

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Montgomery County's 2016 Financial Assurance Plan

Background

1. The Financial Assurance Plan (FAP) is required by revisions to the Annotated Code of Maryland, Section 4-202.1, Watershed Protection and Restoration Program (May 2015), added to ensure that each National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) jurisdictions will have adequate funding to meet their Phase I MS4 permit requirement for impervious surfaces restoration.
2. Each NPDES Phase I MS4 jurisdiction must submit to the Maryland Department of the Environment (MDE) a FAP by July 1, 2016, and every 2 years thereafter on the anniversary date of its MS4 permit, that details the following:
 - All actions required to meet MS4 permit requirements
 - Annual and projected 5-year costs necessary to meet the “impervious surface restoration plan” (ISRP) requirement, more commonly known as the 20% restoration requirement in current permits
 - Annual and projected 5-year revenues that will be used toward meeting the 20% restoration requirement
 - Any and all sources of funds used toward meeting MS4 permit requirements
 - All specific actions and expenditures undertaken in the previous fiscal years to meet the 20% restoration requirement.
3. The County is required to submit the information for the FAP using a template provided by the MDE.
4. The Montgomery County Department of Environmental Protection completed the FAP using the recommended FY17 operating budget and the recommended FY17-FY22 CIP budget.
5. The MDE will determine whether the FAP demonstrates sufficient funding within 90 days after County filing.

6. For a plan filed on or before July 1, 2016, funding in the plan is sufficient if the plan demonstrates that the jurisdiction has dedicated revenues, funds, or sources of funds to meet 75% of the projected costs of compliance with the impervious surface restoration requirements under its permit for the 2-year period immediately following the filing date of the plan.
7. For the filing of a second or subsequent plan, funding in the plan is sufficient if the plan demonstrates that the jurisdiction has dedicated revenues, funds, or sources of funds to meet 100% of the projected costs of compliance with the impervious surface restoration requirements under its permit for the 2-year immediately following the filing date of the plan.
8. The FAP shows that the County has dedicated revenues, funds, or sources of funds to meet, for the two-year period immediately following the filing date of the FAP, 100% of the projected costs of compliance with the impervious surfaces restoration plan requirements of the County under its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System Permit over that two-year period.

Action

The County Council for Montgomery County, Maryland approves the Financial Assurance Plan for FY2016.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council