

HOUSE BILL 773

M3, L2
HB 952/14 – ENV

5lr2418

By: **Delegate McDonough**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Watershed Protection and Restoration Program –**
3 **Exemption**

4 FOR the purpose of exempting Baltimore County from the requirement to establish a
5 watershed protection and restoration program on or before a certain date; and
6 generally relating to stormwater management in Baltimore County.

7 BY repealing and reenacting, with amendments,
8 Article – Environment
9 Section 4–202.1
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2014 Supplement)

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

14 **Article – Environment**

15 4–202.1.

16 (a) (1) Except as provided in paragraph (2) of this subsection, this section
17 applies to a county or municipality that is subject to a national pollutant discharge
18 elimination system Phase I municipal separate storm sewer system permit.

19 (2) This section does not apply to [a]:

20 (I) A county or municipality that, on or before July 1, 2012, has
21 enacted and implemented a system of charges under § 4–204 of this subtitle for the purpose
22 of funding a watershed protection and restoration program, or similar program, in a
23 manner consistent with the requirements of this section; OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) BALTIMORE COUNTY.

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

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

7 (1) A stormwater remediation fee; and

8 (2) A local watershed protection and restoration fund.

9 (d) (1) A county or municipality shall maintain or administer a local
10 watershed protection and restoration fund in accordance with this section.

11 (2) The purpose of a local watershed protection and restoration fund is to
12 provide financial assistance for the implementation of local stormwater management plans
13 through stormwater management practices and stream and wetland restoration activities.

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

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

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

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

26 1. A flat rate;

27 2. An amount that is graduated, based on the amount of
28 impervious surface on each property; or

29 3. Another method of calculation selected by the county or
30 municipality.

31 (4) A stormwater remediation fee established under this section is separate
32 from any charges that a county or municipality establishes related to stormwater

1 management for new developments under § 4–204 of this subtitle, including fees for
2 permitting, review of stormwater management plans, inspections, or 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 systems,
6 facilities, services, or activities that reduce the quantity or improve the quality of
7 stormwater discharged from the property.

8 (2) The policies and procedures established by a county or municipality
9 under paragraph (1) of this subsection shall include:

10 (i) Guidelines for determining which on–site systems, facilities,
11 services, or activities may be the basis for a fee reduction, including guidelines:

12 1. Relating to properties with existing advanced stormwater
13 best management practices;

14 2. Relating to agricultural activities or facilities that are
15 otherwise exempted from stormwater management requirements by the county or
16 municipality; and

17 3. That account for the costs of, and the level of treatment
18 provided by, stormwater management facilities that are funded and maintained by a
19 property owner;

20 (ii) The method for calculating the amount of a fee reduction; and

21 (iii) Procedures for monitoring and verifying the effectiveness of the
22 on–site systems, facilities, services, or activities in reducing the quantity or improving the
23 quality of stormwater discharged from the property.

24 (3) For the purpose of monitoring and verifying the effectiveness of on–site
25 systems, facilities, services, or activities under paragraph (2)(iii) of this subsection, a county
26 or municipality may:

27 (i) Conduct on–site inspections;

28 (ii) Authorize a third party, certified by the Department, to conduct
29 on–site inspections on behalf of the county or municipality; or

30 (iii) Require a property owner to hire a third party, certified by the
31 Department, to conduct an on–site inspection and provide to the county or municipality the
32 results of the inspection and any other information required by the county or municipality.

33 (g) (1) A property may not be assessed a stormwater remediation fee by both
34 a county and a municipality.

1 (2) (i) Before a county may impose a stormwater remediation fee on a
2 property located within a municipality, the county shall:

3 1. Notify the municipality of the county's intent to impose a
4 stormwater remediation fee on property located within the municipality; and

5 2. Provide the municipality reasonable time to pass an
6 ordinance authorizing the imposition of a municipal stormwater remediation fee instead of
7 a county stormwater remediation fee.

8 (ii) If a county currently imposes a stormwater remediation fee on
9 property located within a municipality and the municipality decides to implement its own
10 stormwater remediation fee under this section or § 4-204 of this subtitle, the municipality
11 shall:

12 1. Notify the county of the municipality's intent to impose its
13 own stormwater remediation fee; and

14 2. Provide the county reasonable time to discontinue the
15 collection of the county stormwater remediation fee within the municipality before the
16 municipality's stormwater remediation fee becomes effective.

17 (3) A county or municipality shall establish a procedure for a property
18 owner to appeal a stormwater remediation fee imposed under this section.

19 (h) (1) A county or municipality shall determine the method, frequency, and
20 enforcement of the collection of the stormwater remediation fee.

21 (2) A county or municipality shall deposit the stormwater remediation fees
22 it collects into its local watershed protection and restoration fund.

23 (3) There shall be deposited in a local watershed protection and restoration
24 fund:

25 (i) Funds received from the stormwater remediation fee;

26 (ii) Interest or other income earned on the investment of money in
27 the local watershed protection and restoration fund; and

28 (iii) Any additional money made available from any sources for the
29 purposes for which the local watershed protection and restoration fund has been
30 established.

31 (4) Subject to paragraph (5) of this subsection, a county or municipality
32 shall use the money in its local watershed protection and restoration fund for the following
33 purposes only:

1 (i) Capital improvements for stormwater management, including
2 stream and wetland restoration projects;

3 (ii) Operation and maintenance of stormwater management systems
4 and facilities;

5 (iii) Public education and outreach relating to stormwater
6 management or stream and wetland restoration;

7 (iv) Stormwater management planning, including:

8 1. Mapping and assessment of impervious surfaces; and

9 2. Monitoring, inspection, and enforcement activities to carry
10 out the purposes of the watershed protection and restoration fund;

11 (v) To the extent that fees imposed under § 4–204 of this subtitle are
12 deposited into the local watershed protection and restoration fund, review of stormwater
13 management plans and permit applications for new development;

14 (vi) Grants to nonprofit organizations for up to 100% of a project's
15 costs for watershed restoration and rehabilitation projects relating to:

16 1. Planning, design, and construction of stormwater
17 management practices;

18 2. Stream and wetland restoration; and

19 3. Public education and outreach related to stormwater
20 management or stream and wetland restoration; and

21 (vii) Reasonable costs necessary to administer the local watershed
22 protection and restoration fund.

23 (5) A county or municipality may use its local watershed protection and
24 restoration fund as an environmental fund, and may deposit to and expend from the fund
25 additional money made available from other sources and dedicated to environmental uses,
26 provided that the funds received from the stormwater remediation fee are expended only
27 for the purposes authorized under paragraph (4) of this subsection.

28 (6) The funds disbursed under this subsection are intended to be in
29 addition to any existing State or local expenditures for stormwater management.

30 (7) Money in a local watershed protection and restoration fund may not
31 revert or be transferred to the general fund of any county or municipality.

1 (i) Beginning July 1, 2014, and every 2 years thereafter, a county or municipality
2 shall make publicly available a report on:

3 (1) The number of properties subject to a stormwater remediation fee;

4 (2) The amount of money deposited into the watershed protection and
5 restoration fund over the previous 2 fiscal years; and

6 (3) The percentage of funds in the local watershed protection and
7 restoration fund spent on each of the purposes provided in subsection (h)(4) of this section.

8 (j) (1) A county or municipality shall establish a program to exempt from the
9 requirements of this section a property able to demonstrate substantial financial hardship
10 as a result of the stormwater remediation fee.

11 (2) A county or municipality may establish a separate hardship exemption
12 program or include a hardship exemption as part of a system of offsets established under
13 subsection (f)(1) of this section.

14 (k) The Department may adopt regulations to implement and enforce this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2015.