



January 31, 2024

The Honorable Marc Korman, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Favorable w/ Amendment: HB 245 – MDE Fees, Penalties, Funding and Regulation

Dear, Chair Korman and Committee Members:

The NAIOP Maryland Chapters represent more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to recommend your favorable w/ amendments report on HB 245. NAIOP requests the committee consider the following points:

- HB 245 increases fees and eligible purposes of special funds within MDE. Among the changes are increased permit fees, creation of an annual registration requirement and establishment of a Private Dam Repair Fund related to the design construction, operation, and maintenance of dams.
- Land development projects often contain small ponds that provide stormwater management that are not considered dams. At times development projects contain larger impoundments that would be considered dams. Determining whether a facility is a dam or a small pond that is not subject to the new fee and permitting requirements can be complicated.
- COMAR 27.17.04 Defines a Dam:
"(4) "Dam" means any obstruction, wall, or embankment, together with its abutments and appurtenant works, if any, in, along, or across any stream, heretofore or hereafter constructed for the purpose of storing or diverting water or for creating a pool upstream of the dam, as determined by the Administration."
- A dam's height, drainage area, storage volume and downstream hazard conditions determine its classification, which affect the standards it must meet and whether it must pay into the Private Dam Repair Fund.
- NAIOP and MDE have discussed this issue and agreed conceptually on language clarifying that the bill is not intended to apply the new dam requirements to structures that are not currently considered dams. It is our understanding that this will be included in the departmental amendments.

For these reasons, NAIOP respectfully recommends your favorable w/ amendments report on HB 245.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.