

Prince George's County Council Agenda Item Summary

Meeting Date:	7/24/2013
Reference No.:	CB-045-2013
Draft No.:	2
Proposer(s):	County Executive
Sponsor(s):	Franklin, Davis
Item Title:	An Act establishing a Watershed Protection and Restoration Program, as required by State law; providing for the setting, collection and deposit of a Clean Water Act Fee into a Local Watershed Protection and Restoration Fund; providing for the purposes for which money in the Local Watershed Protection and Restoration Fund may be used; providing for biannual reporting on the operation of the Local Watershed Protection and Restoration Fund; requiring the Department of Environmental Resources to establish policies and procedures for the reduction of the Clean Water Act Fee; and generally relating to the Watershed Protection and Restoration Program

Drafter:	Joseph R. Hamlin, Office of Law
Resource Personnel:	Adam Ortiz, Acting Director of Environmental Resources Thomas Himler, Office of the County Executive

LEGISLATIVE HISTORY:

Date Presented:	6/4/2013	Executive Action:	7/25/2013 S
Committee Referral:	6/4/2013 - THE	Effective Date:	9/9/2013
Committee Action:	7/2/2013 - FAV(A)		
Date Introduced:	7/2/2013		
Public Hearing:	7/24/2013 - 10:00 AM		
Council Action (1)	7/24/2013 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

10-301, 10-302, 10-303, 10-304, 10-305, 32-201.06, 32-201.07

COMMITTEE REPORTS:**Transportation, Housing and Environment
Committee****Date 7/2/2013**

July 2, 2013

Committee Vote: Favorable 5-0 with amendments (In favor: Council Members Campos, Davis, Olson, Toles and Turner)

Council staff provided a summary of proposed Draft 2 of CB-45-2013. CB-45-2013, seeks to establish a Watershed Protection and Restoration Program (“WPRP”) as required by State Law, provides for the setting, collection and deposit of a Clean Water Act Fee (“CWAFF”) into a Local Watershed Protection and Restoration Fund (“LWPRF”), the purposes for which money in the LWPRF may be used, requiring biannual reporting on the operation of the LWPRF and requiring the Department of Environmental Resources (DER) to establish policies and procedures for the reduction of the Clean Water Act Fee.

Brad Frome, Deputy Chief of Staff, Adam Ortiz, Acting Director, DER, Larry Coffman, Deputy Director, DER and Roland Jones, Office of Central Services, provided additional testimony in support of proposed Draft 2 of CB-45-2013 and answered questions from the Committee on the expected operation and implementation of the WPRP.

A representative from Collective Banking Coalition spoke in support of CB-45-2013 and the amendment.

The Committee adopted amendments requiring the use of the County Based-Business requirements under Subtitle 10A of the County Code for utilization of the LWPRF and a provision authorizing DER to establish procedures for tax-exempt religious and 501(c)(3) nonprofit organizations exemption from a portion of the CWAFF as reflected in Draft 2 of CB-45-2013.

The Office of Law indicated that CB-45-2013 was in proper legislative form with no legal impediment to its enactment.

The Office of Audits and Investigation indicated there will be no adverse fiscal impact on the County as a result of adopting CB-45-2013.

June 20, 2013 – Held in Committee

The Legislative Officer provided a summary of CB-45-2013 and extensive comments were received from the public. Staff advised that the Watershed Protection and Restoration Program contained in CB-45-2013 is a State mandate under HB 987 (Chap.

151 Laws of 2012) for nine jurisdictions in Maryland, including Prince George’s County, that are subject to a National Pollutant Discharge Elimination Phase 1 Municipal Separate Storm Sewer System Permit (NPDES Phase 1 MS4 Permit). HB 987 set a July 1, 2013 requirement for enactment of the WPRP. Staff indicated that CR-59-2013 – Clean Water Act Fee – is a companion resolution setting forth the schedule of fees under the WPRP and provided additional information to the Committee in response to questions by members.

Adam Ortiz, Acting Director, and Larry Coffman, Deputy Director, DER, provided power point presentation to the Committee in support of CB-45-2013. In addition, Brad Frome, Deputy Chief of Staff, and Roland Jones, Office of Central Services, provided testimony in support of CB-45-2013 and answered questions from the Committee.

The Committee heard public testimony from nine (9) persons representing the environmental, business and development communities, most is support of CB-45-2013. A representative from area churches and the Collective Banking Coalition, a Prince George’s faith based community organization, expressed concerns about the proposed fees for religious institutions.

The Committee held CB-45-2013 for further discussion and work with DER and stakeholders.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation will establish a new Watershed Protection and Restoration Program (the “Program”), as required by State law. The Program will consist of a Watershed Protection and Restoration Fund (the “Fund”) and a Clean Water Act Fee. The legislation provides for the setting, collection and deposit of the Clean Water Act Fee into the Fund, provides for permissible uses of money in the Fund, and includes a biannual reporting requirement. The Department of Environmental Resources will administer the Program.

CODE INDEX TOPICS:

INCLUSION FILES:
