

HOUSE BILL 987

M3

(2lr1842)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hucker, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, ~~and Zucker~~ Zucker, and Cardin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Stormwater Management – Watershed Protection and Restoration Program**

3 FOR the purpose of requiring ~~each~~ a county ~~and~~ or municipality subject to a certain
4 municipal stormwater permit to adopt and implement certain laws or
5 ordinances to establish a watershed protection and restoration program on or
6 before a certain date; exempting a certain county or municipality from the
7 requirements of this Act if the county or municipality has enacted and
8 implemented a certain system of charges in a certain manner by a certain date;
9 requiring a watershed protection and restoration program to include a
10 stormwater remediation fee and a local watershed protection and restoration
11 fund; requiring ~~each~~ a county ~~and~~ or municipality to maintain ~~and~~ or
12 administer a local watershed protection and restoration fund in accordance with
13 this Act; establishing the purpose of a local watershed protection and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 restoration fund; requiring ~~each a county and or~~ municipality to *establish and*
 2 collect a stormwater remediation fee in accordance with this Act; requiring ~~each~~
 3 ~~a county and or~~ municipality to set the amount of a ~~residential~~ stormwater
 4 remediation fee in a certain manner; *authorizing a county or municipality to use*
 5 *certain calculation methods to set a stormwater remediation fee;* ~~requiring each a~~
 6 ~~county and or municipality to set the amount of a nonresidential stormwater~~
 7 ~~remediation fee in a certain manner;~~ providing that a stormwater remediation
 8 fee is separate from certain other charges; *exempting certain property from*
 9 *paying the stormwater remediation fee;* ~~authorizing~~ requiring a county or
 10 municipality to *establish policies and procedures approved by the Department of*
 11 *the Environment to reduce a certain stormwater remediation fee in accordance*
 12 ~~with certain policies and procedures~~ for a certain purpose; requiring the policies
 13 and procedures to include certain items; *authorizing a county or municipality to*
 14 *monitor and verify the effectiveness of certain measures in a certain manner;*
 15 ~~prohibiting, with certain exception, a county from imposing a stormwater~~
 16 ~~remediation fee on a property located within a municipality;~~ ~~authorizing a~~
 17 ~~municipality to authorize a county to impose a stormwater remediation fee on a~~
 18 ~~property located within a municipality in place of a municipal stormwater~~
 19 ~~remediation fee;~~ *the assessment of a stormwater remediation fee on a property by*
 20 *both a county and a municipality;* *requiring a county to provide certain notice*
 21 *and a reasonable time to pass a certain ordinance before the county may impose*
 22 *a stormwater remediation fee on property located within a municipality;*
 23 *requiring a municipality to provide certain notice and a reasonable time for a*
 24 *county to discontinue collecting a certain stormwater remediation fee under*
 25 *certain circumstances;* requiring ~~each a county and or~~ municipality to establish
 26 a procedure for a property owner to appeal the imposition of a stormwater
 27 remediation fee; requiring ~~each a county and or~~ municipality to determine the
 28 method, frequency, and enforcement of the collection of the stormwater
 29 remediation fee and to deposit the fee into a local watershed protection and
 30 restoration fund; specifying the money to be deposited in a local watershed
 31 protection and restoration fund and the uses of the money in the fund; providing
 32 that money in a local watershed and restoration fund may not revert or be
 33 transferred to the general fund of any county or municipality; requiring each
 34 county and municipality to make publicly available a report on certain
 35 information; *requiring a county or municipality to establish a certain hardship*
 36 *program;* authorizing the Department of the Environment to adopt certain
 37 regulations; defining a certain term; and generally relating to stormwater
 38 management in the State.

39 BY repealing and reenacting, with amendments,
 40 Article – Environment
 41 Section 4–201.1
 42 Annotated Code of Maryland
 43 (2007 Replacement Volume and 2011 Supplement)

44 BY adding to
 45 Article – Environment

1 Section 4–202.1
2 Annotated Code of Maryland
3 (2007 Replacement Volume and 2011 Supplement)

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

6 **Article – Environment**

7 4–201.1.

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

9 (b) “Environmental site design” means using small–scale stormwater
10 management practices, nonstructural techniques, and better site planning to mimic
11 natural hydrologic runoff characteristics and minimize the impact of land development
12 on water resources.

13 (c) “Environmental site design” includes:

14 (1) Optimizing conservation of natural features, such as drainage
15 patterns, soils, and vegetation;

16 (2) Minimizing use of impervious surfaces[, such as paved surfaces,
17 concrete channels, roofs, and pipes];

18 (3) Slowing down runoff to maintain discharge timing and to increase
19 infiltration and evapotranspiration; and

20 (4) Using other nonstructural practices or innovative stormwater
21 management technologies approved by the Department.

22 **(D) (1) “IMPERVIOUS SURFACE” MEANS A SURFACE THAT DOES NOT**
23 **ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.**

24 **(2) “IMPERVIOUS SURFACE” INCLUDES ROOFTOPS, DRIVEWAYS,**
25 **SIDEWALKS, OR PAVEMENT.**

26 **4–202.1.**

27 ~~**(A) ON OR BEFORE JULY 1, 2013, A COUNTY OR MUNICIPALITY SHALL**~~
28 ~~**ADOPT AND IMPLEMENT LOCAL LAWS OR ORDINANCES NECESSARY TO**~~
29 ~~**ESTABLISH A WATERSHED PROTECTION AND RESTORATION PROGRAM.**~~

30 ~~**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**~~
31 ~~**SUBSECTION, THIS SECTION APPLIES TO A COUNTY OR MUNICIPALITY THAT IS**~~

1 SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE
2 I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.

3 (2) THIS SECTION DOES NOT APPLY TO A COUNTY OR
4 MUNICIPALITY THAT, ON OR BEFORE JULY 1, 2012, HAS ENACTED AND
5 IMPLEMENTED A SYSTEM OF CHARGES UNDER § 4-204 OF THIS SUBTITLE FOR
6 THE PURPOSE OF FUNDING A WATERSHED PROTECTION AND RESTORATION
7 PROGRAM, OR SIMILAR PROGRAM, IN A MANNER CONSISTENT WITH THE
8 REQUIREMENTS OF THIS SECTION.

9 (B) ON OR BEFORE JULY 1, 2013, A COUNTY OR MUNICIPALITY SHALL
10 ADOPT AND IMPLEMENT LOCAL LAWS OR ORDINANCES NECESSARY TO
11 ESTABLISH A WATERSHED PROTECTION AND RESTORATION PROGRAM.

12 (C) A WATERSHED PROTECTION AND RESTORATION PROGRAM
13 ESTABLISHED UNDER THIS SECTION SHALL INCLUDE:

14 (1) A STORMWATER REMEDIATION FEE; AND

15 (2) A LOCAL WATERSHED PROTECTION AND RESTORATION FUND.

16 (D) (1) ~~EACH A~~ COUNTY ~~AND OR~~ MUNICIPALITY SHALL MAINTAIN
17 ~~AND OR~~ ADMINISTER A LOCAL WATERSHED PROTECTION AND RESTORATION
18 FUND IN ACCORDANCE WITH THIS SECTION.

19 (2) THE PURPOSE OF A LOCAL WATERSHED PROTECTION AND
20 RESTORATION FUND IS TO PROVIDE FINANCIAL ASSISTANCE FOR THE
21 IMPLEMENTATION OF LOCAL STORMWATER MANAGEMENT PLANS THROUGH
22 STORMWATER MANAGEMENT PRACTICES AND STREAM AND WETLAND
23 RESTORATION ACTIVITIES.

24 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
25 SUBSECTION AND SUBSECTION (F) OF THIS SECTION, ~~EACH A~~ COUNTY ~~AND OR~~
26 MUNICIPALITY SHALL ESTABLISH AND ANNUALLY COLLECT A STORMWATER
27 REMEDIATION FEE FROM ~~PROPERTY~~ OWNERS OF PROPERTY LOCATED WITHIN
28 THE COUNTY OR MUNICIPALITY IN ACCORDANCE WITH THIS SECTION.

29 (2) PROPERTY OWNED BY THE STATE, A UNIT OF STATE
30 GOVERNMENT, A COUNTY, A MUNICIPALITY, OR A REGULARLY ORGANIZED
31 VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES MAY NOT
32 BE CHARGED A STORMWATER REMEDIATION FEE UNDER THIS SECTION.

33 (3) (I) ~~EACH A~~ COUNTY ~~AND OR~~ MUNICIPALITY SHALL SET A
34 ~~RESIDENTIAL~~ STORMWATER REMEDIATION FEE FOR PROPERTY IN AN AMOUNT

1 THAT: IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES
 2 RELATED TO THE PROPERTY AND PROVIDED BY THE COUNTY OR MUNICIPALITY.

3 ~~(H) A COUNTY OR MUNICIPALITY MAY SET A STORMWATER~~
 4 ~~REMEDATION FEE UNDER THIS PARAGRAPH IN AN AMOUNT THAT IS~~
 5 ~~GRADUATED, BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON EACH~~
 6 ~~PROPERTY.~~

7 (II) A COUNTY OR MUNICIPALITY MAY SET A STORMWATER
 8 REMEDATION FEE UNDER THIS PARAGRAPH BASED ON:

9 1. A FLAT RATE;

10 2. AN AMOUNT THAT IS GRADUATED, BASED ON THE
 11 AMOUNT OF IMPERVIOUS SURFACE ON EACH PROPERTY; OR

12 3. ANOTHER METHOD OF CALCULATION SELECTED
 13 BY THE COUNTY OR MUNICIPALITY.

14 ~~(I) IS THE SAME FOR ALL RESIDENTIAL PROPERTY OWNERS~~
 15 ~~WITHIN THE COUNTY OR MUNICIPALITY;~~

16 ~~(H) VARIES BASED ON THE TYPE OF RESIDENTIAL~~
 17 ~~PROPERTY, INCLUDING SINGLE FAMILY OR MULTIPLE OCCUPANCY~~
 18 ~~PROPERTIES; OR~~

19 ~~(III) IS GRADUATED, BASED ON THE AMOUNT OF~~
 20 ~~IMPERVIOUS SURFACE ON EACH RESIDENTIAL PROPERTY.~~

21 ~~(3) EACH A COUNTY AND OR MUNICIPALITY SHALL SET A~~
 22 ~~NONRESIDENTIAL STORMWATER REMEDIATION FEE IN AN AMOUNT THAT:~~

23 ~~(I) IS GREATER THAN OR EQUAL TO THE RESIDENTIAL~~
 24 ~~STORMWATER REMEDIATION FEE SET UNDER PARAGRAPH (2) OF THIS~~
 25 ~~SUBSECTION; AND~~

26 ~~(II) CONSISTS OF:~~

27 ~~1. A BASE AMOUNT THAT IS THE SAME FOR ALL~~
 28 ~~NONRESIDENTIAL PROPERTY OWNERS WITHIN THE COUNTY OR MUNICIPALITY;~~
 29 ~~AND~~

30 ~~2. AN AMOUNT THAT IS GRADUATED BASED ON THE~~
 31 ~~AMOUNT OF IMPERVIOUS SURFACE ON EACH NONRESIDENTIAL PROPERTY.~~

1 ~~(4) (3) (4)~~ A STORMWATER REMEDIATION FEE ESTABLISHED
 2 UNDER THIS SECTION IS SEPARATE FROM ANY CHARGES THAT A COUNTY OR
 3 MUNICIPALITY ESTABLISHES RELATED TO STORMWATER MANAGEMENT FOR
 4 NEW DEVELOPMENTS UNDER § 4-204 OF THIS SUBTITLE, INCLUDING FEES FOR
 5 PERMITTING, REVIEW OF STORMWATER MANAGEMENT PLANS, INSPECTIONS, OR
 6 MONITORING.

7 (F) (1) ~~IN ACCORDANCE WITH A COUNTY OR MUNICIPALITY MAY~~
 8 ~~SHALL ESTABLISH~~ POLICIES AND PROCEDURES ~~ESTABLISHED BY A COUNTY OR~~
 9 ~~MUNICIPALITY AND,~~ APPROVED BY THE DEPARTMENT, ~~A COUNTY OR~~
 10 ~~MUNICIPALITY MAY~~ TO REDUCE ANY PORTION OF A STORMWATER
 11 REMEDIATION FEE ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION
 12 ~~THAT IS BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON A PROPERTY TO~~
 13 ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES, OR
 14 ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF
 15 STORMWATER DISCHARGED FROM THE PROPERTY.

16 (2) THE POLICIES AND PROCEDURES ESTABLISHED BY A COUNTY
 17 OR MUNICIPALITY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
 18 INCLUDE:

19 (I) GUIDELINES FOR DETERMINING WHICH ON-SITE
 20 SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES MAY BE THE BASIS FOR A FEE
 21 REDUCTION, INCLUDING GUIDELINES:

22 1. RELATING TO PROPERTIES WITH EXISTING
 23 ADVANCED STORMWATER BEST MANAGEMENT PRACTICES;

24 2. RELATING TO AGRICULTURAL ACTIVITIES OR
 25 FACILITIES THAT ARE OTHERWISE EXEMPTED FROM STORMWATER
 26 MANAGEMENT REQUIREMENTS BY THE COUNTY OR MUNICIPALITY; AND

27 3. THAT ACCOUNT FOR THE COSTS OF, AND THE
 28 LEVEL OF TREATMENT PROVIDED BY, STORMWATER MANAGEMENT FACILITIES
 29 THAT ARE FUNDED AND MAINTAINED BY A PROPERTY OWNER;

30 (II) THE METHOD FOR CALCULATING THE AMOUNT OF A
 31 FEE REDUCTION; AND

32 (III) PROCEDURES FOR MONITORING AND ~~ANNUALLY~~
 33 VERIFYING THE EFFECTIVENESS OF THE ON-SITE SYSTEMS, FACILITIES,
 34 SERVICES, OR ACTIVITIES IN REDUCING THE QUANTITY OR IMPROVING THE
 35 QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY.

1 **(3) FOR THE PURPOSE OF MONITORING AND VERIFYING THE**
2 **EFFECTIVENESS OF ON-SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES**
3 **UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY**
4 **MAY:**

5 **(I) CONDUCT ON-SITE INSPECTIONS;**

6 **(II) AUTHORIZE A THIRD PARTY, CERTIFIED BY THE**
7 **DEPARTMENT, TO CONDUCT ON-SITE INSPECTIONS ON BEHALF OF THE COUNTY**
8 **OR MUNICIPALITY; OR**

9 **(III) REQUIRE A PROPERTY OWNER TO HIRE A THIRD PARTY,**
10 **CERTIFIED BY THE DEPARTMENT, TO CONDUCT AN ON-SITE INSPECTION AND**
11 **PROVIDE TO THE COUNTY OR MUNICIPALITY THE RESULTS OF THE INSPECTION**
12 **AND ANY OTHER INFORMATION REQUIRED BY THE COUNTY OR MUNICIPALITY.**

13 **(G) (1) A PROPERTY MAY NOT BE ASSESSED A STORMWATER**
14 **REMEDATION FEE BY BOTH A COUNTY AND A MUNICIPALITY.**

15 **~~(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~**
16 **~~PARAGRAPH, A COUNTY MAY NOT IMPOSE A COUNTY STORMWATER~~**
17 **~~REMEDATION FEE ON A PROPERTY LOCATED WITHIN A MUNICIPALITY.~~**

18 **~~(II) A MUNICIPALITY MAY AUTHORIZE A COUNTY TO IMPOSE~~**
19 **~~A COUNTY STORMWATER REMEDIATION FEE ON A PROPERTY LOCATED WITHIN~~**
20 **~~THE MUNICIPALITY IN PLACE OF A MUNICIPAL STORMWATER REMEDIATION~~**
21 **~~FEE.~~**

22 **(2) (I) BEFORE A COUNTY MAY IMPOSE A STORMWATER**
23 **REMEDATION FEE ON A PROPERTY LOCATED WITHIN A MUNICIPALITY, THE**
24 **COUNTY SHALL:**

25 **1. NOTIFY THE MUNICIPALITY OF THE COUNTY'S**
26 **INTENT TO IMPOSE A STORMWATER REMEDIATION FEE ON PROPERTY LOCATED**
27 **WITHIN THE MUNICIPALITY; AND**

28 **2. PROVIDE THE MUNICIPALITY REASONABLE TIME**
29 **TO PASS AN ORDINANCE AUTHORIZING THE IMPOSITION OF A MUNICIPAL**
30 **STORMWATER REMEDIATION FEE INSTEAD OF A COUNTY STORMWATER**
31 **REMEDATION FEE.**

32 **(II) IF A COUNTY CURRENTLY IMPOSES A STORMWATER**
33 **REMEDATION FEE ON PROPERTY LOCATED WITHIN A MUNICIPALITY AND THE**

1 MUNICIPALITY DECIDES TO IMPLEMENT ITS OWN STORMWATER REMEDIATION
2 FEE UNDER THIS SECTION OR § 4-204 OF THIS SUBTITLE, THE MUNICIPALITY
3 SHALL:

4 1. NOTIFY THE COUNTY OF THE MUNICIPALITY'S
5 INTENT TO IMPOSE ITS OWN STORMWATER REMEDIATION FEE; AND

6 2. PROVIDE THE COUNTY REASONABLE TIME TO
7 DISCONTINUE THE COLLECTION OF THE COUNTY STORMWATER REMEDIATION
8 FEE WITHIN THE MUNICIPALITY BEFORE THE MUNICIPALITY'S STORMWATER
9 REMEDATION FEE BECOMES EFFECTIVE.

10 (3) ~~EACH A~~ COUNTY ~~AND OR~~ MUNICIPALITY SHALL ESTABLISH A
11 PROCEDURE FOR A PROPERTY OWNER TO APPEAL A STORMWATER
12 REMEDIATION FEE IMPOSED UNDER THIS SECTION.

13 (H) (1) ~~EACH A~~ COUNTY ~~AND OR~~ MUNICIPALITY SHALL DETERMINE
14 THE METHOD, FREQUENCY, AND ENFORCEMENT OF THE COLLECTION OF THE
15 STORMWATER REMEDIATION FEE.

16 (2) ~~EACH A~~ COUNTY ~~AND OR~~ MUNICIPALITY SHALL DEPOSIT THE
17 STORMWATER REMEDIATION FEES IT COLLECTS INTO ITS LOCAL WATERSHED
18 PROTECTION AND RESTORATION FUND.

19 (3) THERE SHALL BE DEPOSITED IN A LOCAL WATERSHED
20 PROTECTION AND RESTORATION FUND:

21 (I) FUNDS RECEIVED FROM THE STORMWATER
22 REMEDIATION FEE;

23 (II) INTEREST OR OTHER INCOME EARNED ON THE
24 INVESTMENT OF MONEY IN THE LOCAL WATERSHED PROTECTION AND
25 RESTORATION FUND; AND

26 (III) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY
27 SOURCES FOR THE PURPOSES FOR WHICH THE LOCAL WATERSHED PROTECTION
28 AND RESTORATION FUND HAS BEEN ESTABLISHED.

29 (4) ~~EACH A~~ SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A
30 COUNTY ~~AND OR~~ MUNICIPALITY SHALL USE THE MONEY IN ITS LOCAL
31 WATERSHED PROTECTION AND RESTORATION FUND FOR THE FOLLOWING
32 PURPOSES ONLY:

1 (I) CAPITAL IMPROVEMENTS FOR STORMWATER
2 MANAGEMENT, INCLUDING STREAM AND WETLAND RESTORATION PROJECTS;

3 (II) OPERATION AND MAINTENANCE OF STORMWATER
4 MANAGEMENT SYSTEMS AND FACILITIES;

5 (III) PUBLIC EDUCATION AND OUTREACH RELATING TO
6 STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION;

7 (IV) STORMWATER MANAGEMENT PLANNING, INCLUDING:

8 1. MAPPING AND ASSESSMENT OF IMPERVIOUS
9 SURFACES; AND

10 2. MONITORING, INSPECTION, AND ENFORCEMENT
11 ACTIVITIES TO CARRY OUT THE PURPOSES OF THE WATERSHED PROTECTION
12 AND RESTORATION FUND;

13 (V) TO THE EXTENT THAT FEES IMPOSED UNDER §
14 4-204 OF THIS SUBTITLE ARE DEPOSITED INTO THE LOCAL WATERSHED
15 PROTECTION AND RESTORATION FUND, REVIEW OF STORMWATER
16 MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR NEW DEVELOPMENT;

17 (VI) GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO
18 100% OF A PROJECT'S COSTS FOR WATERSHED RESTORATION AND
19 REHABILITATION PROJECTS RELATING TO:

20 1. PLANNING, DESIGN, AND CONSTRUCTION OF
21 STORMWATER MANAGEMENT PRACTICES;

22 2. STREAM AND WETLAND RESTORATION; AND

23 3. PUBLIC EDUCATION AND OUTREACH RELATED TO
24 STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION; AND

25 (VII) REASONABLE COSTS NECESSARY TO ADMINISTER THE
26 LOCAL WATERSHED PROTECTION AND RESTORATION FUND.

27 (5) A COUNTY OR MUNICIPALITY MAY USE ITS LOCAL WATERSHED
28 PROTECTION AND RESTORATION FUND AS AN ENVIRONMENTAL FUND, AND MAY
29 DEPOSIT TO AND EXPEND FROM THE FUND ADDITIONAL MONEY MADE
30 AVAILABLE FROM OTHER SOURCES AND DEDICATED TO ENVIRONMENTAL USES,
31 PROVIDED THAT THE FUNDS RECEIVED FROM THE STORMWATER REMEDIATION

1 FEE ARE EXPENDED ONLY FOR THE PURPOSES AUTHORIZED UNDER PARAGRAPH
2 (4) OF THIS SUBSECTION.

3 ~~(5)~~ (6) THE FUNDS DISBURSED UNDER THIS SUBSECTION ARE
4 INTENDED TO BE IN ADDITION TO ANY EXISTING STATE OR LOCAL
5 EXPENDITURES FOR STORMWATER MANAGEMENT.

6 ~~(6)~~ (7) MONEY IN A LOCAL WATERSHED PROTECTION AND
7 RESTORATION FUND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL
8 FUND OF ANY COUNTY OR MUNICIPALITY.

9 (I) BEGINNING JULY 1, 2014, AND EVERY 2 YEARS THEREAFTER, A
10 COUNTY OR MUNICIPALITY SHALL MAKE PUBLICLY AVAILABLE A REPORT ON:

11 (1) THE NUMBER OF PROPERTIES SUBJECT TO A STORMWATER
12 REMEDIATION FEE;

13 (2) THE AMOUNT OF MONEY DEPOSITED INTO THE WATERSHED
14 PROTECTION AND RESTORATION FUND OVER THE PREVIOUS 2 FISCAL YEARS;
15 AND

16 (3) THE PERCENTAGE OF FUNDS IN THE LOCAL WATERSHED
17 PROTECTION AND RESTORATION FUND SPENT ON EACH OF THE PURPOSES
18 PROVIDED IN SUBSECTION (H)(4) OF THIS SECTION.

19 (J) (1) A COUNTY OR MUNICIPALITY SHALL ESTABLISH A PROGRAM
20 TO EXEMPT FROM THE REQUIREMENTS OF THIS SECTION A PROPERTY ABLE TO
21 DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE
22 STORMWATER REMEDIATION FEE.

23 (2) A COUNTY OR MUNICIPALITY MAY ESTABLISH A SEPARATE
24 HARDSHIP EXEMPTION PROGRAM OR INCLUDE A HARDSHIP EXEMPTION AS PART
25 OF A SYSTEM OF OFFSETS ESTABLISHED UNDER SUBSECTION (F)(1) OF THIS
26 SECTION.

27 ~~(J)~~ (K) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT
28 AND ENFORCE THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2012.