



BILL NO.: House Bill 987

TITLE: Stormwater Management – Watershed Protection and Restoration Program

POSITION: **OPPOSE**

DATE: March 2, 2012

COMMITTEE: Environmental Matters

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** House Bill 987. The bill mandates the imposition of a narrowly-tailored and restrictive stormwater management fee based on calculated impervious surface. This statewide mandate would replace a current law that is enabling for local governments, allowing local officials to reflect their own community needs and watershed planning strategies. Such a fee would be difficult for some counties to implement and would not address some counties’ most pressing water quality needs under the Chesapeake Bay Total Maximum Daily Load (TMDL).

Local governments already have the authority to enact their own stormwater management fees and several jurisdictions, including Montgomery and Prince George’s Counties, have already done so. Other counties, such as Anne Arundel and Calvert, are considering establishing a fee. MACo opposes taking an authorized “local option” revenue source, and transforming that authority into a mandate.

The bill will impose significant implementation challenges on some county governments. HB 987 requires that the fee be tied to impervious surface. However, some counties currently lack the ability to measure and track impervious surface and would require major staff and resource changes to create and implement the necessary tracking systems. Additionally, as the bill’s fiscal note indicates, if a county has a charter limit on its property taxes, to the extent the bill’s stormwater fee is considered a property tax a county would have to reduce another portion of its property taxes as an offset.

The bill also limits the use of the fee solely for stormwater management purposes. While there are certainly some counties where stormwater is a significant portion of their costs under the TMDL, it is not as significant a concern for others. If a statewide fee were to be mandated, counties should at the very least have flexibility to use the fee for any reasonable Watershed Implementation Plan (WIP) purpose, again recognizing the community needs and appropriate local strategies that will surely vary by geography.

HB 987 would turn an already existing county option into a mandate. The fee structure is inflexible in requiring the use of impervious surface, which some counties lack the ability to track. Finally, the use of the fee is too narrowly focused on stormwater rather than broader WIP implementation. Accordingly, MACo recommends the Committee issue an **UNFAVORABLE** report on HB 987.