



March 1, 2023

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

Re: OPPOSE -- HB 942 (Wetlands and Waterways Program -- Authorizations for Stream Restoration Projects)

Dear Chairman Barve:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), a statewide association of 24 proactive counties and municipalities and leading stormwater consulting firms working for clean water and safe infrastructure based on sound science and good public policy, I am writing to convey MAMSA's opposition to HB 942. Many of MAMSA's Members own or operate municipal separate storm sewer systems (MS4s) that are regulated under discharge permits issued by the Maryland Department of the Environment (MDE). These permits universally require that MS4 permittees complete restoration of untreated impervious acres within set timeframes. A permittee that does not comply with its permit may face potentially serious enforcement risk (i.e., civil or administrative cases brought by MDE, the U.S. Environmental Protection Agency, or local citizens). Many of the State's regulated MS4s are relying on stream restoration projects to comply with these enforceable permit obligations.

Among other issues of concern, the bill requires 10 years of monitoring for a stream restoration project "before any relevant mitigation or pollution reduction credits are issued for the project." Not only is withholding credits unfair to permittees who need these credits for permit compliance, but it would put the State itself behind schedule for addressing its Chesapeake Bay clean-up goals. MAMSA notes that the Chesapeake Bay Program has accepted stream restoration projects as an acceptable best management practice (BMP) and stream restoration occurs broadly across the entire Watershed. The Chesapeake Bay Program has a BMP approval process that involves having a panel of experts undertake a rigorous scientific examination of a proposed BMP. There is no basis for revising the requirements for stream restoration given the level of review that has already occurred.

Thank you for your consideration. If you desire any further information, please contact me at lisa@agualaw.com or 804-716-9021.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Ochsenhirt".

Lisa Ochsenhirt
Deputy General Counsel

cc: House Environment and Transportation Members
HB 942 Sponsors