

# 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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

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 ~~that are located in areas where historical nontidal flooding~~  
6 ~~problems exist~~ a qualified historic district and do not negatively impact water  
7 quality; defining certain terms; and generally relating to stormwater management  
8 and nontidal floodwater.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section ~~4–201.1(a) and 4–202.1(a) and (b)~~  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2017 Supplement)

14 BY adding to  
15 Article – Environment  
16 Section 4–201.1(e) and (f)  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section 4–202.1(h)

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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 Annotated Code of Maryland  
2 (2013 Replacement Volume and 2017 Supplement)

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

5 **Article – Environment**

6 4–201.1.

7 (a) In this subtitle the following words have the meanings indicated.

8 **(E) “QUALIFIED HISTORIC DISTRICT” MEANS A LOCALLY DESIGNATED**  
9 **HISTORIC DISTRICT IN WHICH:**

10 **(1) NONTIDAL FLOODING HAS RESULTED IN:**

11 **(I) A DEMONSTRABLE THREAT TO THE LIFE AND SAFETY OF**  
12 **INDIVIDUALS; AND**

13 **(II) THE DEATH OF AN INDIVIDUAL AFTER JULY 29, 2016;**

14 **(2) THERE IS A HISTORY OF RAPID FLOODING EVENTS IN**  
15 **GEOMORPHIC LOW-LYING AREAS FROM HEAVY RAINFALL; AND**

16 **(3) FOUR OR MORE REPETITIVE LOSS PROPERTIES ARE LOCATED.**

17 **(F) “REPETITIVE LOSS PROPERTY” MEANS AN INSURABLE BUILDING FOR**  
18 **WHICH TWO OR MORE CLAIMS OF MORE THAN \$1,000 WERE PAID BY THE NATIONAL**  
19 **FLOOD INSURANCE PROGRAM WITHIN ANY ROLLING 10-YEAR PERIOD SINCE 1978,**  
20 **WHETHER OR NOT THE PROPERTY IS CURRENTLY INSURED UNDER THE NATIONAL**  
21 **FLOOD INSURANCE PROGRAM.**

22 4–202.1.

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

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

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

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

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

6 (ii) A county or municipality shall include the following statement  
7 on a bill or on an insert to a bill to collect a stormwater remediation fee: "This is a local  
8 government fee established in response to federal stormwater management requirements.  
9 The federal requirements are designed to prevent local sources of pollution from reaching  
10 local waterways."

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

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

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

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

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

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

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

25 (i) Capital improvements for stormwater management, including  
26 [stream]:

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

28 2. **PROJECTS FOR MANAGING EXTREME VOLUMES OF**  
29 **NONTIDAL FLOODWATER ~~IN AREAS WHERE HISTORICAL NONTIDAL FLOODING~~**  
30 **~~PROBLEMS EXIST~~ THAT:**

31 **A. ARE LOCATED IN A QUALIFIED HISTORIC DISTRICT;**

32 **AND**

**B. DO NOT NEGATIVELY IMPACT WATER QUALITY;**

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

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

(iv) Stormwater management planning, including:

1. Mapping and assessment of impervious surfaces; and

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

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

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

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

2. Stream and wetland restoration; and

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

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

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

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

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