

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2021 Legislative Session**

Resolution No. CR-45-2021  
Proposed by The Chair (by request – County Executive)  
Introduced by Council Members Hawkins, Davis, Turner, Glaros and Harrison  
Co-Sponsors \_\_\_\_\_  
Date of Introduction April 27, 2021

**RESOLUTION**

1 A RESOLUTION concerning

2 Watershed Protection and Restoration

3 For the purpose of Prince George's County's Watershed Protection and Restoration Financial  
4 Assurance Plan (FAP) for approving the Prince George's County Financial Assurance as required  
5 by State law.

6 WHEREAS, the Prince George's County's FAP is required by the State of Maryland ( State)  
7 to indicate how stormwater runoff will be treated and paid for over the next five (5) years and  
8 will provide the financial roadmap for complying with the Environmental Protection Agency's  
9 (EPA)\_total maximum daily load (TMDL) requirements, also known as the "pollution diet" for  
10 the Chesapeake Bay; and

11 WHEREAS, in May 2015, pursuant to Senate Bill 863 there were revisions to the  
12 stormwater management program, which eliminated the mandatory stormwater remediation fees  
13 and required the development of the financial assurance plans from the State's ten (10) largest  
14 urban jurisdictions; and

15 WHEREAS, the FAP ensures that each National Pollutant Discharge Elimination System  
16 (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) jurisdictions will have  
17 adequate funding to meet their Phase I MS4 permit requirement for impervious surfaces  
18 restoration; and

19 WHEREAS, Section 4-202.1 of the Environment Article of the Annotated Code of  
20 Maryland provides every two (2) years thereafter on the anniversary of the date of issuance of its  
21 National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm  
22 Sewer System (MS4) Permit, a county shall file with the Maryland Department of the

1 Environment (MDE) a financial assurance plan; and

2 WHEREAS, the FAP must detail the following: (1) all actions required to meet MS4  
3 permit requirements; (2) annual and projected 5-year costs necessary to meet the "impervious  
4 surface restoration plan" (ISRP) requirement, more commonly known as the 20% restoration  
5 requirement in current permits; (3) annual and projected 5-year revenues that will be used toward  
6 meeting the 20% restoration requirement; (4) any and all sources of funds used toward meeting  
7 MS4 permit requirements; (5) all specific actions and expenditures undertaken in the previous  
8 fiscal years to meet the 20% restoration requirement; and

9 WHEREAS, Prince George's County is required to submit the information contained in the  
10 FAP utilizing templates provided by MDE; and

11 WHEREAS, the Prince George's County Department of the Environment (DOE) completed  
12 the FAP using the recommended FY 2021 operating budget; and

13 WHEREAS, the Prince George's County FAP is set forth as "Exhibits A, A-1, and A-2"  
14 (Exhibit A) attached hereto and made part hereof; and

15 WHEREAS, the local governing body has demonstrated sufficient funding and approves  
16 the FAP, as set forth in the joint letter from the County Executive and the County Council,  
17 "Exhibit B" (Exhibit B) attached hereto and made part hereof; and

18 WHEREAS, the MDE will determine whether the FAP demonstrates sufficient funding  
19 within ninety (90) days after Prince George's County files with MDE; and

20 WHEREAS, pursuant to Section 4-202.1 (j) (4) (iii) of the Environment Article of the  
21 Annotated Code of Maryland for the filing of a second or subsequent FAP, the funding must  
22 demonstrate Prince George's County has dedicated revenues, funds, or sources of funds to meet  
23 100% of the projected costs of compliance with the impervious surface restoration requirements  
24 under its permit for the two (2) year period immediately following the filing date of the plan; and

25 WHEREAS, the Prince George's County FAP demonstrates the County has dedicated  
26 revenues, funds, or sources of funds to achieve 100% of the projected cost of compliance for the  
27 two (2) year period immediately following the filing date of the FAP to fulfill the requirements  
28 of Prince George's County's National Pollutant Discharge Elimination System Phase I Municipal  
29 Separate Storm Sewer System Permit; and

30 WHEREAS, pursuant to Section 4-202.1 (j) (3) of the Environment Article of the  
31 Annotated Code of Maryland, a county or municipality may not file a financial assurance plan  
32 until the local governing body of the county or municipality (1) holds a public hearing on the

1 financial assurance plan; and (2) approves the financial assurance plan.

2 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
3 County, Maryland, that the Prince George's County's Watershed Protection and Restoration  
4 Financial Assurance Plan is approved as reflected and described in Exhibits A-and B.

5 BE IT FURTHER RESOLVED that upon adoption of this Resolution, it shall be  
6 transmitted to the County Executive by the Clerk of the Council to submit to the Prince George's  
7 County's Watershed Protection and Restoration Financial Assurance Plan to the Maryland  
8 Department of the Environment.

Adopted this 8th day of June, 2021.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council