



House Bill 1420

Environment - Stormwater Management – Nontidal Floodwater

MACo Position: **SUPPORT**

Date: February 28, 2018

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1420. 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 areas where historical nontidal flooding problems exist.

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.