



House Bill 1420

Environment - Stormwater Management – Nontidal Floodwater

MACo Position: **SUPPORT**

To: Education, Health, and Environmental Affairs
Committee

Date: April 3, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1420 as amended. The bill clarifies that monies from a local watershed and restoration fund, established by a local jurisdiction subject to a Phase I Municipal Separate Storm Sewer System (MS4) permit, may be used for projects that manage extreme volumes of nontidal floodwater in a “qualified historic district.”

The projects cannot negatively impact water quality. A “qualified historic district” is defined as a locally designated historic district which: (1) nontidal flooding has resulted in a demonstrable threat to the life and safety of individuals and the death of an individual after July 29, 2016; (2) there is a history of rapid flooding events in geomorphic low-lying areas from heavy rainfall; and (3) four or more repetitive loss properties are located.

Under current law, a Phase I MS4 jurisdiction must establish a local watershed and restoration fund to be used to meet federal water quality goals. The fund consists of monies collected through a stormwater remediation fee or other specified sources (*See* HB 987 of 2012 and SB 863 of 2015). There are currently 10 counties subject to a Phase I MS4: Baltimore City and Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Montgomery, and Prince George’s.

Some areas within these jurisdictions are subject to historic nontidal flooding that can pose a risk to public safety and property. Many of these areas were built at a time when concerns over stormwater management were minimal or non-existent. HB 1420 would provide certainty that the fund may be used for constructing necessary flood mitigation and treatment projects.

As the bill’s fiscal note indicates, the bill is explicitly authorizing a fund use that is “likely already allowed under current law.” Current law under § 4-202.1(a)(4)(i) allows the fund to be broadly used for “[c]apital improvements for stormwater management.” MACo believes HB 1420 simply clarifies that those improvements include stormwater projects designed to address areas with historic nontidal flooding.

HB 1420 would provide an important clarification to the local watershed protection and restoration fund, allowing Phase I MS4 jurisdictions to undertake needed stormwater and flood control projects. Accordingly, MACo requests the Committee give HB 1420 a **FAVORABLE** recommendation.