

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

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:

1 **Sec. 1. Sections 19-21, 19-29A, and 19-35 are amended as follows:**

2 **19-21. Definitions.**

3 In this Article, the following words and phrases have the following
4 meanings unless the context indicates otherwise:

5 * * *

6 Stormwater management participation project: A capital improvement
7 project in which both the County and the property owner jointly fund the
8 construction of a regional stormwater management facility intended to
9 benefit properties in addition to those belonging to the property owner.

10 * * *

11 **19-29A. Watershed restoration grants program.**

12 * * *

13 (c) The Director of Environmental Protection may also establish a
14 supplemental grant program to offset the cost [to eligible
15 homeowners' associations] of paying the Charge assessed under
16 Section 19-35 [for those private roads which are:

17 (1) open to the public without restriction;

18 (2) not parking lots; and

19 (3) eligible to receive State highway user revenue] to an owner of
20 an improved aircraft landing area that is exempt from County
21 property taxes under Maryland Code, Tax-Property Art.
22 §8-302.

23 **19-35. Water Quality Protection Charge.**

24 * * *

25 (e) (1) A property owner may apply for, and the Director of
26 Environmental Protection must grant, a credit equal to a
27 percentage, set by regulation, of the Charge if:

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 * * *

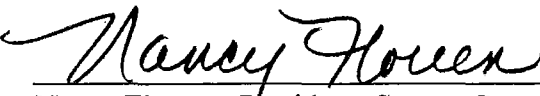
74 (h) A person that believes that the Director of Environmental Protection
 75 has mistakenly assigned a Charge to the person's property or
 76 computed the Charge incorrectly may apply to the Director of
 77 Environmental Protection in writing for a review of the Charge, and
 78 request an adjustment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

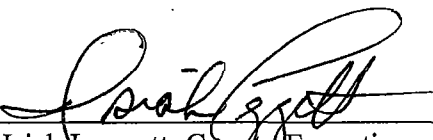
87 * * *

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.

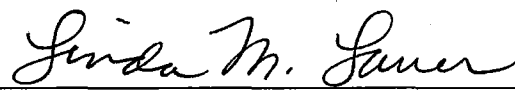
91 *Approved:*

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