

## ATTACH A

### Detailed Summary of Rockville's 2010 Session Stormwater Management Legislative Effort and Related Information

Staff from the Public Works (Environmental Management), City Manager, and Legal Departments worked on an intense effort for the last five weeks of the 2010 legislative session to try to get amendments adopted to The Watershed Protection and Restoration Act (SB 686/HB999). The bill sponsors were Senator Jamie Raskin and Delegate Tom Hucker from the Montgomery County Delegation.

Through numerous meetings with key Senators, Delegates, and staff, as well as providing testimony on HB 999, City staff was successful in educating key figures in Annapolis that Rockville is leading the way, by being the only municipality with a comprehensive stormwater management fee in the State of Maryland. Legislators and staff on the House Environmental Matters and the Senate Health, Education, and Environmental Affairs Committees are more familiar with Rockville's program as a result of this effort, and stated that they would look to the City in the future to weigh in as these types of bills are debated. This is a very positive outcome, in that it is important for the City to have a role and provide influence on these policy issues.

SB 686/HB999 was discussed at the 2/16/10 MML Legislative Committee meeting. MML staff noted that local governments already have the authority to establish a stormwater utility fee if they choose to do so through Section 4-204 of the State Environmental Article. There was not much discussion of the bill by Committee members. A motion was made to take no position, and it passed. MML staff noted the reason why no position was taken on the bill by the Legislative Committee in 2009, is because member municipalities could not come to an agreement about what position to take.

The Chief of Environmental Management made a brief presentation before the MML Montgomery Chapter meeting in March 2010 about the City's effort. The MML Montgomery Chapter municipalities voted in unanimous support of the City's effort.

The House Environmental Matters and the Senate Education, Health, and Environmental Affairs Committees both held bill hearings during the 2010 session, but no votes were taken, and the bill died.

The reason why The Watershed Protection and Restoration Act (SB 686/HB999) failed, is the key environmental issue that almost dominated the 2010 legislative session was the stormwater management regulations compromise. Due to the lack of guidance provided on grandfathering and redevelopment in the 2007 Maryland Department of Environment Stormwater Regulations that went into effect on May 4, 2010, there was significant pressure on the legislature to develop an agreement that would resolve this issue.

There was intense debate amongst the group of stakeholders, which consisted of members of the environmental community, the business community, MML, MACO, and legislators on the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee. Unfortunately, this controversial issue is where all the environmental attention was focused, and from

what our state lobbyist at Holland and Knight indicated, left little resolve for legislators to want to address another major environmental piece of legislation in an election year.

In the last days of the 2010 legislative session, the legislature's Committee on Administrative, Executive, and Legal Review adopted the emergency stormwater management regulations. Rockville plans to adopt these emergency regulations, as part of its upgrade to Chapter 19 that is scheduled for adoption by the Mayor and Council on June 7, 2010. Now that the emergency stormwater management regulations issue has been resolved, it will no longer be an obstruction for the City's planned effort in 2011 legislative session.

#### 2009 Session Bill History

The bill was introduced in the 2009 session as Environment – Stormwater User Charge (SB672/HB1457) by the same bill sponsors as noted above. The bill received a favorable report from the Senate Education, Health, and Environmental Affairs Committee, but died on the Senate floor. No House Action was taken. Rockville did not take a position on the bill in the 2009 session. The 2010 legislation (SB 868/HB999) was virtually identical to the 2009 legislation.