

STATE OF MARYLAND
MARYLAND DEPARTMENT OF THE ENVIRONMENT
Robert M. Summers, Ph. D., Secretary

BILL NO: SB 135

COMMITTEE: Education, Health and Environmental Affairs

POSITION: Oppose

TITLE: Watershed Protection and Restoration Program – Enforcement by Department of the Environment - Moratorium

BILL ANALYSIS: SB 135 amends Section 4-202.1 of the Environment Article, the Watershed Protection and Restoration Program, enacted in the 2012 session of the Maryland General Assembly. Specifically, SB 135 prohibits, until July 1, 2015, the Maryland Department of the Environment from taking an administrative action or imposing any penalties on ten local governments (those subject to federal Phase I Municipal Separate Storm Sewer System permits) for failure to establish watershed protection and restoration programs and systems of charges to support these programs. This bill therefore delays the Department's ability to enforce State law.

POSITION AND RATIONALE: MDE opposes SB 135.

HB 987 of the 2012 legislative session was intended to ensure that the ten most populous jurisdictions in the State had a dedicated source of revenue to address the nonpoint source pollution problems within their corporate limits. Water quality improvements in these populous areas will benefit both local streams and the Chesapeake Bay. These types of improvements are a critical component to allow the State of Maryland to meet the Total Maximum Daily Loading reductions specified in the State Watershed Implementation Plan. It is in the best interests of the State to ensure that these local systems of charges remain in place as a source of revenue for these water quality improvements.

Currently all ten of the MS4 Phase 1 jurisdictions who were impacted by HB 987 are in the process of implementing a Watershed Protection and Restoration Program. All but one jurisdiction have fully adopted both the fee and fund components of the Program, and many have incorporated the expected revenue from their new fees into their capital funding programs. Several of these counties have anticipated bond issuance supported by their new fee structures.

A statutory moratorium on enforcement of HB 987 of 2012, as proposed under this legislation, could prompt local governments who have already enacted stormwater programs to repeal or delay the implementation of their programs. These jurisdictions are under federal and State mandates to address nonpoint source water pollution. Effective stormwater management is critical to restoring local watersheds and streams. These urban and suburban stream systems are under increased stress from development. Locally based utilities ensure that municipal storm sewer systems have adequate funding to reduce polluted urban runoff. Stormwater and septic systems are the only two sectors that are contributing increasing amounts of nitrogen to the Bay, at a time when wastewater treatment plants and the agriculture sector continue to show significant reductions every year.

A failure to address this source of pollution will have negative consequences for every citizen in Maryland and will only increase the long term cost to restore the Chesapeake Bay. Progress in all sectors is required under the Chesapeake Bay Watershed Implementation Plan, and shortfalls in any area will have to be made up in other ways. This could include further restrictions on development, new regulations, more stringent permits for all regulated sources, and increased oversight by the federal government.

The majority of the MS4 jurisdictions have recognized the need to significantly enhance their stormwater programs to meet their local water quality objectives. They understand that funding mechanisms like one passed by Maryland General Assembly in 2012 are essential to support these pollution control efforts which are critical to the future of Maryland. These counties have established reasonable fees and are starting to enhance their local stormwater programs by working with State and federal agencies, private businesses and other stakeholders to make investments that will pay dividends locally with new jobs and a cleaner, greener local environment.

With these new programs, these counties are leveraging locally raised revenue sources with State and federal funding to finance additional capital investment in local watersheds. These investments will result in direct, measureable improvements to the lakes, rivers and streams in each of these counties. As such, these programs have developed broad support within the local community.

FOR MORE INFORMATION,
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