



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations

June 2, 2021

### MEMORANDUM

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin   
Senior Legislative Budget and Policy Analyst

FROM: Alex Hirtle   
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement  
CR-045-2021 Watershed Protection and Restoration

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**CR-045-2021** (*proposed by:* the Council Chair at the request of the County Executive.)

*Introduced by:* Council Members Hawkins, Davis, Turner, Glaros, and Harrison.

Assigned to Committee of the Whole (COW)

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A RESOLUTION CONCERNING WATERSHED PROTECTION AND RESTORATION for the purpose of Prince George's County Watershed Protection and Restoration Financial Assurance Plan (FAP) for approving the Prince George's County Financial Assurance as required by the State.

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### Fiscal Summary

#### Direct Impact:

*Expenditures:* None likely.

*Revenues:* None likely.

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**Indirect Impact:**

Potentially positive.

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**Legislative Summary:**

CR-045-2021, proposed by the Chair of the Council at the request of the County Executive, and introduced by Council Members Hawkins, Davis, Turner, Glaros, and Harrison, was introduced on April 27, 2021 and was referred to the Council of the Whole (COW). The Resolution fulfills the requirement by the State of Maryland to indicate how stormwater runoff will be treated and paid for over the next five years and will provide the financial roadmap for complying with the Environmental Protection Agency's (EPA) Total Maximum Daily Load (TMDL) requirements, also known as the Pollution Diet for the Chesapeake Bay. A public hearing on the Resolution was held on May 18, 2021.

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**Current Law/Background:**

In May 2015, the General Assembly in Annapolis passed SB 863. The legislation revised the State's stormwater management program, eliminating the mandatory stormwater remediation fees and requiring the development of financial assurance plans (FAPs) from the State's ten (10) largest urban jurisdictions, including Prince George's County. The legislation falls under Article 4-202.1(j)(2).

The FAP ensures each jurisdiction's National Pollutant Discharge Elimination System (NPDES) Phase 1 Municipal Separate Storm Sewer System (MS4) will have adequate funding to meet their Phase 1 MS4 permit requirement for impervious surfaces restoration.

The FAP in part is the blueprint that helps fund the Watershed Protection and Restoration Program (WPRP), and lists the activities completed by the County under this program for FY2019 and FY2020, and planned program activities for FY2021 and FY2022. The completion and submission of a FAP is required every two (2) years with the first submittal that occurred in July 1, 2016. State legislation requires that this FAP is to be updated and resubmitted on or before the anniversary date of the County's NPDES MS4 Permit (January 2, 2021). The permit is under an administrative extension authorized by the Maryland Department of the Environment, pending full renewal and issuance of the next generation permit.

State law requires the FAP be approved by a local governing body after a public hearing. This resolution facilitates that requirement.

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**Resource Personnel:**

Karen W. Gordon and Jeff Dehan (staff), and Michelle Russell (Acting Director), Department of the Environment.

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### **Discussion/Policy Analysis:**

Watershed Protection and Restoration Financial Assurance Plans demonstrate a jurisdiction's financial means to achieve the requirements set forth by SB 863 (2015). As noted, FAPs are required to be submitted every two years by specific jurisdictions - this resolution facilitates the approval of the Prince George's County Watershed Protection and Restoration Financial Assurance Plan demonstrating that the County has 100% of the financial means to achieve the requirements for FY2021 and FY2022.

The County's WPRP is fully supported by two (2) funds: the Stormwater Enterprise Fund (EF5100) and the Watershed Protection and Restoration Fund (EF5200). Project types that fall within these programs include bioretention infiltration devices, pond retrofits, Green streets, stream restoration, and others. The two Capital Improvement Programs for the WPRP include the Department of the Environment's (DoE) CIP operations, and the Clean Water Partnership (CWP), a successful public-private partnership program that has improved the stormwater infrastructure of the County and has committed to impacting the local economy by targeting disadvantaged subcontractors in development and utilization.<sup>1</sup>

The funds also support the Raincheck Rebate Program and grants to non-government organizations (NGO's) to assist implementation of the WPRP in the municipalities. Projected revenue of the FAP for FY2021-FY2022 is about \$235.2 million.<sup>2</sup> This represents 100% funding capacity to meet objectives of this two-year FAP.

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### **Fiscal Impact:**

- *Direct Impact*

Adoption of CR-045-2021 will not have a direct fiscal impact on the County as it approves the County's Financial Assurance Plan in accordance with State law and identifies the sources of funding used by the County to meet the requirements of its NPDES Phase I MS4 permit. As noted above, the plan is primarily supported by two funds: the Stormwater Enterprise Fund (EF5100), and the Watershed Protection and Restoration Fund (EF5200). Revenue for FY2021-2022 is estimated at about \$235.2 million.

- *Indirect Impact*

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<sup>1</sup> <https://thecleanwaterpartnership.com/program-goals/>

<sup>2</sup> Prince George's County Department of the Environment December 30, 2020 memo by Jeff Dehan.

Adoption of CR-045-2021 could have a positive indirect impact by reducing the amount of flooding and water damage in the County, thus reducing future damage by to commercial, residential, and governmental structures resulting in cost savings to the County for emergency and crisis response. Mitigating flooding and water damage can incentivize economic development by providing additional assurance to both business persons and homeowners of safety in areas that currently may be more vulnerable to flooding. Additionally, complying with the Environmental Protection Agency's Total Maximum Daily Load (TMDL) requirements will reduce local water pollution, increasing the quality of life for residents, and improving the overall health of the County's residents.

- *Appropriated in the Current Fiscal Year Budget*

Yes.

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**Issues for Committee Consideration:**

N/A.

**Effective Date of Proposed Legislation:**

This Resolution goes into effect on the date of its adoption.

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If you require additional information, or have questions about this fiscal impact statement, please reach me via phone or email.