



BILL NO.: House Bill 671

TITLE: Stormwater Management – Dredging – Testing for Toxic Substances

POSITION: **OPPOSE**

DATE: February 29, 2012

COMMITTEE: Environmental Matters

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The Maryland Association of Counties (MACo) **OPPOSES** House Bill 671. The bill would impose a potentially costly new mandate on county governments at a time when many local governments are struggling with existing stormwater requirements and State budget reductions.

Under HB 671, the Maryland Department of the Environment (MDE) must adopt regulations that: (1) require any dredged sediment from a stormwater retention structure, including ponds and wetlands, be tested for toxic substances; and (2) prohibit any dredged material that is found to contain toxic substances from being used in an area that poses a risk to public health and safety.

The bill's fiscal note states that local expenditures would increase, potentially significantly, for most jurisdictions. Counties are ill-equipped to handle another unfunded State mandate. State aid to local governments, excluding education, has decreased a total of \$687 million since FY 2008. Property tax assessments have also decreased in many jurisdictions.

Additionally, associated costs for stormwater management have increased due to recent State and federal actions. Legislation from 2007 (HB 786/SB 784) requires counties and projects to utilize environmental site design (ESD) techniques for reducing runoff. ESD techniques use nonstructural small-scale practices, such as rain gardens or vegetated swales to reduce runoff. These techniques can be effective but can also increase the cost and complexity of projects, especially projects for redevelopment. Counties are also struggling to absorb the multi-billion dollar local cost imposed by the Chesapeake Bay Total Maximum Daily Load (TMDL). HB 671 would force counties to shoulder yet another responsibility.

Besides the costs of testing, the bill's vague prohibition on using dredge material in an area that poses a risk to public health and safety could result in further significant costs. HB 671 imposes new costs on county governments as counties struggle to implement existing ESD and TMDL stormwater management requirements. Accordingly, MACo recommends the Committee issue an **UNFAVORABLE** report on HB 671.