



September 15, 2017

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Dear Mr. Rowe and Mr. Tassone:

The Maryland Association of Counties (MACo) offers the following preliminary comments on the two proposed policy options for the pending "Aligning for Growth" (AfG) policy. MACo recognizes that Maryland must address onsite sewage disposal systems (OSDS or septic systems) and stormwater water pollution generated by new growth as part of its Phase III Watershed Implementation Plan (WIP) under the Chesapeake Bay Total Maximum Daily Load. MACo has and will remain an active participant in the AfG discussions.

Below are three initial comments to the two proposed options: (1) OSDS/Forest Conversion Option; and (2) Phase I and II WIP Per Capita Loading Option. This initial response is based on feedback received from county planning, water management, and environmental sustainability officials at a meeting on September 8, 2017.

Comment #1: More detail is needed about each option before a definitive opinion can be formed.

From a county perspective, each option has advantages and drawbacks but the initial proposals lack sufficient detail to fully consider their merits. For the OSDS/Forest Conversion Option, baseline determination remains an issue as does potential septic loading rates. Additionally, some allocation would need to be provided for septic systems (*See Comment #2*).

The Phase I and II WIP Per Capita Loading Option is predicated on loading maps that do not yet exist and could put certain counties and municipalities at a significant disadvantage regarding growth and economic development. It is also questionable, with respect to its potential complexity, to administer. Both options need to better define local government flexibility in assigning allocation.

Comment #2: The AfG policy must treat urban and rural growth equitably.

MACo cannot support an AfG policy that has a stormwater component so prohibitive that it essentially eliminates urban infill, redevelopment, or revitalization projects; or a septic component so prohibitive that it essentially eliminates rural economic development or residential growth. Both the stormwater and septic sectors should receive growth allocations and neither should be marginalized. Regardless of the option chosen, the AfG policy must acknowledge the different growth needs and patterns of the state.

Comment #3: Further development of the AfG options must be done collaboratively with local governments.

It is imperative that the State continues to work collaboratively with both counties and municipalities, whether it is to further develop the two options referenced in this letter or create a new option not currently under consideration. Local governments will be critical partners in the success or failure of AfG and our participation and support will ultimately be necessary for the administration of a viable and sustainable AfG policy.

Conclusion

MACo hopes that these preliminary comments are helpful and remains committed to creating an AfG policy that fairly addresses new sources of urban and rural water pollution while not unnecessarily infringing on local autonomy. Please do not hesitate to contact me at 410.269.0043 or lknapp@mdcounties.org if you have questions or need further clarification.

Sincerely,



Leslie Knapp Jr.
Legal and Policy Counsel
MACo