

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2016 Legislative Session**

Resolution No. CR-64-2016  
Proposed by The Chairman (by request – County Executive)  
Introduced by Council Members Davis, Turner and Taveras  
Co-Sponsors \_\_\_\_\_  
Date of Introduction September 13, 2016

**RESOLUTION**

1 A RESOLUTION concerning  
2 Prince George's County's Watershed Protection and Restoration Financial Assurance Plan (FAP)  
3 For the purpose of approving the Prince George's County Financial Assurance Plan

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

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

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

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

22 WHEREAS, FAP must detail the following: (1) all actions required to meet MS4 permit

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

7 WHEREAS, Prince George’s County is required to submit the information contained in the  
8 FAP utilizing templates provided by MDE; and

9 WHEREAS, the Prince George’s County Department of the Environment (DOE) completed  
10 the FAP using the recommended FY 2017 operating budget and the recommended  
11 FY 2017-FY 2022 CIP budget; and

12 WHEREAS, the Prince George’s County FAP is set forth as “Exhibits A, A-1, A-2 and A-  
13 3” (Exhibit A) attached hereto and made part hereof; and

14 WHEREAS, the local governing body has demonstrated sufficient funding and approves of  
15 the FAP, as set forth in the joint letter from the County Executive and the County, “Exhibit B”  
16 attached hereto and made part hereof; and

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

19 WHEREAS, pursuant to State law, FAP must demonstrate that Prince George’s County has  
20 dedicated revenues, funds, or sources of funds to meet 75% of the projected costs of compliance  
21 with the impervious surface restoration requirements under its permit for the two (2) year period  
22 immediately following the filing date of the plan; and

23 WHEREAS, pursuant to Section 4-202.1(j) (4) (iii) of the Environment Article of the  
24 Annotated Code of Maryland the filing of a second or subsequent FAP, the funding must  
25 demonstrate Prince George’s County has dedicated revenues, funds, or sources of funds to meet  
26 100% of the projected costs of compliance with the impervious surface restoration requirements  
27 under its permit for the two (2) year immediately following the filing date of the plan; and

28 WHEREAS, the Prince George’s County 2016 FAP demonstrates Prince George’s County  
29 has dedicated revenues, funds, or sources of funds or sources of funds to achieve 75% of the  
30 projected cost of compliance for the two (2) year period immediately following the filing date of  
31 the FAP to fulfill the requirements of Prince George’s County’s National Pollutant Discharge

1 Elimination System Phase I Municipal Separate Storm Sewer System Permit; and

2 WHEREAS, pursuant to Section 4-202.1 (j)(3) of the Environment Article of the Annotated  
3 Code of Maryland, a county or municipality may not file a financial assurance plan until the  
4 local governing body of the county or municipality (1) holds a public hearing on the financial  
5 assurance plan; and (2) approves the financial assurance plan; and

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

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

Adopted this 1<sup>st</sup> day of November , 2016.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive