

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Resolution No. CR-29-2019

Proposed by The Chair (by request – County Executive)

Introduced by Council Members Harrison, Anderson-Walker, Turner, Streeter

Glaros & Taveras

Date of Introduction April 30, 2019

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 as required
4 by State law.

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

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

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

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

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

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

10 WHEREAS, the Prince George's County Department of the Environment (DOE) completed
11 the FAP using the recommended FY 2019 operating budget; and

12 WHEREAS, the Prince George's County FAP is set forth as "Exhibits A, A-1, and A-2"
13 (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 Council,
16 "Exhibit B" 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, the FAP first year submittal (2016) demonstrated that
20 Prince George's County has dedicated revenues, funds, or sources of funds to meet 75% of the
21 projected costs of compliance with the impervious surface restoration requirements under its
22 permit for the two (2) year period 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 for 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 FAP demonstrates the County has dedicated
29 revenues, funds, or sources of funds to achieve 100% of the projected cost of compliance for the
30 two (2) year period immediately following the filing date of the FAP to fulfill the requirements
31 of Prince George's County's National Pollutant Discharge Elimination System Phase I Municipal
32 Separate Storm Sewer System Permit; and

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

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

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

Adopted this 9th day of July , 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council