



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Best Management Practices Monitoring Fees – METHOD 3	<b>Number</b> 16-15
<b>Originating Department</b> Department of Environmental Protection and Department of Permitting Services	<b>Effective Date</b>

Montgomery County Regulation on:

BEST MANAGEMENT PRACTICES MONITORING FEES

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No. 16-15  
COMCOR No. 19.67.03

Authority: Code Section 19-67  
Council Review: Method (3) under Code Section 2A-15  
Register Vol. 32 No. 6

Comment Deadline: 6/30/15  
Effective Date: \_\_\_\_\_  
Sunset Date: None

**Summary:** This regulation establishes a fee that a private entity or County public agency must pay to the Department of Permitting Services to cover the cost of monitoring stormwater best management practices for any development project in a Special Protection Area.

**Address:** Written comments on this regulation should be sent to:

Steve Shofar, Chief  
Division of Watershed Management  
Department of Environmental Protection  
255 Rockville Pike  
Rockville, Maryland 20850

**Staff Contact:** For further information or to obtain a copy of this regulation, contact Steve Shofar at (240) 777-7736.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Best Management Practices Monitoring Fees – METHOD 3	<b>Number</b> 16-15
<b>Originating Department</b> Department of Environmental Protection and Department of Permitting Services	<b>Effective Date</b>

## 19.67.03.01 Best Management Practices Monitoring Fees

- A. Fee Calculation: Best management practices (BMP) monitoring fees in the amount of \$0.06 per square foot of disturbed area per the Sediment Control Permit application(s) must be paid by the permittee before the Department of Permitting Services (DPS) Director releases the Sediment Control Permit(s) for a permitted project. Each project with an approved water quality plan is subject to the fee. The Director of the Department of Environmental Protection will determine the frequency, quantity, and type of monitoring needed for each permitted project. The fee charged for each project must be calculated in accordance with 1. and 2. below. However, the combined total of BMP monitoring fees for all of the Sediment Control Permits issued for an individual development site must not exceed \$250,000. For purposes of this Section, an individual development site consists solely of the area shown on the certified site plan for a development for which one or more Sediment Control Permits have been issued.
1. If the land area for an individual development site lies entirely within a designated SPA, the fee calculation must be based on the aggregated sum of disturbed area for that site.
  2. If the land area for an individual development site does not lie entirely within a designated SPA, the fee calculation must only take into account the disturbed area within the SPA and be based on the drainage area delineation to SPA tributaries, as determined by the DPS Director.
- B. Amended Water Quality Plans: A permittee must pay the BMP monitoring fee if the permittee's approved water quality plan is amended after the effective date of this regulation and responsibility for post-construction BMP monitoring is transferred from the permittee to the Department of Environmental Protection under the amended plan.
- C. Collection: The Department of Permitting Services is responsible for collecting all BMP monitoring fees. The DPS Director must deposit the BMP monitoring fees collected under this regulation into the stormwater management fund created under Section 19-35 of the County Code.

## 19.67.03.02 Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

## 19.67.03.03 Effective Date

This regulation takes effect when received by the County Council.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Best Management Practices Monitoring Fees – METHOD 3	<b>Number</b> 16-15
<b>Originating Department</b> Department of Environmental Protection and Department of Permitting Services	<b>Effective Date</b>

\_\_\_\_\_  
Isiah Leggett  
County Executive

Approved as to Form and Legality  
Office of County Attorney

By \_\_\_\_\_  
Date 5-20-15

Walter E. Wilson