



House Bill 508

Environment – Local Stormwater Management Charges – State Property

MACo Position: **SUPPORT**

Date: April 2, 2013

To: Education, Health, and Environmental Affairs
Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 508 as amended by the House. As amended, the bill subjects State property to a stormwater management fee levied by a county under the provisions of HB 987 of 2012 unless the property is subject to either a National Pollutant Discharge Elimination System (NPDES) Phase I municipal separate storm sewer system (MS4) permit or an industrial stormwater permit. Permitted properties can still subject themselves to the county fee, if both the county and State mutually agree.

HB 987 of 2012 required a county or municipality subject to a NPDES Phase I MS4 permit to adopt and implement a stormwater remediation fee to provide financial assistance for the implementation of local stormwater management plans through stormwater management practices and stream restoration activities. Properties owned by the State or a unit of State government, a county, municipality, or volunteer fire department were exempt from paying the fee.

The exemption of local governments was logical, as they already have to mitigate stormwater runoff under Total Maximum Daily Load requirements and are the primary implementers of the stormwater mitigation program. It would make no sense for a local government to pay a fee to itself when it is already subject to mitigation requirements.

Similarly, MACo supports the amended version of HB 508 as NPDES Phase I MS4 permits require stormwater mitigation, and it appears that industrial permits will very soon also include a mitigation component. So only a State property that is not required to mitigate stormwater runoff under its own permit would be subject to the local fee. Also, HB 987 requires that a local fee be offset if a property owner chooses to perform stormwater mitigation on the property. So even those affected State properties could offset or potentially eliminate the fee by voluntarily performing mitigation.

Additionally, by subjecting State property to the fee, federally-owned property would likely also be subject to the fee. Currently, if State property is exempted from a local stormwater fee, federal rules provide that federal property may be exempted from the fee.

MACo believes that the amendments create a fair system that requires the State to either perform its own stormwater mitigation or reimburse a county for the mitigation the county must perform on the State's behalf and would also increase the likelihood that federal property not subject to an NPDES permit would have to pay the fee or conduct its own stormwater mitigation activities. Accordingly, MACo urges the Committee to issue a **FAVORABLE** report on HB 508.