

Resolution No.: 19-35  
Introduced: January 15, 2019  
Adopted: February 5, 2019

**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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**SUBJECT:** Financial Assurance Plan to Meet the Requirements of the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit

**Background**

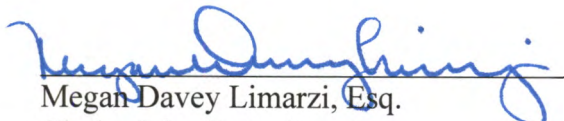
1. The Financial Assurance Plan (FAP) is required by amendments to Section 4-202.1 (*Watershed protection and restoration program*) of the Environmental Article, Annotated Code of Maryland, which were added in 2015 to ensure that each National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) jurisdiction will have adequate funding to meet their Phase I MS4 permit requirement for impervious surfaces restoration.
2. Each NPDES Phase I MS4 jurisdiction must submit to the Maryland Department of the Environment (MDE) an FAP by July 1, 2016, and every two years thereafter on the anniversary date of its MS4 permit, that details the following:
  - a. actions required to meet MS4 permit requirements;
  - b. annual and projected 5-year costs to meet the impervious surface restoration plan (ISRP) requirement, more commonly known as the 20% restoration requirement in the County's current permit;
  - c. annual and projected 5-year revenues or other funds that will be used toward meeting the 20% restoration requirement;
  - d. any and all sources of funds used toward meeting MS4 permit requirements; and
  - e. all specific actions and expenditures undertaken in the previous fiscal years to meet the 20% restoration requirement.
3. The County is required to submit the information for the FAP using a template provided by MDE.
4. The Montgomery County Department of Environmental Protection completed the FAP using the approved FY19 operating budget and the approved and amended FY19-24 CIP budget.

5. MDE will determine whether the FAP demonstrates sufficient funding within 90 days after County filing.
6. The first FAP was filed on June 30, 2016, as required by law, which showed sufficient funding to meet the projected costs of compliance with the impervious surface restoration requirements under the County's 2010 MS4 permit.
7. Subsequent FAPs are filed biennially on February 15, the issuance anniversary of the County's MS4 Permit.
8. This FAP demonstrates sufficient funding and the completion of 100% of the ISRP requirements under the County's 2010 MS4 permit.
9. This FAP demonstrates that the County has dedicated revenues, funds, or sources of funds to continue to meet requirements associated with improving water quality in the County.

**Action**

The County Council for Montgomery County, Maryland approves the Financial Assurance Plan, which shows the County has met the ISRP requirements under the 2010 MS4 Permit.

This is a correct copy of Council action.

  
Megan Davey Limarzi, Esq.  
Clerk of the Council

Attachment 1

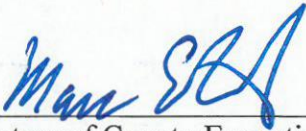
CERTIFICATION

WHEREAS, the provisions of § 4-202.1 of the Environment Article of the Annotated Code of Maryland require Montgomery County to file a financial assurance plan to the Maryland Department of the Environment that demonstrates that it has sufficient funding to meet the impervious surface restoration plan requirements of the (County's/City's) National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System Permit; and

WHEREAS, the provisions of this law require that "a county or municipality may not file a financial assurance plan under this subsection until the local governing body of the county or municipality: (i) Holds a public hearing on the financial assurance plan; and (ii) Approves the financial assurance plan."

NOW, THEREFORE, I certify that:

1. A public hearing was held on the financial assurance plan on January 29, 2019;
2. The local governing body approves the aforementioned financial assurance plan; and
3. Under penalty of law, the information in this financial assurance plan is, to the best of my knowledge and belief, true, accurate, and complete.



\_\_\_\_\_  
Signature of County Executive

Marc Elrich

\_\_\_\_\_  
Printed Name of County Executive

2/19/19

\_\_\_\_\_  
Date