

HOUSE BILL 903

M3

9lr2095

By: **Delegate Fraser–Hidalgo**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Watershed Protection and Restoration Programs – Impervious Surface –**
3 **Definition**

4 FOR the purpose of altering the definition of “impervious surface” for purposes of certain
5 provisions of law relating to watershed protection and restoration programs to
6 exclude ballasted railroad tracks; and generally relating to watershed protection and
7 restoration programs.

8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 4–201.1(a) and 4–202.1(c)(1), (e)(3)(ii), and (h)(4) and (5)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2018 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Environment

15 Section 4–201.1(d)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2018 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Environment**

21 4–201.1.

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

23 (d) (1) “Impervious surface” means a surface that does not allow stormwater
24 to infiltrate into the ground.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Impervious surface" includes rooftops, driveways, sidewalks, or
2 pavement.

3 (3) "IMPERVIOUS SURFACE" DOES NOT INCLUDE BALLASTED
4 RAILROAD TRACKS.

5 4-202.1.

6 (c) (1) A watershed protection and restoration program established under this
7 section:

8 (i) May include a stormwater remediation fee; and

9 (ii) Shall include a local watershed protection and restoration fund.

10 (e) (3) (ii) A county or municipality may set a stormwater remediation fee
11 under this paragraph based on:

12 1. A flat rate;

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

15 3. Another method of calculation selected by the county or
16 municipality.

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

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

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

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

26 (iv) Stormwater management planning, including:

27 1. Mapping and assessment of impervious surfaces; and

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

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

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

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

8 2. Stream and wetland restoration; and

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2019.