

Expedited Bill No. 11-16
Concerning: Stormwater Management –
Water Quality Protection Charge—
Grants—Credits
Revised: 6/28/2016 Draft No. 3
Introduced: April 5, 2016
Enacted: June 28, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) authorize establishment of a watershed restoration grant program for certain owners of improved aircraft landing areas to offset the cost of the Water Quality Protection Charge;
- (2) clarify the eligibility criteria for a property owner to receive a Water Quality Protection Charge credit;
- (3) expand the timeframe for a property owner to appeal the denial of a request for a credit or adjustment of the amount of the Water Quality Protection Charge billed to the property owner; and
- (4) generally amend County law regarding the Water Quality Protection Charge.

By amending

Montgomery County Code
Chapter 19, Erosion, Sediment Control and Storm Water Management
Sections 19-21, 19-29A, and 19-35

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

- 28 [(A) the property contains a stormwater management system
29 that is not maintained by the County;
- 30 (B) the owner participates in a County-approved water
31 quality management practice or initiative;]
- 32 [[C)] (A) the property contains a stormwater management system
33 for which the County does not perform structural
34 maintenance that either treats on-site drainage only or
35 both on-site drainage and off-site drainage from other
36 properties located within the same drainage area; [[or]]
- 37 [[D)] (B) the property does not contain a stormwater management
38 system, but is located in the same drainage area as
39 another that contains a stormwater management system
40 for which the County does not perform structural
41 maintenance and both properties have the same owner;
42 [[or]]
- 43 (C) the property contains a stormwater management system
44 built as part of a County-approved stormwater
45 management participation project; or
- 46 (D) the property does not contain a stormwater management
47 system, but is located in the same drainage area as a
48 property containing a stormwater management system
49 built as part of a County-approved stormwater
50 management participation project and both properties
51 have the same owner.
- 52 (2) To receive the credit, the property owner must apply to the
53 Director of Environmental Protection in a form prescribed by
54 the Director not later than September 30 of the year that

55 payment of the Charge is due. Any credit granted under this
56 subsection is valid for 3 years.

57 (3) The Director of Environmental Protection may revoke a credit
58 granted under paragraph (2) if the property owner does not
59 continue to take the measures needed to assure that the
60 stormwater management system remains in proper working
61 condition by correcting any deficiencies discovered by the
62 Director during a maintenance inspection. The Director must
63 not reinstate a revoked credit until the property owner has
64 sufficiently corrected the deficiencies to fully satisfy the
65 property owner's maintenance obligations under Section 19-28.

66 [(3)] (4) The owner of an owner-occupied residential property, or any
67 non-profit organization that can demonstrate substantial
68 financial hardship may apply for an exemption from all or part
69 of the Charge for that property, based on criteria set by
70 regulation. The owner or organization may apply for the
71 exemption to the Director of Finance not later than September
72 30 of the year that payment of the Charge is due.

73 * * *

74 (h) A person that believes that the Director of Environmental Protection
75 has mistakenly assigned a Charge to the person's property or
76 computed the Charge incorrectly may apply to the Director of
77 Environmental Protection in writing for a review of the Charge, and
78 request an adjustment to correct any error, not later than September 30
79 of the year that payment of the Charge is due. An aggrieved property
80 owner may appeal the Director's decision to the County Board of
81 Appeals within [10] 30 days after the Director issues the decision.

82 (i) A person that believes that the Director of Environmental Protection
83 has incorrectly denied the person's application for a credit or
84 exemption under subsection (e) may appeal the Director's decision to
85 the County Board of Appeals within [10] 30 days after the Director
86 issues the decision.

87 * * *

88 **Sec. 2. Expedited Effective Date:** The Council declares that this
89 legislation is necessary for the immediate protection of the public interest. This
90 Act takes effect on the date on which it becomes law.

91 *Approved:*

92 *Nancy Floreen* *June 29, 2016*
Nancy Floreen, President, County Council Date

93 *Approved:*

94 _____
Isiah Leggett, County Executive Date

95 *This is a correct copy of Council action.*

96 _____
Linda M. Lauer, Clerk of the Council Date