

HOUSE BILL 987

M3
HB 1064/11 – ENV

2lr1842
CF SB 614

By: **Delegates Huckler, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, and Zucker**

Introduced and read first time: February 10, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Watershed Protection and Restoration Program**

3 FOR the purpose of requiring each county and municipality to adopt certain laws or
4 ordinances to establish a watershed protection and restoration program on or
5 before a certain date; exempting a certain county or municipality from the
6 requirements of this Act if the county or municipality has enacted and
7 implemented a certain system of charges in a certain manner by a certain date;
8 requiring a watershed protection and restoration program to include a
9 stormwater remediation fee and a local watershed protection and restoration
10 fund; requiring each county and municipality to maintain and administer a
11 local watershed protection and restoration fund in accordance with this Act;
12 establishing the purpose of a local watershed protection and restoration fund;
13 requiring each county and municipality to collect a stormwater remediation fee
14 in accordance with this Act; requiring each county and municipality to set the
15 amount of a residential stormwater remediation fee in a certain manner;
16 requiring each county and municipality to set the amount of a nonresidential
17 stormwater remediation fee in a certain manner; providing that a stormwater
18 remediation fee is separate from certain other charges; authorizing a county or
19 municipality to reduce a stormwater remediation fee in accordance with certain
20 policies and procedures for a certain purpose; requiring the policies and
21 procedures to include certain items; prohibiting, with certain exception, a
22 county from imposing a stormwater remediation fee on a property located
23 within a municipality; authorizing a municipality to authorize a county to
24 impose a stormwater remediation fee on a property located within a
25 municipality in place of a municipal stormwater remediation fee; requiring each
26 county and municipality to establish a procedure for a property owner to appeal
27 the imposition of a stormwater remediation fee; requiring each county and
28 municipality to determine the method, frequency, and enforcement of the
29 collection of the stormwater remediation fee and to deposit the fee into a local

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 watershed protection and restoration fund; specifying the money to be deposited
 2 in a local watershed protection and restoration fund and the uses of the money
 3 in the fund; providing that money in a local watershed and restoration fund
 4 may not revert or be transferred to the general fund of any county or
 5 municipality; requiring each county and municipality to make publicly available
 6 a report on certain information; authorizing the Department of the
 7 Environment to adopt certain regulations; defining a certain term; and
 8 generally relating to stormwater management in the State.

9 BY repealing and reenacting, with amendments,
 10 Article – Environment
 11 Section 4–201.1
 12 Annotated Code of Maryland
 13 (2007 Replacement Volume and 2011 Supplement)

14 BY adding to
 15 Article – Environment
 16 Section 4–202.1
 17 Annotated Code of Maryland
 18 (2007 Replacement Volume and 2011 Supplement)

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

21 **Article – Environment**

22 4–201.1.

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

24 (b) “Environmental site design” means using small–scale stormwater
 25 management practices, nonstructural techniques, and better site planning to mimic
 26 natural hydrologic runoff characteristics and minimize the impact of land development
 27 on water resources.

28 (c) “Environmental site design” includes:

29 (1) Optimizing conservation of natural features, such as drainage
 30 patterns, soils, and vegetation;

31 (2) Minimizing use of impervious surfaces[, such as paved surfaces,
 32 concrete channels, roofs, and pipes];

33 (3) Slowing down runoff to maintain discharge timing and to increase
 34 infiltration and evapotranspiration; and

1 (4) Using other nonstructural practices or innovative stormwater
2 management technologies approved by the Department.

3 **(D) (1) “IMPERVIOUS SURFACE” MEANS A SURFACE THAT DOES NOT**
4 **ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.**

5 **(2) “IMPERVIOUS SURFACE” INCLUDES ROOFTOPS, DRIVEWAYS,**
6 **SIDEWALKS, OR PAVEMENT.**

7 **4-202.1.**

8 **(A) ON OR BEFORE JULY 1, 2013, A COUNTY OR MUNICIPALITY SHALL**
9 **ADOPT AND IMPLEMENT LOCAL LAWS OR ORDINANCES NECESSARY TO**
10 **ESTABLISH A WATERSHED PROTECTION AND RESTORATION PROGRAM.**

11 **(B) THIS SECTION DOES NOT APPLY TO A COUNTY OR MUNICIPALITY**
12 **THAT, ON OR BEFORE JULY 1, 2012, HAS ENACTED AND IMPLEMENTED A**
13 **SYSTEM OF CHARGES UNDER § 4-204 OF THIS SUBTITLE FOR THE PURPOSE OF**
14 **FUNDING A WATERSHED PROTECTION AND RESTORATION PROGRAM, OR**
15 **SIMILAR PROGRAM, IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF**
16 **THIS SECTION.**

17 **(C) A WATERSHED PROTECTION AND RESTORATION PROGRAM**
18 **ESTABLISHED UNDER THIS SECTION SHALL INCLUDE:**

19 **(1) A STORMWATER REMEDIATION FEE; AND**

20 **(2) A LOCAL WATERSHED PROTECTION AND RESTORATION FUND.**

21 **(D) (1) EACH COUNTY AND MUNICIPALITY SHALL MAINTAIN AND**
22 **ADMINISTER A LOCAL WATERSHED PROTECTION AND RESTORATION FUND IN**
23 **ACCORDANCE WITH THIS SECTION.**

24 **(2) THE PURPOSE OF A LOCAL WATERSHED PROTECTION AND**
25 **RESTORATION FUND IS TO PROVIDE FINANCIAL ASSISTANCE FOR THE**
26 **IMPLEMENTATION OF LOCAL STORMWATER MANAGEMENT PLANS THROUGH**
27 **STORMWATER MANAGEMENT PRACTICES AND STREAM AND WETLAND**
28 **RESTORATION ACTIVITIES.**

29 **(E) (1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
30 **EACH COUNTY AND MUNICIPALITY SHALL ESTABLISH AND ANNUALLY COLLECT**
31 **A STORMWATER REMEDIATION FEE FROM PROPERTY OWNERS WITHIN THE**
32 **COUNTY OR MUNICIPALITY IN ACCORDANCE WITH THIS SECTION.**

1 **(2) EACH COUNTY AND MUNICIPALITY SHALL SET A RESIDENTIAL**
2 **STORMWATER REMEDIATION FEE IN AN AMOUNT THAT:**

3 **(I) IS THE SAME FOR ALL RESIDENTIAL PROPERTY OWNERS**
4 **WITHIN THE COUNTY OR MUNICIPALITY;**

5 **(II) VARIES BASED ON THE TYPE OF RESIDENTIAL**
6 **PROPERTY, INCLUDING SINGLE-FAMILY OR MULTIPLE-OCCUPANCY**
7 **PROPERTIES; OR**

8 **(III) IS GRADUATED, BASED ON THE AMOUNT OF**
9 **IMPERVIOUS SURFACE ON EACH RESIDENTIAL PROPERTY.**

10 **(3) EACH COUNTY AND MUNICIPALITY SHALL SET A**
11 **NONRESIDENTIAL STORMWATER REMEDIATION FEE IN AN AMOUNT THAT:**

12 **(I) IS GREATER THAN OR EQUAL TO THE RESIDENTIAL**
13 **STORMWATER REMEDIATION FEE SET UNDER PARAGRAPH (2) OF THIS**
14 **SUBSECTION; AND**

15 **(II) CONSISTS OF:**

16 **1. A BASE AMOUNT THAT IS THE SAME FOR ALL**
17 **NONRESIDENTIAL PROPERTY OWNERS WITHIN THE COUNTY OR MUNICIPALITY;**
18 **AND**

19 **2. AN AMOUNT THAT IS GRADUATED BASED ON THE**
20 **AMOUNT OF IMPERVIOUS SURFACE ON EACH NONRESIDENTIAL PROPERTY.**

21 **(4) A STORMWATER REMEDIATION FEE ESTABLISHED UNDER**
22 **THIS SECTION IS SEPARATE FROM ANY CHARGES THAT A COUNTY OR**
23 **MUNICIPALITY ESTABLISHES RELATED TO STORMWATER MANAGEMENT FOR**
24 **NEW DEVELOPMENTS UNDER § 4-204 OF THIS SUBTITLE, INCLUDING FEES FOR**
25 **PERMITTING, REVIEW OF STORMWATER MANAGEMENT PLANS, INSPECTIONS, OR**
26 **MONITORING.**

27 **(F) (1) IN ACCORDANCE WITH POLICIES AND PROCEDURES**
28 **ESTABLISHED BY A COUNTY OR MUNICIPALITY AND APPROVED BY THE**
29 **DEPARTMENT, A COUNTY OR MUNICIPALITY MAY REDUCE ANY PORTION OF A**
30 **STORMWATER REMEDIATION FEE ESTABLISHED UNDER SUBSECTION (E) OF**
31 **THIS SECTION THAT IS BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON A**
32 **PROPERTY TO ACCOUNT FOR ON-SITE SYSTEMS, FACILITIES, SERVICES, OR**

1 ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF
2 STORMWATER DISCHARGED FROM THE PROPERTY.

3 (2) THE POLICIES AND PROCEDURES ESTABLISHED BY A COUNTY
4 OR MUNICIPALITY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
5 INCLUDE:

6 (I) GUIDELINES FOR DETERMINING WHICH ON-SITE
7 SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES MAY BE THE BASIS FOR A FEE
8 REDUCTION;

9 (II) THE METHOD FOR CALCULATING THE AMOUNT OF A
10 FEE REDUCTION; AND

11 (III) PROCEDURES FOR MONITORING AND ANNUALLY
12 VERIFYING THE EFFECTIVENESS OF THE ON-SITE SYSTEMS, FACILITIES,
13 SERVICES, OR ACTIVITIES IN REDUCING THE QUANTITY OR IMPROVING THE
14 QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY.

15 (G) (1) A PROPERTY MAY NOT BE ASSESSED A STORMWATER
16 REMEDIATION FEE BY BOTH A COUNTY AND A MUNICIPALITY.

17 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, A COUNTY MAY NOT IMPOSE A COUNTY STORMWATER
19 REMEDIATION FEE ON A PROPERTY LOCATED WITHIN A MUNICIPALITY.

20 (II) A MUNICIPALITY MAY AUTHORIZE A COUNTY TO IMPOSE
21 A COUNTY STORMWATER REMEDIATION FEE ON A PROPERTY LOCATED WITHIN
22 THE MUNICIPALITY IN PLACE OF A MUNICIPAL STORMWATER REMEDIATION
23 FEE.

24 (3) EACH COUNTY AND MUNICIPALITY SHALL ESTABLISH A
25 PROCEDURE FOR A PROPERTY OWNER TO APPEAL A STORMWATER
26 REMEDIATION FEE IMPOSED UNDER THIS SECTION.

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

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

1 **(3) THERE SHALL BE DEPOSITED IN A LOCAL WATERSHED**
2 **PROTECTION AND RESTORATION FUND:**

3 **(I) FUNDS RECEIVED FROM THE STORMWATER**
4 **REMEDIATION FEE;**

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

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

11 **(4) EACH COUNTY AND MUNICIPALITY SHALL USE THE MONEY IN**
12 **ITS LOCAL WATERSHED PROTECTION AND RESTORATION FUND FOR THE**
13 **FOLLOWING PURPOSES ONLY:**

14 **(I) CAPITAL IMPROVEMENTS FOR STORMWATER**
15 **MANAGEMENT, INCLUDING STREAM AND WETLAND RESTORATION PROJECTS;**

16 **(II) OPERATION AND MAINTENANCE OF STORMWATER**
17 **MANAGEMENT SYSTEMS AND FACILITIES;**

18 **(III) PUBLIC EDUCATION AND OUTREACH RELATING TO**
19 **STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION;**

20 **(IV) STORMWATER MANAGEMENT PLANNING, INCLUDING:**

21 **1. MAPPING AND ASSESSMENT OF IMPERVIOUS**
22 **SURFACES; AND**

23 **2. MONITORING, INSPECTION, AND ENFORCEMENT**
24 **ACTIVITIES TO CARRY OUT THE PURPOSES OF THE WATERSHED PROTECTION**
25 **AND RESTORATION FUND;**

26 **(V) TO THE EXTENT THAT FEES IMPOSED UNDER §**
27 **4-204 OF THIS SUBTITLE ARE DEPOSITED INTO THE LOCAL WATERSHED**
28 **PROTECTION AND RESTORATION FUND, REVIEW OF STORMWATER**
29 **MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR NEW DEVELOPMENT;**

1 **(VI) GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO**
2 **100% OF A PROJECT'S COSTS FOR WATERSHED RESTORATION AND**
3 **REHABILITATION PROJECTS RELATING TO:**

4 **1. PLANNING, DESIGN, AND CONSTRUCTION OF**
5 **STORMWATER MANAGEMENT PRACTICES;**

6 **2. STREAM AND WETLAND RESTORATION; AND**

7 **3. PUBLIC EDUCATION AND OUTREACH RELATED TO**
8 **STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION; AND**

9 **(VII) REASONABLE COSTS NECESSARY TO ADMINISTER THE**
10 **LOCAL WATERSHED PROTECTION AND RESTORATION FUND.**

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

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

17 **(I) BEGINNING JULY 1, 2014, AND EVERY 2 YEARS THEREAFTER, A**
18 **COUNTY OR MUNICIPALITY SHALL MAKE PUBLICLY AVAILABLE A REPORT ON:**

19 **(1) THE NUMBER OF PROPERTIES SUBJECT TO A STORMWATER**
20 **REMEDICATION FEE;**

21 **(2) THE AMOUNT OF MONEY DEPOSITED INTO THE WATERSHED**
22 **PROTECTION AND RESTORATION FUND OVER THE PREVIOUS 2 FISCAL YEARS;**
23 **AND**

24 **(3) THE PERCENTAGE OF FUNDS IN THE LOCAL WATERSHED**
25 **PROTECTION AND RESTORATION FUND SPENT ON EACH OF THE PURPOSES**
26 **PROVIDED IN SUBSECTION (H)(4) OF THIS SECTION.**

27 **(J) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT AND**
28 **ENFORCE THIS SECTION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2012.