



March 28, 2025

The Honorable Marc Korman  
Chair, Environment and Transportation Committee  
250 Taylor House Office Building  
Annapolis, MD 21401

**Re: SUPPORT WITH AMENDMENTS--SB 250 (Department of the Environment- Fees, Penalties, Funding, and Regulation)**

Dear Chairman Korman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **request amendments to** SB 250, which would, among other things, create a new fee for dam safety permits to construct, reconstruct, repair, remove, or modify a dam (p. 18, l. 31-p. 19, l. 25) and a new annual fee for registering a dam with the Maryland Department of the Environment (MDE) (p. 24, l. 19-p. 25, l. 19).

MAMSA is an association of the State's local governments and leading stormwater consultant firms who work for clean water and safe infrastructure based on sound science and good public policy. Many of MAMSA's members own dams on the State's Dam Inventory that would be subject to these new fees.

MAMSA supports MDE having adequate funding to do the important work it needs to do to ensure dam safety and understands the need to fund needed dam improvements. In fact, MAMSA members undertake these types of projects on a regular basis using local dollars.

MAMSA appreciates that the amended version of SB 250, unlike the original bill, identifies specific fees that our members would be asked to pay for permits or registration. Because of this, MAMSA members better understand potential financial impacts, although the impacts will still be significant. On March 12, 2025, MAMSA submitted a Local Fiscal Estimate Worksheet showing approximately \$600,000 in cost in the first year alone for just eight of our 25 members.<sup>1</sup>

MAMSA **requests additional amendments** to address the following issues:

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<sup>1</sup> Two of the eight MAMSA members included in the Worksheet felt obligated to mention and include likely impacts for the municipalities in their county and/ or local citizens who own private dams.

- **Clarify in the text that there are no fees for maintaining a dam.** MDE does not currently require a permit for maintenance activities at a dam.<sup>2</sup> Please consider adding text to SB 250 to clarify that dam owners undertaking necessary maintenance will not be charged a fee of up to 3% of the estimated project construction cost.
- **Clarify which dams are subject to permit and registration fees.** SB 250, as amended, states that registration fees only apply to a dam “included in the Maryland Dam inventory.” (p. 24, l. 23). MAMSA requests that the Committee add the same language to the permit fees section at p. 19 so that MDE does not charge permit fees for exempt dams. Additionally, MAMSA asks the Committee to direct MDE to review the current Maryland Dam inventory to ensure there are not exempt dams on the map that should not be subject to fees at all.<sup>3</sup>
- **Clarify that Category IV ponds are exempt from permit and registration fees.** COMAR 26.17.04.05(B)(1) establishes Category IV dams and allows Category III dams to move to Category IV “if all of the requirements of Environment Article §5-503(b), Annotated Code of Maryland, are met with the exception of §5-503(b)(1).” MAMSA requests an amendment to the bill at p. 19, l. 9-11 to change the reference from § 5-503(B) to COMAR 26.14.05(B)(1).
- **Exempt NPDES (National Pollutant Discharge Elimination System) permit restoration projects from permit fees.** MAMSA members worked with MDE to determine the Maximum Extent Practicable limitations of local stormwater programs. Among other factors, MDE considered the financial constraints of programs in determining restoration goals. The proposed 3% fee on construction projects will have a chilling effect on member programs and will reduce available funds to achieve permit goals.
- **Expand the scope of the funding program to include public dams.** Dams are critical infrastructure, and all dam owners are facing fiscal challenges. The bill establishes a program to set aside funds to address some of the financial challenges of maintaining this infrastructure. It is only fair that these funds be available to all dam owners, both public and private, especially given that public dam owners will be providing the bulk of the financial contributions to the fund.

As we noted in earlier testimony, from a larger picture perspective, we are also aware that the need for funding to repair private dams is high; the total cost for bringing all private dams up to current standards is likely in the hundreds of millions of dollars. Long term, we request that the

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<sup>2</sup> MDE’s Dam Safety Policy Memorandum # 11 (*Activities Not Requiring a Dam Safety Permit*) is available here: <https://mde.maryland.gov/programs/water/DamSafety/Documents/Policy%20Memorandum%20No.%2011%20-%20Activities%20Not%20Requiring%20Dam%20Safety%20Permit%20%28new%29.pdf>

<sup>3</sup> Found here: <https://mdewin64.mde.state.md.us/WSA/DamSafety/>

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General Assembly consider options for funding dam repairs so that the cost of these projects is not solely borne by existing dam owners.

Please feel free to contact me with any questions at [Lisa@AquaLaw.com](mailto:Lisa@AquaLaw.com) or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt, MAMSA Deputy General Counsel

cc: Committee Members, SB 250 Sponsor