



House Bill 295

Water Pollution - Stormwater Management Regulations and Watershed Implementation Plans - Review and Update

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation
Committee

Date: January 27, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS HB 295 WITH AMENDMENTS**. The bill requires the Maryland Department of the Environment (the Department) to update stormwater regulations every five years to ensure they are appropriate for precipitation patterns that change over time. Amendments should help clarify that local government will be consulted prior to the adoption of new regulations, and that permits are not subject to retroactive revision.

Periodically reviewing and updating stormwater regulations to account for increased rainfall is a practical step. MACo believes that local government should be included on the list of stakeholders that the Department must consult with when developing new regulations. Throughout much of the state, local government implements the majority of stormwater regulations as the Department delegates that authority. Local government projects are also subject to stormwater regulations.

Additionally, counties believe that National Pollutant Discharge Elimination System stormwater permits should not be subject to retroactive revisions when stormwater regulations are updated, via the "major permit revision" or "minor permit revision" processes. Revisions to permits consume a substantial amount of time for both the Department and permittees, and can even lead to non-compliance. Counties invest substantial resources and time into planning, engineering, and construction of many projects; deepening that investment with retroactive revisions would further draw on limited resources and possibly delay other necessary and time-sensitive projects.

Revision of regulations and the accompanying "Accounting Guidance" should occur when the Department and permittees have sufficient time to review the impact of guidance changes regarding restoration requirements. To avoid unintended consequences, this should occur prior to permits being published for tentative determination.

For these reasons, MACo requests a report of **FAVORABLE WITH AMENDMENTS** on HB 295.