF TRANSPORTATION, INCLUDING~~
3 ~~ROADS.~~

4 ~~(5) (I) IN THIS PARAGRAPH, "PERMITTED JURISDICTION"~~
5 ~~MEANS A COUNTY OR MUNICIPALITY THAT HOLDS A MUNICIPAL SEPARATE~~
6 ~~STORM SEWER SYSTEM PERMIT.~~

7 ~~(II) A PERMITTED JURISDICTION MAY NOT IMPOSE A~~
8 ~~CHARGE UNDER THIS SUBSECTION ON A PROPERTY THAT IS LOCATED WHOLLY~~
9 ~~WITHIN ANOTHER PERMITTED JURISDICTION UNLESS THE PERMITTED~~
10 ~~JURISDICTION IMPOSING THE CHARGE ACTUALLY PROVIDES STORMWATER~~
11 ~~SERVICES TO THE PROPERTY.~~

12 ~~(III) WHEN A PROPERTY IS LOCATED IN MORE THAN ONE~~
13 ~~PERMITTED JURISDICTION, UNLESS THE AFFECTED PERMITTED JURISDICTIONS~~
14 ~~AGREE ON A DIFFERENT METHOD OF ALLOCATION, EACH PERMITTED~~
15 ~~JURISDICTION MAY COLLECT A CHARGE THAT IS BASED ONLY ON THE AMOUNT~~
16 ~~OF IMPERVIOUS SURFACE ON THE PORTION OF THE PROPERTY LOCATED~~
17 ~~WITHIN THE PERMITTED JURISDICTION.~~

18 ~~[(3)] (6) The charges may be collected in the same manner as county~~
19 ~~and municipal property taxes, have the same priority, and bear the same interest and~~
20 ~~penalties.~~

21 ~~4-205.~~

22 ~~(a) [The] EXCEPT AS PROVIDED IN § 4-204(D) OF THIS SUBTITLE, THE~~
23 ~~provisions of § 4-204 of this subtitle do not apply to the construction activities of State~~
24 ~~or federal agencies.~~

25 ~~(b) [After July 1, 1984, a] A State or federal agency may not undertake any~~
26 ~~land clearing, soil movement, or construction activity involving soil movement unless~~
27 ~~the agency has submitted and obtained approval of a stormwater management plan~~
28 ~~from the Department.~~

29 ~~(c) (1) On the request of a county or municipality, the Department of the~~
30 ~~Environment shall require that a State or federal agency submit a stormwater~~
31 ~~management plan to the requesting jurisdiction for review and comment, which review~~
32 ~~and comment shall be completed, returned, and received by the State or federal agency~~
33 ~~within 21 calendar days of receipt of the plan.~~

~~(2) The Department shall require that the State or federal agency include the local jurisdictions' comments that are received within the time period required under paragraph (1) of this subsection as part of its stormwater management plan which is submitted for approval to the Department.~~

Article – Environment

4-202.1.

(e) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection and subsection (f) of this section, a county or municipality shall establish and annually collect a stormwater remediation fee from owners of property located within the county or municipality in accordance with this section.

(2) Property owned by [the State, a unit of State government.] a county, a municipality, or a regularly organized volunteer fire department that is used for public purposes may not be charged a stormwater remediation fee under this section.

(3) PROPERTY SPECIFICALLY COVERED BY A CURRENT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT OR INDUSTRIAL STORMWATER PERMIT HELD BY THE STATE OR A UNIT OF STATE GOVERNMENT MAY NOT BE CHARGED A STORMWATER REMEDIATION FEE UNDER THIS SECTION UNLESS BEING CHARGED A FEE IS MUTUALLY AGREED ON BY THE STATE OR UNIT OF STATE GOVERNMENT AND THE COUNTY OR MUNICIPALITY.

[(3)] (4) (i) A county or municipality shall set a stormwater remediation fee for property in an amount that is based on the share of stormwater management services related to the property and provided by the county or municipality.

(ii) A county or municipality may set a stormwater remediation fee under this paragraph based on:

1. A flat rate;
2. An amount that is graduated, based on the amount of impervious surface on each property; or
3. Another method of calculation selected by the county or municipality.

[(4)] (5) A stormwater remediation fee established under this section is separate from any charges that a county or municipality establishes related to stormwater management for new developments under § 4-204 of this subtitle.

1 including fees for permitting, review of stormwater management plans, inspections, or
2 monitoring.

3 (f) (1) A county or municipality shall establish policies and procedures,
4 approved by the Department, to reduce any portion of a stormwater remediation fee
5 established under subsection (e) of this section to account for on-site and off-site
6 systems, facilities, services, or activities that reduce the quantity or improve the
7 quality of stormwater discharged from the property, INCLUDING STORMWATER
8 TREATMENT OR REDUCTION THAT IS REQUIRED TO MEET THE TOTAL MAXIMUM
9 DAILY LOAD REQUIREMENTS UNDER A NATIONAL POLLUTANT DISCHARGE
10 ELIMINATION SYSTEM INDUSTRIAL STORMWATER PERMIT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 ~~October 1, 2013~~ July 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.