

HOUSE BILL 1372

M3, L1

2lr0417

By: **Delegates Lehman, Acevero, Charles, Foley, Henson, Landis, Proctor, Ruth, Terrasa, and Turner**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Green Infrastructure Rebate Program – Establishment**

3 FOR the purpose of establishing the Green Infrastructure Rebate Program; requiring the
4 Department of the Environment to administer the Program in collaboration with
5 each county that elects to participate in the Program; authorizing the Department
6 to delegate authority to administer the Program to a participating county; requiring
7 the Department and participating counties to provide a certain percentage of the cost
8 of a rebate under the Program; and generally relating to the Green Infrastructure
9 Rebate Program.

10 BY adding to

11 Article – Environment

12 Section 4–1001 through 4–1008 to be under the new subtitle “Subtitle 10. Green
13 Infrastructure Rebate Program”

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Environment

18 Section 9–320

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2021 Supplement)

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

23 **Article – Environment**

24 **SUBTITLE 10. GREEN INFRASTRUCTURE REBATE PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **4-1001.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "GREEN INFRASTRUCTURE PROJECT" MEANS THE FOLLOWING
5 STORMWATER MANAGEMENT PRACTICES ELIGIBLE FOR A REBATE UNDER THE
6 PROGRAM:

7 (1) RAIN BARRELS;

8 (2) CISTERNS;

9 (3) URBAN TREE CANOPY;

10 (4) RAIN GARDENS;

11 (5) PAVEMENT REMOVAL;

12 (6) PERMEABLE PAVEMENT; AND

13 (7) GREEN ROOFS.

14 (C) "PARTICIPATING COUNTY" MEANS A COUNTY THAT ELECTS TO
15 PARTICIPATE IN THE PROGRAM UNDER THIS SUBTITLE.

16 (D) "PROGRAM" MEANS THE GREEN INFRASTRUCTURE REBATE PROGRAM.

17 (E) "REBATE" MEANS A REBATE ISSUED BY THE DEPARTMENT OR A
18 PARTICIPATING COUNTY UNDER THIS SUBTITLE FOR THE COSTS ASSOCIATED WITH
19 A GREEN INFRASTRUCTURE PROJECT.

20 **4-1002.**

21 (A) THERE IS A GREEN INFRASTRUCTURE REBATE PROGRAM.

22 (B) THE PURPOSE OF THE PROGRAM IS TO:

23 (1) PROVIDE PROPERTY OWNERS THE INCENTIVE TO INVEST IN
24 STORMWATER MANAGEMENT PRACTICES;

25 (2) IMPROVE THE QUALITY OF LIFE IN THE STATE'S COMMUNITIES

1 USING GREEN STORMWATER RETROFITS; AND

2 (3) HELP THE STATE MEET ITS OBLIGATIONS UNDER THE CLEAN
3 WATER ACT TO REDUCE STORMWATER POLLUTION IN ITS RIVERS AND STREAMS.

4 4-1003.

5 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
6 DEPARTMENT SHALL ADMINISTER THE PROGRAM IN COLLABORATION WITH EACH
7 PARTICIPATING COUNTY.

8 (2) (I) THE DEPARTMENT MAY DELEGATE AUTHORITY TO
9 ADMINISTER THE PROGRAM TO A PARTICIPATING COUNTY.

10 (II) A PARTICIPATING COUNTY WITH DELEGATED AUTHORITY
11 UNDER THIS SUBSECTION MAY ADMINISTER THE PROGRAM IN COLLABORATION
12 WITH A NONPROFIT ORGANIZATION.

13 (B) IN ISSUING A REBATE UNDER THE PROGRAM:

14 (1) THE DEPARTMENT SHALL ISSUE THE REBATE IN AN AMOUNT
15 EQUAL TO 60% OF THE COST OF THE GREEN INFRASTRUCTURE PROJECT.

16 (2) A PARTICIPATING COUNTY SHALL ISSUE THE REBATE IN AN
17 AMOUNT EQUAL TO 40% OF THE COST OF THE GREEN INFRASTRUCTURE PROJECT.

18 (C) AN INDIVIDUAL, A COMMERCIAL BUSINESS, AN OWNER OF A
19 MULTIFAMILY DWELLING, A HOMEOWNERS ASSOCIATION, A CONDOMINIUM
20 ASSOCIATION, A CIVIC ASSOCIATION, OR A NONPROFIT ORGANIZATION, INCLUDING
21 A HOUSING COOPERATIVE, MAY APPLY TO RECEIVE A REBATE UNDER THE
22 PROGRAM.

23 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
24 AN APPLICANT MAY RECEIVE A REBATE UNDER THE PROGRAM ONLY IF THE
25 DEPARTMENT, OR A PARTICIPATING COUNTY WITH DELEGATED AUTHORITY,
26 APPROVED THE GREEN INFRASTRUCTURE PROJECT BEFORE THE APPLICANT
27 CONSTRUCTED OR INSTALLED THE PROJECT.

28 (2) AN APPLICANT FOR A REBATE FOR A RAIN BARREL PROJECT:

29 (I) IS NOT REQUIRED TO RECEIVE PREAPPROVAL OF THE
30 PROJECT IN ORDER TO RECEIVE A REBATE; AND

1 (II) SHALL MEET ANY OTHER ELIGIBILITY CRITERIA OF THE
2 PROGRAM.

3 (E) (1) IN AN APPLICATION FOR A REBATE UNDER THE PROGRAM, THE
4 APPLICANT SHALL PROVIDE PROOF THAT THE APPLICANT OWNS THE PROPERTY OR
5 IS A NONPROFIT ORGANIZATION WITH AN AGREEMENT TO COMPLETE A GREEN
6 INFRASTRUCTURE PROJECT ON PRIVATE OR PUBLIC LAND.

7 (2) FOR A GREEN INFRASTRUCTURE PROJECT THAT IS NOT A RAIN
8 BARREL, AN APPLICANT SHALL:

9 (I) WITHIN 12 MONTHS OF RECEIVING APPROVAL OF THE
10 APPLICATION, COMPLETE THE PROJECT; AND

11 (II) WITHIN 12 MONTHS AFTER THE PROJECT'S COMPLETION,
12 SUBMIT TO THE DEPARTMENT OR A COUNTY WITH DELEGATED AUTHORITY:

13 1. THE RECEIPT OR INVOICE FOR THE PROJECT; AND

14 2. DOCUMENTATION OR EVIDENCE THAT THE PROJECT
15 IS IN COMPLIANCE WITH ITS ORIGINAL APPROVED APPLICATION AND FOLLOWS THE
16 BEST PRACTICES GUIDELINES AND CRITERIA FOR THE TYPE OF PROJECT
17 ESTABLISHED BY THE DEPARTMENT BY REGULATION.

18 (3) FOR A RAIN BARREL PROJECT, WITHIN 12 MONTHS AFTER THE
19 PROJECT'S COMPLETION, AN APPLICANT SHALL SUBMIT TO THE DEPARTMENT OR A
20 COUNTY WITH DELEGATED AUTHORITY:

21 (I) THE RECEIPT OR INVOICE FOR THE PROJECT; AND

22 (II) DOCUMENTATION OR EVIDENCE THAT THE PROJECT IS IN
23 COMPLIANCE WITH ITS ORIGINAL APPLICATION AND FOLLOWS THE DEPARTMENT'S
24 BEST PRACTICES GUIDELINES AND CRITERIA FOR THE TYPE OF PROJECT.

25 (4) IF THE PROJECT IS A GREEN ROOF OR PERMEABLE PAVEMENT,
26 THE DEPARTMENT OR A COUNTY WITH DELEGATED AUTHORITY SHALL INSPECT THE
27 PROJECT TO CONFIRM THAT:

28 (I) THE PROJECT IS IN COMPLIANCE WITH ITS ORIGINAL
29 APPROVED APPLICATION; AND

30 (II) THE PROJECT FOLLOWS THE BEST PRACTICES GUIDELINES
31 AND CRITERIA FOR THE TYPE OF PROJECT ESTABLISHED BY THE DEPARTMENT BY

1 REGULATION.

2 (5) AN APPLICANT SHALL EXECUTE AN AGREEMENT WITH THE
3 DEPARTMENT OR A COUNTY WITH DELEGATED AUTHORITY TO ALLOW FOLLOW-UP
4 EVALUATIONS OF THE PROJECT, IF DEEMED NECESSARY.

5 (F) AN APPLICANT MAY NOT RECEIVE A REBATE FOR A GREEN
6 INFRASTRUCTURE PROJECT THAT IS ASSOCIATED WITH PERMIT APPROVAL
7 REQUIREMENTS FOR NEW BUILDING CONSTRUCTION, ADDITIONS, OR
8 RENOVATIONS.

9 (G) (1) THE DEPARTMENT, OR A COUNTY WITH DELEGATED AUTHORITY,
10 SHALL ISSUE REBATES IN THE ORDER IN WHICH APPLICATIONS ARE APPROVED.

11 (2) A REBATE MAY NOT EXCEED THE COST OF A GREEN
12 INFRASTRUCTURE PROJECT.

13 (3) (I) A RESIDENTIAL PROPERTY MAY NOT RECEIVE MORE THAN
14 \$4,000 IN REBATES UNDER THE PROGRAM.

15 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
16 PARAGRAPH, A COMMERCIAL PROPERTY, AN OWNER OF A MULTIFAMILY DWELLING,
17 A HOMEOWNERS ASSOCIATION, A CONDOMINIUM ASSOCIATION, A CIVIC
18 ASSOCIATION, OR A NONPROFIT ORGANIZATION MAY NOT RECEIVE MORE THAN
19 \$20,000 IN REBATES UNDER THE PROGRAM.

20 (III) A NONPROFIT ORGANIZATION MAY RECEIVE ANNUAL
21 REBATES OF UP TO \$20,000 FOR GREEN INFRASTRUCTURE PROJECTS THAT:

22 1. THE DEPARTMENT, OR A COUNTY WITH DELEGATED
23 AUTHORITY, APPROVES AS AN ELIGIBLE USE OF THE FUNDS; AND

24 2. ARE LOCATED ON PUBLIC PROPERTY.

25 4-1004.

26 (A) THE DEPARTMENT, OR A PARTICIPATING COUNTY WITH DELEGATED
27 AUTHORITY, MAY ENTER INTO A CONTRACT WITH A NONPROFIT ORGANIZATION AND
28 A RESIDENTIAL PROPERTY OWNER FOR THE PURPOSE OF FINANCING GREEN
29 INFRASTRUCTURE PROJECTS TO PROVIDE INITIAL COSTS FOR A RESIDENTIAL
30 PROPERTY OWNER WHO MAY OTHERWISE NOT BE ABLE TO AFFORD TO PARTICIPATE
31 IN THE PROGRAM.

1 **(B) (1) A NONPROFIT ORGANIZATION MAY RECEIVE A REBATE PRIOR TO**
2 **THE CONSTRUCTION OF A GREEN INFRASTRUCTURE PROJECT IF THE NONPROFIT**
3 **ORGANIZATION:**

4 **(I) RECEIVES AN APPROVED PROJECT APPLICATION; AND**

5 **(II) ENTERS INTO A CONTRACT WITH:**

6 **1. THE DEPARTMENT, OR A COUNTY WITH DELEGATED**
7 **AUTHORITY; AND**

8 **2. THE RESIDENTIAL PROPERTY OWNER.**

9 **(2) THE CONTRACT SHALL REQUIRE A NONPROFIT ORGANIZATION**
10 **TO:**

11 **(I) PAY ANY INITIAL COSTS ASSOCIATED WITH THE PROJECT;**
12 **AND**

13 **(II) DEMONSTRATE THE CAPACITY AND RESOURCES TO**
14 **PERFORM AND COMPLETE THE PROJECT IN ACCORDANCE WITH THE**
15 **DEPARTMENT'S REGULATIONS.**

16 **(C) THE CONTRACT SHALL REQUIRE A PROPERTY OWNER TO PAY A**
17 **NONPROFIT ORGANIZATION FOR THE BALANCE OF THE COST NOT COVERED BY THE**
18 **PROGRAM.**

19 **4-1005.**

20 **THE DEPARTMENT, OR A PARTICIPATING COUNTY WITH DELEGATED**
21 **AUTHORITY SHALL:**

22 **(1) PROVIDE APPLICANTS WITH MAINTENANCE GUIDELINES FOR AN**
23 **APPROVED PROJECT AND AVAILABLE RESOURCES FOR TECHNICAL ASSISTANCE;**
24 **AND**

25 **(2) REQUIRE APPLICANTS FOR REBATES TO SIGN A VOLUNTARY**
26 **PROPERTY OWNER AGREEMENT TO MAINTAIN A PROJECT.**

27 **4-1006.**

28 **(A) THE DEPARTMENT, OR A PARTICIPATING COUNTY WITH DELEGATED**
29 **AUTHORITY, MAY OFFER A TRAINING COURSE FOR PRIVATE AND NONPROFIT**

1 CONTRACTORS TO BECOME CERTIFIED IN COMPLETING GREEN INFRASTRUCTURE
2 PROJECTS.

3 (B) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF
4 PRIVATE AND NONPROFIT CONTRACTORS THAT HAVE COMPLETED A TRAINING
5 COURSE UNDER SUBSECTION (A) OF THIS SECTION.

6 4-1007.

7 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
8 SUBTITLE, INCLUDING REGULATIONS TO ESTABLISH:

9 (1) BEST PRACTICES GUIDELINES; AND

10 (2) ELIGIBILITY CRITERIA FOR EACH TYPE OF GREEN
11 INFRASTRUCTURE PROJECT.

12 4-1008.

13 (A) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2023, A
14 PARTICIPATING COUNTY SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT
15 INCLUDES:

16 (1) THE NUMBER OF APPLICATIONS RECEIVED;

17 (2) THE NUMBER OF APPLICATIONS DENIED;

18 (3) THE TOTAL AMOUNT OF REBATES ISSUED; AND

19 (4) THE NUMBER OF APPROVED PROJECTS, DISAGGREGATED BY
20 TYPE.

21 (B) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2023, THE
22 DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE
23 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY
24 THAT INCLUDES:

25 (1) THE NUMBER OF APPLICATIONS RECEIVED;

26 (2) THE NUMBER OF APPLICATIONS DENIED;

27 (3) THE TOTAL AMOUNT OF REBATES ISSUED;

1 **(4) THE NUMBER OF APPROVED PROJECTS, DISAGGREGATED BY**
2 **TYPE; AND**

3 **(5) THE NUMBER OF CONTRACTORS THAT COMPLETED A TRAINING**
4 **COURSE UNDER THE PROGRAM.**

5 9–320.

6 (a) There is a Maryland Clean Water Fund.

7 (b) The following payments shall be made into the Maryland Clean Water Fund:

8 (1) All application fees, permit fees, renewal fees, and funds collected by
9 the Department under this subtitle, including any civil or administrative penalty or any
10 fine imposed by a court under the provisions of this subtitle;

11 (2) Any civil penalty or any fine imposed by a court under the provisions of
12 Title 5, Subtitle 5 of this article relating to water appropriation and use;

13 (3) Any civil or administrative penalty or any fine imposed by a court under
14 the provisions of Title 4, Subtitle 1 of this article; and

15 (4) Any fees or funds that the Department collects under Subtitle 2, Part
16 III of this title and §§ 9–269 and 9–270 of this title and any civil or administrative penalty
17 or fine imposed by a court under the provisions of Subtitle 2 of this title.

18 (c) The Department shall use the Maryland Clean Water Fund for activities that
19 are related to:

20 (1) The identification, monitoring, and regulation of the proper discharge
21 of effluent into the waters of the State including program development of these activities
22 as provided by the State budget;

23 (2) The management, conservation, protection, and preservation of the
24 State’s groundwater and surface water including program development of these activities
25 as provided by the State budget;

26 (3) Correcting to the extent possible the failure to implement or maintain
27 erosion and sediment controls;

28 (4) Administration of the sediment control program;

29 (5) Emergency removal of sewage sludge or mitigation of the effect of any
30 utilization of sewage sludge that the Department finds:

31 (i) Endangers public health, safety, or welfare; or

1 (ii) Endangers or damages natural resources;

2 (6) Activities that are:

3 (i) Conducted by the Department, by a local health official, or by the
4 local health official's designee under § 9-243(e) of this title; and

5 (ii) Related to identifying, monitoring, or regulating the utilization
6 of sewage sludge, including program development; [and]

7 (7) Providing supplemental inspections and monitoring of sewage sludge
8 utilization sites by:

9 (i) Contracting with a county on request of that county to provide
10 supplemental inspections and monitoring; and

11 (ii) Limiting the value of services provided under the contract to no
12 more than 45% of the generator fees for sludge utilized in that county that is generated
13 outside of that county or service area; AND

14 **(8) PROVIDING THE STATE'S SHARE OF FUNDING FOR REBATES**
15 **ISSUED BY THE DEPARTMENT UNDER TITLE 4, SUBTITLE 10 OF THIS ARTICLE.**

16 (d) An expenditure that the Department makes under subsection (c)(5) of this
17 section shall be reimbursed to the Department by the sewage sludge utilizer whose sewage
18 sludge utilization brought about the expenditure by:

19 (1) Endangering public health, safety, or welfare; or

20 (2) Endangering or damaging natural resources.

21 (e) In addition to any other legal action authorized by this subtitle, the Attorney
22 General may bring an action against any person who fails to reimburse the Department
23 under subsection (d) of this section to recover any expenditure that the Department makes
24 under subsection (c)(5) of this section.

25 (f) In determining the use of the Maryland Clean Water Fund, priority shall be
26 given to activities relating to the water quality of the Chesapeake Bay and its tributaries.

27 (g) Notwithstanding any law to the contrary, funds credited and any interest
28 accrued to the Fund:

29 (1) Shall remain available until expended; and

30 (2) May not be reverted to the General Fund under any other provision of
31 law.

1 (h) On or before January 15 of each year, the Department shall report to the
2 Senate Education, Health, and Environmental Affairs Committee and the House
3 [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee, in
4 accordance with § 2-1257 of the State Government Article, on the status of the Maryland
5 Clean Water Fund, including a detailed description of all revenues and expenditures of the
6 Fund for the previous year.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2022.