

## Board of County Commissioners

Doug Howard, *President*  
David H. Roush, *Vice President*  
Haven N. Shoemaker, Jr., *Secretary*  
Robin Bartlett Frazier  
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## Carroll County Government

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August 1, 2013

Robert M. Summers, Ph.D., Secretary  
Maryland Department to the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

*Re: Process to Develop Accounting for Growth (AfG) Regulations*

Dear Secretary Summers:

During the summer of 2012, Maryland Department of the Environment ("the Department") released a discussion draft of a proposed AfG policy, which the AfG website indicated was "widely circulated through stakeholder meetings and documents posted online." The Department indicated that its "extensive outreach and public comment revealed that there was a lack of consensus on many fundamental issues." As a result, a stakeholder work group was established to "find common ground, clarify areas of disagreement, and make recommendations" for a draft AfG policy, the process for which is coming to a close. We understand the work group is due to deliver a final report to the Department by August 9, 2013.

We recognize and support the importance of water quality and the Bay restoration efforts. We also acknowledge the need to act in a timely manner. However, given the magnitude of the AfG policy implications, we have grave concerns about the speed at which the regulation itself is moving forward and the lack of a broader participation process. Given the importance of this issue and the far-reaching extent of the anticipated regulations, it is obvious that the Department has failed to provide an adequate opportunity for review and analysis by the public.

As the Department discovered last summer, there has been a lot of interest in the outcome of this policy from communities and stakeholder groups. Despite the nearly eight months of in-depth discussions, the work group still had a difficult time in coming to even a tenuous consensus on some of the recommendations for key components of the policy, and were still somewhat rushed to arrive at that point.

**CARROLL COUNTY**

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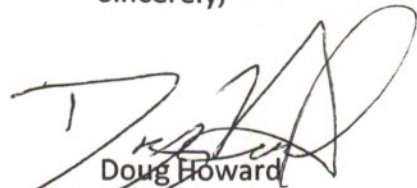
The policy / regulation will significantly impact counties with an increase in both administrative and financial burdens. This is particularly true if the responsibility to implement the policy falls to the counties rather than remaining with the State. Therefore, the counties should be given the courtesy of a formal presentation of the draft recommendations at the MACo Summer Conference *before* the report is submitted, rather than submitting the report on August 9. This would particularly benefit elected officials who do not yet have the benefit of a deeper understanding of this complex topic.

In addition, we request the final report be made available for public review and comment prior to drafting the regulation. If the Department intends to provide a draft regulation for review by the Maryland Joint Committee on Administrative, Executive, and Legislative Review (AELR) by the end of September, it is clear that a public participation process is not a priority otherwise. Given the extensive public participation experienced last summer, the need for public input prior to starting the formal review and promulgation process is critical. Inserting this additional step in the process allows for comments and input on the work group recommendations to be considered prior to the regulation actually being drafted. A presentation at the MACo conference could be a kick-off to this public outreach process. Furthermore, it is not apparent that the previous public comments had a significant role in shaping the work group discussions and recommendations. Therefore, it is even more imperative that a better opportunity for public participation be incorporated prior to the release of a final draft regulation.


Lastly, we strongly urge the Department to provide clear and concrete, on-the-ground examples / scenarios and the offsets that would be needed, costs associated, and process to implement on a project basis. A statewide fiscal impact analysis should be provided in conjunction with these scenarios. This information is critical to raising public awareness and possibly prevent or reducing some of the 'sticker shock' and subsequent public backlash that occurred with the stormwater fee.

The intended, as well as unintended consequences of these regulations could have far-reaching impacts upon the economy, culture, and land use activities of Carroll County and its citizenry. We respectfully request that MDE fully coordinate these regulations with Carroll County stakeholders prior to integration. We thank you for consideration of our concerns. We hope that the Department's actions will reflect a high priority for working with local jurisdictions and addressing their needs with a holistic viewpoint, considering all of the efforts and initiatives we are juggling at this time.

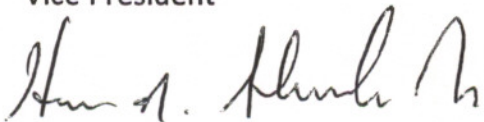
Sincerely,



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Commissioner



Richard S. Rothschild  
Commissioner

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