

HB0656/710518/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 656

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Municipal” and substitute “Stormwater Remediation Fees and”; in the same line, after “to” insert “Fees and”; in line 4, after “county;” insert “exempting a public college or university or a local school system from being charged a stormwater remediation fee by a county or municipality, subject to a certain exception; repealing certain provisions of law authorizing a county or municipality to impose stormwater remediation fees and stormwater charges on property owned by the State or a unit of State government;”; in line 5, strike “providing” and substitute “establishing”; in line 6, after the first “a” insert “public”; in the same line, after “stormwater” insert “remediation fees and stormwater”; strike beginning with “imposed” in line 7 down through “located” in line 8; in line 9, strike “municipal” and substitute “stormwater remediation fees and”; in line 17, after “Section” insert “4-202.1(e)(2) and”; and after line 19, insert:

“BY repealing and reenacting, without amendments,

Article - Environment

Section 4-204(e)(1)

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY repealing

Article - Environment

Section 4-204(e)(3)

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY adding to

Article - Environment

(Over)

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Section 4-204(e)(3)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)".

AMENDMENT NO. 2

On page 2, in line 1, strike "**§ 4-204**" and substitute "**§§ 4-202.1 AND 4-204**"; and after line 9, insert:

"4-202.1.

(e) (2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, property owned by the State, a unit of State government, a county, a municipality, A PUBLIC COLLEGE OR UNIVERSITY, A LOCAL SCHOOL SYSTEM, a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code, or a regularly organized volunteer fire department that is used for public purposes may not be charged a stormwater remediation fee under this section.

[(ii) 1. Except as provided in subparagraph 2 of this subparagraph, property owned by the State or a unit of State government may be charged a stormwater remediation fee by a county under this section if:

A. The State or a unit of State government and a county agree to the collection of an annual stormwater remediation fee from the State or a unit of State government that is based on the share of stormwater management services related to property of the State or a unit of State government located within the county;

B. The county agrees to appropriate into its own local watershed protection and restoration fund, on an annual basis, an amount of money that is based on the share of stormwater management services related to county property on an annual basis; and

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C. The county demonstrates to the satisfaction of the State or a unit of State government that the fees collected under item A of this subparagraph and the money appropriated under item B of this subparagraph were deposited into the county's local watershed protection and restoration fund.

2. A county or municipality may not charge a stormwater remediation fee to property specifically covered by a current national pollutant discharge elimination system Phase I municipal separate storm sewer system permit or industrial stormwater permit held by the State or a unit of State government.]

(II) PROPERTY OWNED BY THE STATE OR A UNIT OF STATE GOVERNMENT, A COUNTY, A MUNICIPALITY, A PUBLIC COLLEGE OR UNIVERSITY, OR A LOCAL SCHOOL SYSTEM IS SUBJECT TO A STORMWATER REMEDIATION FEE ADOPTED UNDER THIS SECTION BY THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROPERTY IS LOCATED IF:

1. THE PROPERTY IS SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT ISSUED TO THE COUNTY OR MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED;

2. TO THE SAME EXTENT AS OTHER PROPERTY LOCATED IN THE COUNTY OR MUNICIPALITY, THE PROPERTY IS ELIGIBLE FOR ANY CREDIT THE COUNTY OR MUNICIPALITY PROVIDES AGAINST THE STORMWATER REMEDIATION FEES TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES OWNED OR PROVIDED BY THE PROPERTY OWNER THAT REDUCE THE QUANTITY AND IMPROVE THE QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY FOR WHICH THE STORMWATER REMEDIATION FEES ARE IMPOSED OR FROM OTHER PROPERTY WITHIN THE COUNTY OR MUNICIPALITY; AND

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3. THE COUNTY OR MUNICIPALITY AND THE PROPERTY OWNER HAVE NOT ENTERED INTO A MUTUALLY AGREED UPON ALTERNATIVE ARRANGEMENT IN LIEU OF THE IMPOSITION OF THE STORMWATER REMEDIATION FEE.

(iii) A county or municipality may charge a stormwater remediation fee to property owned by a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code or a regularly organized volunteer fire department if:

1. The county or municipality determines that the creation of a nondiscriminatory program for applying the stormwater remediation fee to federal properties under the federal facilities pollution control section of the Clean Water Act is necessary in order for the county or municipality to receive federal funding for stormwater remediation; and

2. A veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code and a regularly organized volunteer fire department that is used for public purposes are provided with the opportunity to apply for an alternate compliance plan established under subsection (k)(3) of this section instead of paying a stormwater remediation fee charged by a county or municipality under item 1 of this subparagraph.”.

AMENDMENT NO. 3

On page 3, in line 2, after “COUNTY,” insert “**A MUNICIPALITY,**”; in the same line, after the second “A” insert “**PUBLIC**”; in line 4, after “A” insert “**COUNTY OR**”; in line 6, after “**THE**” insert “**COUNTY OR**”; in line 7, strike “AND”; and strike beginning with “**PROPERTY**” in line 8 down through “**CHARGES**” in line 9, and substitute “**THE PROPERTY IS SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION**”

SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT ISSUED TO THE COUNTY OR MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED;

(iii) TO THE SAME EXTENT AS OTHER PROPERTY LOCATED IN THE COUNTY OR MUNICIPALITY, THE PROPERTY IS ELIGIBLE FOR ANY CREDIT THE COUNTY OR MUNICIPALITY PROVIDES AGAINST THE CHARGES TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES OWNED OR PROVIDED BY THE PROPERTY OWNER THAT REDUCE THE QUANTITY AND IMPROVE THE QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY FOR WHICH THE CHARGES ARE IMPOSED OR FROM OTHER PROPERTY WITHIN THE COUNTY OR MUNICIPALITY; AND

(iv) THE COUNTY OR MUNICIPALITY AND THE PROPERTY OWNER HAVE NOT ENTERED INTO A MUTUALLY AGREED UPON ALTERNATIVE ARRANGEMENT IN LIEU OF THE IMPOSITION OF THE CHARGES”.

AMENDMENT NO. 4

On page 3, after line 13, insert:

“(e) (1) This subsection applies to a system of charges established by Montgomery County under subsection (d) of this section.

[(3) Property owned by the State or a unit of State government in the county may be charged under the system of charges adopted by the county under this section if:

(i) The State or a unit of State government and the county agree to the collection of the charge from the State or a unit of State government that is based on the share of stormwater management services related to property of the State or a unit of State government located within the county;

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(ii) The county agrees to appropriate into its own local watershed protection and restoration fund, on an annual basis, an amount of money that is based on the share of stormwater management services related to county property on an annual basis; and

(iii) The county demonstrates to the satisfaction of the State or a unit of State government that the charge collected under item (i) of this paragraph and the money appropriated under item (ii) of this paragraph were deposited into the county's local watershed protection and restoration fund.]

(3) PROPERTY OWNED BY THE STATE OR A UNIT OF STATE GOVERNMENT, A COUNTY, A MUNICIPALITY, A PUBLIC COLLEGE OR UNIVERSITY, OR A LOCAL SCHOOL SYSTEM IN THE COUNTY IS SUBJECT TO A STORMWATER CHARGE ADOPTED BY THE COUNTY UNDER THIS SECTION IF:

(I) THE COUNTY HAS ESTABLISHED A DEDICATED STORMWATER MANAGEMENT FUND;

(II) THE PROPERTY IS SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT ISSUED TO THE COUNTY;

(III) TO THE SAME EXTENT AS OTHER PROPERTY LOCATED IN THE COUNTY, THE PROPERTY IS ELIGIBLE FOR ANY CREDIT THE COUNTY PROVIDES AGAINST THE CHARGES TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES OWNED OR PROVIDED BY THE PROPERTY OWNER THAT REDUCE THE QUANTITY AND IMPROVE THE QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY FOR WHICH THE CHARGES ARE IMPOSED OR FROM OTHER PROPERTY WITHIN THE COUNTY; AND

(IV) THE COUNTY AND THE PROPERTY OWNER HAVE NOT ENTERED INTO A MUTUALLY AGREED UPON ALTERNATIVE ARRANGEMENT IN LIEU OF THE IMPOSITION OF THE CHARGES.”