

HOUSE BILL 694

M3

3lr2034

By: **Delegates Krebs, Elliott, Ready, and Stocksdale**

Introduced and read first time: February 4, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Management – Exemption from Watershed**
3 **Protection and Restoration Program**

4 FOR the purpose of exempting a certain county or municipality from a certain
5 requirement to adopt a certain watershed protection and restoration program
6 under certain circumstances; requiring the Department of the Environment to
7 make a certain determination and provide certain notice under certain
8 circumstances; and generally relating to stormwater management in the State.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 4–202.1(a)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 4–202.1(b) and (c)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2012 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 4–202.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **(1) IN THIS SUBSECTION, “NPDES PHASE I MS4 PERMIT”**
2 **MEANS A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I**
3 **MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.**

4 **[(1) (2) Except as provided in [paragraph (2)] PARAGRAPHS (3)**
5 **AND (4) of this subsection, this section applies to a county or municipality that is**
6 **subject to [a national pollutant discharge elimination system Phase I municipal**
7 **separate storm sewer system permit] AN NPDES PHASE I MS4 PERMIT.**

8 **[(2) (3) This section does not apply to a county or municipality that,**
9 **on or before July 1, 2012, has enacted and implemented a system of charges under §**
10 **4–204 of this subtitle for the purpose of funding a watershed protection and**
11 **restoration program, or similar program, in a manner consistent with the**
12 **requirements of this section.**

13 **(4) (I) THIS SECTION DOES NOT APPLY TO A COUNTY OR**
14 **MUNICIPALITY THAT MAINTAINS ADEQUATE PROGRAM FUNDING TO SUPPORT**
15 **INFRASTRUCTURE AND PROGRAMS REQUIRED UNDER AN NPDES PHASE I MS4**
16 **PERMIT IN ACCORDANCE WITH THIS PARAGRAPH.**

17 **(II) AS A PART OF THE DEPARTMENT’S ANNUAL REVIEW OF**
18 **AN NPDES PHASE I MS4 PERMIT, THE DEPARTMENT SHALL DETERMINE**
19 **WHETHER A COUNTY OR MUNICIPALITY HAS MAINTAINED ADEQUATE PROGRAM**
20 **FUNDING TO SUPPORT INFRASTRUCTURE AND PROGRAMS REQUIRED UNDER**
21 **THE NPDES PHASE I MS4 PERMIT.**

22 **(III) IF THE DEPARTMENT DETERMINES THAT A COUNTY OR**
23 **MUNICIPALITY HAS NOT MAINTAINED ADEQUATE PROGRAM FUNDING UNDER**
24 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL PROVIDE**
25 **THE COUNTY OR MUNICIPALITY WITH WRITTEN NOTICE THAT INFORMS THE**
26 **COUNTY OR MUNICIPALITY OF THE DEPARTMENT’S DETERMINATION.**

27 **(IV) IF A COUNTY OR MUNICIPALITY DOES NOT MAINTAIN**
28 **ADEQUATE PROGRAM FUNDING TO SUPPORT INFRASTRUCTURE AND PROGRAMS**
29 **REQUIRED UNDER AN NPDES PHASE I MS4 PERMIT WITHIN 1 YEAR AFTER**
30 **RECEIVING A NOTICE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH,**
31 **SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL APPLY TO THE COUNTY OR**
32 **MUNICIPALITY.**

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

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

3 (1) A stormwater remediation fee; and

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2013.