

# HOUSE BILL 1420

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By: **Delegates Flanagan, Fraser-Hidalgo, Frush, Gilchrist, Healey, McMillan, Otto, and Robinson**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Management – Nontidal Floodwater**

3 FOR the purpose of authorizing a county or municipality to use money in a local watershed  
4 protection and restoration fund on projects for managing extreme volumes of  
5 nontidal floodwater in areas where historical nontidal flooding problems exist; and  
6 generally relating to stormwater management and nontidal floodwater.

7 BY repealing and reenacting, without amendments,

8 Article – Environment

9 Section 4–202.1(a) and (b)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Environment

14 Section 4–202.1(h)

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 4–202.1.

21 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, this  
22 section applies to a county or municipality that is subject to a national pollutant discharge  
23 elimination system Phase I municipal separate storm sewer system permit.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5           (3) Except as provided in subsection (j) of this section, this section does not  
6 apply in Montgomery County.

7           (b) A county or municipality shall adopt and implement local laws or ordinances  
8 necessary to establish a watershed protection and restoration program.

9           (h) (1) (i) If a county or municipality establishes a stormwater remediation  
10 fee under this section, the county or municipality shall determine the method, frequency,  
11 and enforcement of the collection of the stormwater remediation fee.

12                           (ii) A county or municipality shall include the following statement  
13 on a bill or on an insert to a bill to collect a stormwater remediation fee: “This is a local  
14 government fee established in response to federal stormwater management requirements.  
15 The federal requirements are designed to prevent local sources of pollution from reaching  
16 local waterways.”.

17           (2) A county or municipality shall deposit any stormwater remediation fees  
18 it collects into its local watershed protection and restoration fund.

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

21                           (i) Any funds received from the stormwater remediation fee;

22                           (ii) Funds received under subsections (c)(2) and (e)(2) of this section;

23                           (iii) Interest or other income earned on the investment of money in  
24 the local watershed protection and restoration fund; and

25                           (iv) Any additional money made available from any sources for the  
26 purposes for which the local watershed protection and restoration fund has been  
27 established.

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

31                           (i) Capital improvements for stormwater management, including  
32 [stream]:

33   1. **STREAM** and wetland restoration projects; AND

1                                   **2. PROJECTS FOR MANAGING EXTREME VOLUMES OF**  
2 **NONTIDAL FLOODWATER IN AREAS WHERE HISTORICAL NONTIDAL FLOODING**  
3 **PROBLEMS EXIST;**

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

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

8                                   (iv) Stormwater management planning, including:

9   1. Mapping and assessment of impervious surfaces; and

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

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

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

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

19   2. Stream and wetland restoration; and

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

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

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

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

31                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
32 1, 2018.