



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • [www.mde.state.md.us](http://www.mde.state.md.us)

Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

February 4, 2014

The Honorable Joan Carter Conway, Chair  
Members, Education, Health and Environmental Affairs Committee  
Senate Office Building, Suite 2W  
Annapolis, MD 21401

Re: Senate Bill 315 – *Environment – Stormwater Remediation Fee – County Tax Limitations*

Dear Chairwoman Conway and Committee Members:

The Maryland Department of the Environment has reviewed Senate Bill 315, *Environment – Stormwater Remediation Fee – County Tax Limitations*, and would like to express our opposition to this bill.

Senate Bill 315 would prohibit Anne Arundel and Talbot Counties from setting a stormwater remediation fee that would exceed a certain county tax limitation. In effect, SB 315 would require these jurisdictions to treat the fee required under the Watershed Protection and Restoration Program Act of 2012 as a property tax for purposes of any application of any existing county tax limitation.

It is clear that the fees required under the Watershed Protection and Restoration Program Act of 2012 were to be established as charges for utility services provided to property owners, similar to water, sewer, gas and electricity charges. The Act required these fees to be proportional to the service being provided to the property and dedicated to stormwater management activities directly related to mitigation of the impacts of the runoff being generated. By including these fees in a county's determination of overall property tax burden, Senate Bill 315 aims to segregate stormwater-related utility fees from other utility charges, such as water and sewer fees, which are not considered within the County property tax caps.

Establishing restrictions, caps, or other limitations on Anne Arundel County's stormwater remediation fee, as proposed in SB 315, would require Anne Arundel County to find other sources of revenue to finance its watershed restoration plans and implement needed capital improvements. Anne Arundel County, like the other MS4 jurisdictions, is under Federal and State mandates to address nonpoint source water pollution that is negatively impacting local streams, rivers and Chesapeake Bay. An adequately funded Watershed Protection and Restoration Program will be necessary to ensure that the county meets these mandates. SB 315 would undermine these efforts to restore these watersheds.

Thank you for your consideration. I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [jeffrey.fretwell@maryland.gov](mailto:jeffrey.fretwell@maryland.gov) if I can be of assistance.

Sincerely,

Jeffrey K. Fretwell

cc: Jay G. Sakai, MDE, Director, Water Management Administration

