

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-40-2012

Chapter No. 35

Proposed and Presented by Council Member Lehman

Introduced by Council Members Lehman, Harrison, Davis, Franklin, Olson, Patterson,
Toles and Turner

Date of Introduction June 19, 2012

BILL

1 AN ACT concerning

2 Stormwater Management Retrofit Program

3 For the purpose of establishing the Stormwater Management Retrofit Program, providing for
4 eligibility requirements for the Program, providing for rebates, providing for funding of the
5 Program, establishing reporting requirements, and generally relating to stormwater management.

6 BY adding:

7 SUBTITLE 32. WATER RESOURCES

8 PROTECTION AND GRADING CODE.

9 Sections 32-201.01, 32-201.02, 32-201.03,
10 32-201.04, and 32-201.05

11 The Prince George's County Code

12 (2011 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's
14 County, Maryland, that Sections 32-201.01, 32-201.02, 32-201.03, 32-201.04,
15 and 32-201.05 of the Prince George's County Code be and the same are hereby
16 added:

17 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**

18 **DIVISION 3. STORMWATER MANAGEMENT.**

19 **Subdivision 1. General Provisions.**

20 **Sec. 32-201.01 Establishment of Stormwater Management Retrofit Program.**

21 (a) There is hereby established the Stormwater Management Retrofit Program, hereinafter

1 the “Program”, for the purpose of providing property owners the incentive to invest in
2 stormwater management to improve the quality of life in our communities with green stormwater
3 retrofits and to help Prince George’s County meet its obligations under the Clean Water Act to
4 reduce stormwater pollution in its rivers and streams.

5 (b) The Program shall be administered by the Department of Environmental Resources.
6 The Program shall be operated as a rebate program for eligible stormwater management
7 expenditures.

8 **Sec. 32-201.02 Eligibility requirements for rebates.**

9 (a) Individuals, commercial businesses, multi-family dwellings, non-profit organizations
10 and not-for-profit organizations, including housing cooperatives, with property located in Prince
11 George’s County are eligible to receive rebates pursuant to the Program. Subject to eligibility
12 criteria, rebates are provided for eligible stormwater management techniques established on
13 property located in Prince George’s County.

14 (b) A stormwater management retrofit application must be approved by the Department of
15 Environmental Resources prior to construction to be eligible for a rebate.

16 (c) An applicant for a rain barrel project must meet eligibility criteria established by the
17 Department of Environmental Resources; however, preapproval by the Department of
18 Environmental Resources is not required to receive a rebate.

19 (d) An applicant is eligible for a rebate as long as:

20 (1) The application for the project was approved within 12 months of the completion
21 date or in the case of a rain barrel, the receipt or invoice should be within 12 months of the rebate
22 received.

23 (2) The Department of Environmental Resources has inspected a completed project
24 and found it to be in compliance with its original approved application and the project follows
25 the Department’s best practice guidelines and criteria for that type of project.

26 (e) All invoices and receipts for the entire amount of the rebate applied for shall be
27 submitted to the Department of Environmental Resources for review and approval. A rebate
28 check will be provided by the Department of Finance.

29 (f) Applicants will not be eligible for a rebate if their project is associated with permit
30 approval requirements for new building construction, additions, or renovations.

31 (g) Applicants will not be eligible for a rebate if the property is located within a

1 municipality that has a similar rebate program for stormwater management projects.

2 (h) The Department of Environmental Resources shall promulgate regulations consistent
3 with this law to administer the Program. Regulations shall include the provision of best practice
4 guidelines and criteria for each type of stormwater project to aide an applicant's understanding of
5 what is required for a completed project to qualify for a rebate. Regulations shall be proposed
6 by no later than 6 months after enactment, and published in final form by no later than 12 months
7 after enactment. The Department shall prioritize establishing regulations and guidelines for rain
8 barrels. Rain barrel rebates from funds appropriated in the Fiscal Year 2013 budget may be used
9 upon enactment of regulations that the Department of Environmental Resources promulgates for
10 them.

11 (i) The Department of Environmental Resources shall select a minimum of six target
12 communities in which to do intensified public outreach, education, and demonstrations for the
13 stormwater retrofit program. The target communities shall include at least two communities in
14 each of the Developed, Developing and Rural Tiers as designated in the approved County
15 General Plan.

16 (j) The Department of Environmental Resources shall establish a list of qualified private
17 and non-profit contractors that property owners may utilize to implement a stormwater retrofit
18 project, including Prince George's based businesses.

19 **Sec. 32-201.03 Rebates.**

20 (a) With the exception of rain barrels, applications for rebates shall commence with the
21 beginning of Fiscal Year 2014.

22 (b) Rebates will be awarded on a first-come first-served basis.

23 (c) The amount of a rebate provided shall not exceed the cost of the project.

24 (d) Rebate ceilings are \$2,000 for residential projects and \$20,000 for commercial, multi-
25 family dwelling, non-profit entities and not-for-profit organizations. An applicant may do
26 multiple projects until the rebate ceilings are met. Non-profit organizations may annually
27 perform community projects up to the \$20,000 ceiling that the Department of Environmental
28 Resources determines to be an eligible use of the funds. Community projects are those
29 techniques performed by organizations that are established pursuant to Section 501(c)(3) of the
30 Internal Revenue Code. Community projects consist of stormwater management techniques that
31 benefit the community and are located on public property.

1 (e) The Department of Environmental Resources is authorized to enter into contracts with
2 non-profit organizations and residential property owners for the purpose of financing Stormwater
3 Management Retrofit Program projects. The purpose of the contracts is to provide upfront costs
4 for the residential property owner who may otherwise not be able to afford to participate in the
5 Program. Non-profit organizations shall pay the initial costs and receive a rebate and the
6 property owner shall pay the non-profit for the balance of the cost not covered by the rebate.
7 The Department and non-profit organizations shall focus on communities within the Developed
8 Tier in the approved County General Plan. Contracts for payment of upfront costs are subject to
9 the Program requirements set forth in Sections 32-201.01, 32-201.02, 32-201.03, 32-201.04, and
10 32-201.05 of this Subtitle.

11 (f) The Department shall provide applicants for residential rebates the maintenance
12 guidelines for the project and available resources for technical assistance. The Department may
13 require applicants for residential rebates to sign a voluntary property owner agreement to
14 maintain the project.

15 (g) Applicants for a commercial or public use shall sign an operations and maintenance
16 agreement for the project. The Department shall promulgate regulations to govern all aspects
17 related to maintenance of the project over its useful life.

18 (h) Individual members of a housing cooperative may apply for rebates under the
19 residential incentives category subject to Department regulations.

20 (i) In order to receive a rebate, an agreement shall be executed between the applicant and
21 the County that shall allow the County to place promotional signage for the Program on their
22 property, take and use photos, and do follow-up evaluations. There will also be a voluntary
23 option to agreeing to participate in any project tours the County holds to promote the Program.
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(j) The following techniques will be made available for rebates:

<u>Technique</u>	<u>Residential</u>	<u>Commercial, Multi-Family Dwelling, Non Profits, Not-for-Profit Organizations</u>
<u>Urban Tree Canopy</u>	<u>\$1,200 per lot; \$150/tree</u>	<u>\$1,800 per lot; \$150/tree</u>
<u>Rain Barrels</u>	<u>\$50 (must capture 100 gallons)</u>	<u>\$100 (Must capture 200 gallons)</u>
<u>Cisterns</u>	<u>\$500 maximum (\$1/gallon stored, 250 gallons minimum)</u>	<u>\$2,000 max (\$1/gallon stored, 250 gallons minimum)</u>
<u>Rain Garden</u>	<u>\$1,200 per rain garden</u>	<u>\$1/sq.ft impervious area treated or \$2,500/rain garden, whichever is greater</u>
<u>Permeable Pavement</u>	<u>\$1,200; 100 square foot minimum</u>	<u>\$5,000; 350 square foot minimum</u>
<u>Pavement Removal</u>	<u>\$600-\$1200; 100 square foot minimum; \$6/square foot</u>	<u>\$1,800 to \$5,000; 300 square foot minimum; \$6/square foot</u>
<u>Green Roofs</u>	<u>\$10/sq.ft.; 300 sq.ft. or ¼ roof retrofit, minimum</u>	<u>\$10 sq.ft. – if less than 6” of planting material/\$20 sq. ft. if over 6” of planting material; 300 sq.ft. or ¼ roof retrofit, minimum</u>

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1 **Sec. 32-201.04 Funding of Stormwater Management Retrofit Program.**

2 (a) The source of funding for the Stormwater Management Retrofit Program shall be the
3 Stormwater Management District Fund, set forth in Section 10-264 of the County Code.

4 (b) For Fiscal Year 2014 and for each fiscal year thereafter, the County shall appropriate
5 \$3.0 million in Stormwater Management District Funds to the Stormwater Management Retrofit
6 Program, as provided for in the County's approved current expense budget.

7 (c) If the granting of a rebate would cause the annual appropriation to be exceeded, the
8 rebate shall be granted in the next fiscal year, or fiscal years in the order of eligible applications
9 received.

10 (d) Up to ten percent (10%) of the \$3.0 million appropriation, in each fiscal year may be
11 expended on technical assistance for managing the Program, educating owners on how to install
12 and maintain their projects, promotional expenses, and other related stormwater management
13 expenses.

14 (e) Pursuant to Section 10-248.05 of the County Code, at the end of each fiscal year,
15 unexpended funds from the Stormwater Management Retrofit Program shall not automatically
16 lapse into the general fund but shall accumulate within the Stormwater Management District
17 Fund and be available for appropriation to the Stormwater Management District Fund in
18 subsequent fiscal years.

19 **Sec. 32-201.05 Reporting.**

20 The Director of the Department of Environmental Resources shall provide an annual report
21 to the County Council on the Stormwater Management Retrofit Program on or before December
22 31st of each year for the previous fiscal year, to include:

23 (a) the number of applications received;

24 (b) the number of applications denied;

25 (c) the amount and types of rebate applications approved; and

26 (d) the location by Council District of the number of applications received and denied and
27 the amount and types of rebate applications approved.

28

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 24th day of July, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.