

SENATE BILL 359

M3

4r1812

By: **Senators Stone, Brochin, and Klausmeier**

Introduced and read first time: January 22, 2014

Assigned to: Education, Health, and Environmental Affairs

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” as it relates to
5 watershed protection and restoration programs; and generally relating to
6 watershed protection and restoration programs.

7 BY repealing and reenacting, without amendments,
8 Article – Environment
9 Section 4–201.1(a) and 4–202.1(e)(3)(ii) and (h)(4) and (5)
10 Annotated Code of Maryland
11 (2013 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 4–201.1(d)
15 Annotated Code of Maryland
16 (2013 Replacement Volume)

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

19 **Article – Environment**

20 4–201.1.

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

22 (d) (1) “Impervious surface” means a surface that does not allow
23 stormwater 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 GRAVEL THAT IS**
4 **PLACED ON TOP OF A SURFACE THAT ALLOWS STORMWATER TO INFILTRATE**
5 **INTO THE GROUND.**

6 4-202.1.

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

9 1. A flat rate;

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

12 3. Another method of calculation selected by the county
13 or municipality.

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

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

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

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

23 (iv) Stormwater management planning, including:

24 1. Mapping and assessment of impervious surfaces; and

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

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

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

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

3 2. Stream and wetland restoration; and

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.