A BILL ENTITLED

AN ACT concerning

Environment – Green Infrastructure Rebate Program – Establishment

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

BY adding to

Article – Environment
Section 4–1001 through 4–1008 to be under the new subtitle “Subtitle 10. Green
Infrastructure Rebate Program”
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–320
Annotated Code of Maryland
(2014 Replacement Volume and 2021 Supplement)

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

Article – Environment

SUBTITLE 10. GREEN INFRASTRUCTURE REBATE PROGRAM.
(A) In this subtitle the following words have the meanings indicated.

(B) “Green infrastructure project” means the following stormwater management practices eligible for a rebate under the Program:

1. Rain barrels;
2. Cisterns;
3. Urban tree canopy;
4. Rain gardens;
5. Pavement removal;
6. Permeable pavement; and
7. Green roofs.

(C) “Participating county” means a county that elects to participate in the Program under this subtitle.

(D) “Program” means the Green Infrastructure Rebate Program.

(E) “Rebate” means a rebate issued by the Department or a participating county under this subtitle for the costs associated with a green infrastructure project.

4–1002.

(A) There is a Green Infrastructure Rebate Program.

(B) The purpose of the Program is to:

1. Provide property owners the incentive to invest in stormwater management practices;
2. Improve the quality of life in the State’s communities
USING GREEN STORMWATER RETROFITS; AND

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

4–1003.

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

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

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

(B) IN ISSUING A REBATE UNDER THE PROGRAM:

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

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

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

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

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

(I) IS NOT REQUIRED TO RECEIVE PREAPPROVAL OF THE PROJECT IN ORDER TO RECEIVE A REBATE; AND
(II) SHALL MEET ANY OTHER ELIGIBILITY CRITERIA OF THE PROGRAM.

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

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

   (i) WITHIN 12 MONTHS OF RECEIVING APPROVAL OF THE APPLICATION, COMPLETE THE PROJECT; AND

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

      1. THE RECEIPT OR INVOICE FOR THE PROJECT; AND

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

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

   (i) THE RECEIPT OR INVOICE FOR THE PROJECT; AND

   (ii) DOCUMENTATION OR EVIDENCE THAT THE PROJECT IS IN COMPLIANCE WITH ITS ORIGINAL APPLICATION AND Follows THE DEPARTMENT’S BEST PRACTICES GUIDELINES AND CRITERIA FOR THE TYPE OF PROJECT.

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

   (i) THE PROJECT IS IN COMPLIANCE WITH ITS ORIGINAL APPROVED APPLICATION; AND

   (ii) THE PROJECT Follows THE BEST PRACTICES GUIDELINES AND CRITERIA FOR THE TYPE OF PROJECT ESTABLISHED BY THE DEPARTMENT BY
REGULATION.

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

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

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

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

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

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

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

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

2. ARE LOCATED ON PUBLIC PROPERTY.

4–1004.

(A) THE DEPARTMENT, OR A PARTICIPATING COUNTY WITH DELEGATED
AUTHORITY, MAY ENTER INTO A CONTRACT WITH A NONPROFIT ORGANIZATION AND
A RESIDENTIAL PROPERTY OWNER FOR THE PURPOSE OF FINANCING GREEN
INFRASTRUCTURE PROJECTS TO PROVIDE INITIAL COSTS FOR A RESIDENTIAL
PROPERTY OWNER WHO MAY OTHERWISE NOT BE ABLE TO AFFORD TO PARTICIPATE
IN THE PROGRAM.
(B) (1) A non-profit organization may receive a rebate prior to the construction of a green infrastructure project if the non-profit organization:

(I) receives an approved project application; and

(II) enters into a contract with:

1. the department, or a county with delegated authority; and

2. the residential property owner.

(2) The contract shall require a non-profit organization to:

(I) pay any initial costs associated with the project; and

(II) demonstrate the capacity and resources to perform and complete the project in accordance with the department’s regulations.

(C) The contract shall require a property owner to pay a non-profit organization for the balance of the cost not covered by the program.

4–1005.

The department, or a participating county with delegated authority shall:

(1) provide applicants with maintenance guidelines for an approved project and available resources for technical assistance; and

(2) require applicants for rebates to sign a voluntary property owner agreement to maintain a project.

4–1006.

(A) the department, or a participating county with delegated authority, may offer a training course for private and non-profit
CONTRACTORS TO BECOME CERTIFIED IN COMPLETING GREEN INFRASTRUCTURE PROJECTS.

(B) The Department shall maintain on its website a list of private and nonprofit contractors that have completed a training course under subsection (A) of this section.

4–1007.

The Department shall adopt regulations to implement this subtitle, including regulations to establish:

1. Best practices guidelines; and
2. Eligibility criteria for each type of green infrastructure project.

4–1008.

(A) On or before December 31 each year, beginning in 2023, a participating county shall submit a report to the Department that includes:

1. The number of applications received;
2. The number of applications denied;
3. The total amount of rebates issued; and
4. The number of approved projects, disaggregated by type.

(B) On or before July 1 each year, beginning in 2023, the Department shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly that includes:

1. The number of applications received;
2. The number of applications denied;
3. The total amount of rebates issued;
(4) The number of approved projects, disaggregated by type; and

(5) The number of contractors that completed a training course under the Program.

9–320.

(a) There is a Maryland Clean Water Fund.

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

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

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

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

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

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

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

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

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

(4) Administration of the sediment control program;

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

(i) Endangers public health, safety, or welfare; or
(ii) Endangers or damages natural resources;

(6) Activities that are:

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

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

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

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

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

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

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

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

(2) Endangering or damaging natural resources.

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

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

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

(1) Shall remain available until expended; and

(2) May not be reverted to the General Fund under any other provision of law.
(h) On or before January 15 of each year, the Department shall report to the Senate Education, Health, and Environmental Affairs Committee and the House [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee, in accordance with § 2–1257 of the State Government Article, on the status of the Maryland Clean Water Fund, including a detailed description of all revenues and expenditures of the Fund for the previous year.

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