

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Resolution No. CR-009-2023

Proposed by The Chair (by request – County Executive)

Introduced by Council Members Dernoga, Ivey, Oriadha, Fisher, Watson, Hawkins,
Harrison, Burroughs and Blegay

Co-Sponsors _____

Date of Introduction February 21, 2023

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

1 Sewer System (MS4) Permit, a county shall file with the Maryland Department of the
2 Environment (MDE) a financial assurance plan; and

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

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

12 WHEREAS, the Prince George's County Department of the Environment (DOE) completed
13 the FAP using the recommended FY 2023 CIP and Operating budget; and

14 WHEREAS, the Prince George's County FAP is set forth as "Exhibit A" attached hereto
15 and made part hereof; and

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

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

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

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

31 WHEREAS, pursuant to Section 4-202.1 (j) (3) of the Environment Article of the
32 Annotated Code of Maryland, a county or municipality may not file a financial assurance plan

1 until the local governing body of the county or municipality (1) holds a public hearing on the
2 financial assurance plan; and (2) approves the financial assurance plan.

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

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

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11 Adopted this 4th day of April, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council