

HOUSE BILL 55

M3, L2

(PRE-FILED)

4r0352
CF 4r0339

By: **Delegate Schuh**

Requested: July 26, 2013

Introduced and read first time: January 8, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Watershed Protection and Restoration Program –**
3 **Exemption**
4 **(Anne Arundel County Rain Tax Exemption Act of 2014)**

5 FOR the purpose of exempting Anne Arundel County from the requirement to
6 establish a watershed protection and restoration program on or before a certain
7 date; and generally relating to stormwater management in Anne Arundel
8 County.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 4–202.1
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2013 Supplement)

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

16 **Article – Environment**

17 4–202.1.

18 (a) (1) Except as provided in paragraph (2) of this subsection, this section
19 applies to a county or municipality that is subject to a national pollutant discharge
20 elimination system Phase I municipal separate storm sewer system permit.

21 (2) This section does not apply to [a]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I)** A county or municipality that, on or before July 1, 2012, has
2 enacted and implemented a system of charges under § 4–204 of this subtitle for the
3 purpose of funding a watershed protection and restoration program, or similar
4 program, in a manner consistent with the requirements of this section; **OR**

5 **(II)** **ANNE ARUNDEL COUNTY.**

6 (b) On or before July 1, 2013, a county or municipality shall adopt and
7 implement local laws or ordinances necessary to establish a watershed protection and
8 restoration program.

9 (c) A watershed protection and restoration program established under this
10 section shall include:

11 (1) A stormwater remediation fee; and

12 (2) A local watershed protection and restoration fund.

13 (d) (1) A county or municipality shall maintain or administer a local
14 watershed protection and restoration fund in accordance with this section.

15 (2) The purpose of a local watershed protection and restoration fund is
16 to provide financial assistance for the implementation of local stormwater
17 management plans through stormwater management practices and stream and
18 wetland restoration activities.

19 (e) (1) Except as provided in paragraph (2) of this subsection and
20 subsection (f) of this section, a county or municipality shall establish and annually
21 collect a stormwater remediation fee from owners of property located within the
22 county or municipality in accordance with this section.

23 (2) Property owned by the State, a unit of State government, a county,
24 a municipality, or a regularly organized volunteer fire department that is used for
25 public purposes may not be charged a stormwater remediation fee under this section.

26 (3) (i) A county or municipality shall set a stormwater remediation
27 fee for property in an amount that is based on the share of stormwater management
28 services related to the property and provided by the county or municipality.

29 (ii) A county or municipality may set a stormwater remediation
30 fee under this paragraph based on:

31 1. A flat rate;

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

1 3. Another method of calculation selected by the county
2 or municipality.

3 (4) A stormwater remediation fee established under this section is
4 separate from any charges that a county or municipality establishes related to
5 stormwater management for new developments under § 4–204 of this subtitle,
6 including fees for permitting, review of stormwater management plans, inspections, or
7 monitoring.

8 (f) (1) A county or municipality shall establish policies and procedures,
9 approved by the Department, to reduce any portion of a stormwater remediation fee
10 established under subsection (e) of this section to account for on–site and off–site
11 systems, facilities, services, or activities that reduce the quantity or improve the
12 quality of stormwater discharged from the property.

13 (2) The policies and procedures established by a county or
14 municipality under paragraph (1) of this subsection shall include:

15 (i) Guidelines for determining which on–site systems, facilities,
16 services, or activities may be the basis for a fee reduction, including guidelines:

17 1. Relating to properties with existing advanced
18 stormwater best management practices;

19 2. Relating to agricultural activities or facilities that are
20 otherwise exempted from stormwater management requirements by the county or
21 municipality; and

22 3. That account for the costs of, and the level of
23 treatment provided by, stormwater management facilities that are funded and
24 maintained by a property owner;

25 (ii) The method for calculating the amount of a fee reduction;
26 and

27 (iii) Procedures for monitoring and verifying the effectiveness of
28 the on–site systems, facilities, services, or activities in reducing the quantity or
29 improving the quality of stormwater discharged from the property.

30 (3) For the purpose of monitoring and verifying the effectiveness of
31 on–site systems, facilities, services, or activities under paragraph (2)(iii) of this
32 subsection, a county or municipality may:

33 (i) Conduct on–site inspections;

34 (ii) Authorize a third party, certified by the Department, to
35 conduct on–site inspections on behalf of the county or municipality; or

1 (iii) Require a property owner to hire a third party, certified by
2 the Department, to conduct an on-site inspection and provide to the county or
3 municipality the results of the inspection and any other information required by the
4 county or municipality.

5 (g) (1) A property may not be assessed a stormwater remediation fee by
6 both a county and a municipality.

7 (2) (i) Before a county may impose a stormwater remediation fee
8 on a property located within a municipality, the county shall:

9 1. Notify the municipality of the county's intent to
10 impose a stormwater remediation fee on property located within the municipality; and

11 2. Provide the municipality reasonable time to pass an
12 ordinance authorizing the imposition of a municipal stormwater remediation fee
13 instead of a county stormwater remediation fee.

14 (ii) If a county currently imposes a stormwater remediation fee
15 on property located within a municipality and the municipality decides to implement
16 its own stormwater remediation fee under this section or § 4-204 of this subtitle, the
17 municipality shall:

18 1. Notify the county of the municipality's intent to
19 impose its own stormwater remediation fee; and

20 2. Provide the county reasonable time to discontinue the
21 collection of the county stormwater remediation fee within the municipality before the
22 municipality's stormwater remediation fee becomes effective.

23 (3) A county or municipality shall establish a procedure for a property
24 owner to appeal a stormwater remediation fee imposed under this section.

25 (h) (1) A county or municipality shall determine the method, frequency,
26 and enforcement of the collection of the stormwater remediation fee.

27 (2) A county or municipality shall deposit the stormwater remediation
28 fees it collects into its local watershed protection and restoration fund.

29 (3) There shall be deposited in a local watershed protection and
30 restoration fund:

31 (i) Funds received from the stormwater remediation fee;

32 (ii) Interest or other income earned on the investment of money
33 in the local watershed protection and restoration fund; and

1 (iii) Any additional money made available from any sources for
2 the purposes for which the local watershed protection and restoration fund has been
3 established.

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

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

9 (ii) Operation and maintenance of stormwater management
10 systems and facilities;

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

13 (iv) Stormwater management planning, including:

14 1. Mapping and assessment of impervious surfaces; and

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

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

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

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

24 2. Stream and wetland restoration; and

25 3. Public education and outreach related to stormwater
26 management or stream and wetland restoration; and

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

29 (5) A county or municipality may use its local watershed protection
30 and restoration fund as an environmental fund, and may deposit to and expend from
31 the fund additional money made available from other sources and dedicated to
32 environmental uses, provided that the funds received from the stormwater

1 remediation fee are expended only for the purposes authorized under paragraph (4) of
2 this subsection.

3 (6) The funds disbursed under this subsection are intended to be in
4 addition to any existing State or local expenditures for stormwater management.

5 (7) Money in a local watershed protection and restoration fund may
6 not revert or be transferred to the general fund of any county or municipality.

7 (i) Beginning July 1, 2014, and every 2 years thereafter, a county or
8 municipality shall make publicly available a report on:

9 (1) The number of properties subject to a stormwater remediation fee;

10 (2) The amount of money deposited into the watershed protection and
11 restoration fund over the previous 2 fiscal years; and

12 (3) The percentage of funds in the local watershed protection and
13 restoration fund spent on each of the purposes provided in subsection (h)(4) of this
14 section.

15 (j) (1) A county or municipality shall establish a program to exempt from
16 the requirements of this section a property able to demonstrate substantial financial
17 hardship as a result of the stormwater remediation fee.

18 (2) A county or municipality may establish a separate hardship
19 exemption program or include a hardship exemption as part of a system of offsets
20 established under subsection (f)(1) of this section.

21 (k) The Department may adopt regulations to implement and enforce this
22 section.

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