

SENATE BILL 686

M3, L6
SB 672/09 – EHE

01r0489
CF 01r0918

By: **Senators Raskin, Frosh, Harrington, Lenett, Madaleno, Pinsky, Pugh, and Rosapepe**

Introduced and read first time: February 10, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Watershed Protection and Restoration Act**

3 FOR the purpose of requiring each county and municipality to adopt certain laws or
4 ordinances to establish a stormwater remediation fee and a local watershed
5 protection and restoration fund on or before a certain date; establishing the
6 purpose of a stormwater remediation fee; requiring each county and
7 municipality to collect a stormwater remediation fee in accordance with this
8 Act; requiring each county and municipality to set the amount of a residential
9 stormwater remediation fee in a certain manner; requiring each county and
10 municipality to set the amount of a nonresidential stormwater remediation fee
11 in a certain manner; prohibiting each county and municipality from assessing a
12 stormwater remediation fee on certain property owners and on certain
13 State-owned property; requiring each county and municipality to report
14 annually certain information to the Department of the Environment in a certain
15 manner on or before a certain date; requiring the Department to report certain
16 information to the BayStat Subcabinet in a certain manner; authorizing the
17 Department to adopt certain regulations; defining a certain term; and generally
18 relating to stormwater management in the State.

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section 4–202
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2009 Supplement)

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

26 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-202.

2 (A) (1) IN THIS SECTION, "IMPERVIOUS SURFACE" INCLUDES:

3 (I) STRUCTURES, BUILDINGS, DWELLING UNITS, ROADS,
4 PARKING LOTS, OR DRIVEWAYS; AND

5 (II) AREAS THAT ARE COVERED WITH GRAVEL, STONE,
6 SHELL, IMPERMEABLE DECKING, PAVERS, OR ANY OTHER IMPERVIOUS
7 MATERIAL.

8 (2) "IMPERVIOUS SURFACE" DOES NOT INCLUDE:

9 (I) A FENCE OR WALL THAT IS LESS THAN 1 FOOT IN WIDTH
10 THAT HAS NOT BEEN CONSTRUCTED WITH A FOOTER;

11 (II) A WOOD MULCH PATHWAY; OR

12 (III) A DECK WITH GAPS TO ALLOW WATER TO PASS FREELY.

13 (B) (1) By July 1, 1984, each county and municipality shall adopt
14 ordinances necessary to implement a stormwater management program.

15 (2) These stormwater management programs shall be consistent with
16 flood management plans, if any, developed under Title 5, Subtitle 8 of this article for a
17 particular watershed, shall meet the requirements established by the Department
18 under § 4-203 of this subtitle, and shall be consistent with the purposes of this
19 subtitle.

20 (C) (1) ON OR BEFORE JULY 1, 2011, EACH COUNTY AND
21 MUNICIPALITY SHALL ADOPT LOCAL LAWS OR ORDINANCES NECESSARY TO
22 ESTABLISH:

23 (I) A STORMWATER REMEDIATION FEE; AND

24 (II) A LOCAL WATERSHED PROTECTION AND RESTORATION
25 FUND.

26 (2) EACH COUNTY AND MUNICIPALITY SHALL MAINTAIN AND
27 ADMINISTER A LOCAL WATERSHED PROTECTION AND RESTORATION FUND IN
28 ACCORDANCE WITH THIS SECTION.

29 (3) THE PURPOSE OF A LOCAL WATERSHED PROTECTION AND
30 RESTORATION FUND IS TO PROVIDE FINANCIAL ASSISTANCE FOR THE
31 IMPLEMENTATION OF LOCAL STORMWATER MANAGEMENT PLANS THROUGH

1 URBAN AND SUBURBAN STORMWATER MANAGEMENT PRACTICES AND STREAM
2 AND WETLAND RESTORATION ACTIVITIES.

3 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
4 SUBSECTION, EACH COUNTY AND MUNICIPALITY SHALL ESTABLISH AND
5 ANNUALLY COLLECT A STORMWATER REMEDIATION FEE FROM PROPERTY
6 OWNERS WITHIN THE COUNTY OR MUNICIPALITY IN ACCORDANCE WITH THIS
7 SECTION.

8 (2) EACH COUNTY AND MUNICIPALITY SHALL SET A RESIDENTIAL
9 STORMWATER REMEDIATION FEE IN AN AMOUNT THAT IS THE SAME FOR ALL
10 RESIDENTIAL PROPERTY OWNERS WITHIN THE COUNTY OR MUNICIPALITY.

11 (3) EACH COUNTY AND MUNICIPALITY SHALL SET A
12 NONRESIDENTIAL STORMWATER REMEDIATION FEE AT A RATE THAT IS THE
13 SAME FOR ALL COMMERCIAL PROPERTY OWNERS WITHIN THE COUNTY OR
14 MUNICIPALITY, BUT THAT IS:

15 (I) ASSESSED ON THE AMOUNT OF IMPERVIOUS SURFACE
16 ON EACH COMMERCIAL PROPERTY; AND

17 (II) GREATER THAN THE RESIDENTIAL STORMWATER
18 REMEDIATION FEE SET UNDER PARAGRAPH (2) OF THIS SUBSECTION.

19 (4) EACH COUNTY AND MUNICIPALITY MAY NOT ASSESS A
20 STORMWATER REMEDIATION FEE ON:

21 (I) A RESIDENTIAL OR NONRESIDENTIAL PROPERTY
22 OWNER WHO HAS ALREADY BEEN ASSESSED A STORMWATER REMEDIATION FEE
23 BY A COUNTY OR MUNICIPALITY IN THE SAME YEAR; AND

24 (II) ANY PROPERTY, INCLUDING IMPERVIOUS SURFACES,
25 THAT IS OWNED BY THE STATE.

26 (E) (1) EACH COUNTY AND MUNICIPALITY SHALL DETERMINE THE
27 METHOD, FREQUENCY, AND ENFORCEMENT OF THE COLLECTION OF THE
28 STORMWATER REMEDIATION FEE.

29 (2) EACH COUNTY AND MUNICIPALITY SHALL DEPOSIT THE
30 STORMWATER REMEDIATION FEES IT COLLECTS INTO ITS LOCAL WATERSHED
31 PROTECTION AND RESTORATION FUND.

32 (3) THERE SHALL BE DEPOSITED IN A LOCAL WATERSHED
33 PROTECTION AND RESTORATION FUND:

1 **(I) FUNDS RECEIVED FROM THE STORMWATER**
2 **REMEDICATION FEE;**

3 **(II) INTEREST OR OTHER INCOME EARNED ON THE**
4 **INVESTMENT OF MONEY IN THE WATERSHED PROTECTION AND RESTORATION**
5 **FUND; AND**

6 **(III) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY**
7 **SOURCES FOR THE PURPOSES FOR WHICH THE WATERSHED PROTECTION AND**
8 **RESTORATION FUND HAS BEEN ESTABLISHED.**

9 **(4) EACH COUNTY AND MUNICIPALITY SHALL USE THE MONEY IN**
10 **ITS LOCAL WATERSHED PROTECTION AND RESTORATION FUND FOR:**

11 **(I) CAPITAL IMPROVEMENTS FOR STORMWATER**
12 **MANAGEMENT;**

13 **(II) OPERATION AND MAINTENANCE OF STORMWATER**
14 **MANAGEMENT SYSTEMS AND FACILITIES;**

15 **(III) STORMWATER MANAGEMENT PERMITTING,**
16 **INSPECTION, AND ENFORCEMENT ACTIVITIES;**

17 **(IV) STORMWATER MANAGEMENT PLANNING;**

18 **(V) GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO**
19 **100% OF PROJECTS' COSTS FOR WATERSHED RESTORATION AND**
20 **REHABILITATION PROJECTS RELATING TO:**

21 **1. PLANNING, DESIGN, AND CONSTRUCTION OF**
22 **URBAN AND SUBURBAN STORMWATER MANAGEMENT PRACTICES;**

23 **2. STREAM AND WETLAND RESTORATION PROJECTS;**
24 **AND**

25 **3. PUBLIC EDUCATION, SUPPORT, AND OUTREACH;**
26 **AND**

27 **(VI) REASONABLE COSTS NECESSARY TO ADMINISTER THE**
28 **LOCAL WATERSHED PROTECTION AND RESTORATION FUND.**

1 **(5) THE FUNDS DISBURSED UNDER THIS SUBSECTION ARE**
2 **INTENDED TO BE IN ADDITION TO ANY EXISTING STATE OR LOCAL**
3 **EXPENDITURES FOR STORMWATER MANAGEMENT.**

4 **(6) MONEY IN A LOCAL WATERSHED PROTECTION AND**
5 **RESTORATION FUND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL**
6 **FUND OF ANY COUNTY OR MUNICIPALITY.**

7 **(F) (1) ON OR BEFORE APRIL 1, 2011, EACH COUNTY AND**
8 **MUNICIPALITY SHALL REPORT ANNUALLY THE AMOUNT OF IMPERVIOUS**
9 **SURFACE LOCATED WITHIN THE COUNTY OR MUNICIPALITY TO THE**
10 **DEPARTMENT, IN A MANNER AND ACCORDING TO A SCHEDULE DETERMINED BY**
11 **THE DEPARTMENT.**

12 **(2) THE DEPARTMENT SHALL REPORT THE INFORMATION**
13 **COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE BAYSTAT**
14 **SUBCABINET, ESTABLISHED UNDER § 8-2A-03 OF THE NATURAL RESOURCES**
15 **ARTICLE, IN A MANNER AND ACCORDING TO A SCHEDULE DETERMINED BY THE**
16 **BAYSTAT SUBCABINET.**

17 **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT AND**
18 **ENFORCE THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2010.