

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: July 7, 2016  
Effective: July 7, 2016  
Sunset Date: None  
Ch. 20, Laws of Mont. Co. 2016

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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### 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

<b>Boldface</b>	<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 \* \* \*

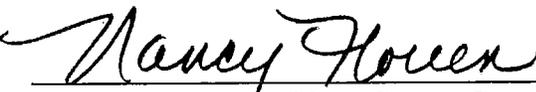
74 (h) A person that believes that the Director of Environmental Protection  
 75 has mistakenly assigned a Charge to the person's property or  
 76 computed the Charge incorrectly may apply to the Director of  
 77 Environmental Protection in writing for a review of the Charge, and  
 78 request an 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.

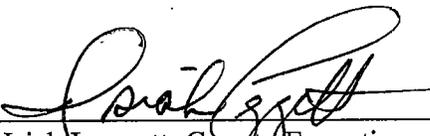
87 \* \* \*

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.

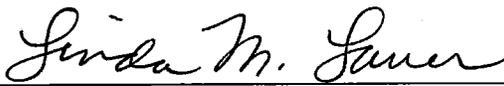
91 *Approved:*

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

93 *Approved:*

94  July 7, 2016  
Isiah Leggett, County Executive Date

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

96  July 8, 2016  
Linda M. Lauer, Clerk of the Council Date