

HOUSE BILL 155

M3

4lr1288

By: **Delegates Krebs, Elliott, Ready, and Stocksdale**

Introduced and read first time: January 15, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Environment – Stormwater Management – Exemption From Watershed Protection and Restoration Program

FOR the purpose of exempting a certain county or municipality from a certain requirement to adopt a certain watershed protection and restoration program under certain circumstances; requiring the Department of the Environment to make a certain determination and provide certain notice under certain circumstances; and generally relating to stormwater management in the State.

BY repealing and reenacting, with amendments,

Article – Environment

Section 4–202.1(a)

Annotated Code of Maryland

(2013 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Environment

Section 4–202.1(b) and (c)

Annotated Code of Maryland

(2013 Replacement Volume)

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

Article – Environment

4–202.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) IN THIS SUBSECTION, “NPDES PHASE I MS4 PERMIT” MEANS A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.

[(1)] (2) Except as provided in [paragraph (2)] PARAGRAPHS (3) AND (4) of this subsection, this section applies to a county or municipality that is subject to [a national pollutant discharge elimination system Phase I municipal separate storm sewer system permit] A NPDES PHASE I MS4 PERMIT.

[(2)] (3) This section does not apply to a county or municipality that, on or before July 1, 2012, has enacted and implemented a system of charges under § 4–204 of this subtitle for the purpose of funding a watershed protection and restoration program, or similar program, in a manner consistent with the requirements of this section.

(4) (I) THIS SECTION DOES NOT APPLY TO A COUNTY OR MUNICIPALITY THAT MAINTAINS ADEQUATE PROGRAM FUNDING TO SUPPORT INFRASTRUCTURE AND PROGRAMS REQUIRED UNDER A NPDES PHASE I MS4 PERMIT IN ACCORDANCE WITH THIS PARAGRAPH.

(II) AS A PART OF THE DEPARTMENT’S ANNUAL REVIEW OF A NPDES PHASE I MS4 PERMIT, THE DEPARTMENT SHALL DETERMINE WHETHER A COUNTY OR MUNICIPALITY HAS MAINTAINED ADEQUATE PROGRAM FUNDING TO SUPPORT INFRASTRUCTURE AND PROGRAMS REQUIRED UNDER THE NPDES PHASE I MS4 PERMIT.

(III) IF THE DEPARTMENT DETERMINES THAT A COUNTY OR MUNICIPALITY HAS NOT MAINTAINED ADEQUATE PROGRAM FUNDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL PROVIDE THE COUNTY OR MUNICIPALITY WITH WRITTEN NOTICE THAT INFORMS THE COUNTY OR MUNICIPALITY OF THE DEPARTMENT’S DETERMINATION.

(IV) IF A COUNTY OR MUNICIPALITY DOES NOT MAINTAIN ADEQUATE PROGRAM FUNDING TO SUPPORT INFRASTRUCTURE AND PROGRAMS REQUIRED UNDER A NPDES PHASE I MS4 PERMIT WITHIN 1 YEAR AFTER RECEIVING A NOTICE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL APPLY TO THE COUNTY OR MUNICIPALITY.

(b) On or before July 1, 2013, a county or municipality shall adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program.

(c) A watershed protection and restoration program established under this section shall include:

- (1) A stormwater remediation fee; and
- (2) A local watershed protection and restoration fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.