



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 471

Water Pollution Control – Discharge Permits –
Stormwater Associated with Construction Activity

Date: February 23, 2023

Position: Support

To: Education, Energy & the
Environment Committee

From: Erik Fisher, AICP, MD Land Use Planner

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 471, which provides for better management of stormwater on construction sites. If adopted, this bill would provide new tools for state and local environmental managers to control stormwater and, if necessary, stop excess pollution from reaching local waterways.

Stormwater pollution from developed and developing areas is the fastest growing source of pollution to local waterways and the Chesapeake Bay. According to the Chesapeake Bay Program, construction sites are the highest loading source of nutrients and sediment to waterways on a per-acre basis. Open ground – where tree removal and grading have removed root mass and exposed bare soil – requires special care to keep pollutants onsite. When basic controls fail due to site-specific conditions, intensifying rainfall, or other factors, a site can load years or even a decade's worth of pollutants into a waterway in days. Better managing these sites is a pressing challenge: Maryland's Phase III Watershed Implementation Plan states that, by 2025, stormwater will become a larger source of pollution to the Bay than wastewater.

SB 471 provides more tools to environmental managers that can improve stormwater management and reduce pollution. Construction sites that contain or could impact sensitive environmental features require management specific to those features. Nevertheless, Maryland's current regulations largely prescribe a "one-size-fits-all" set of practices. As an example, the primary strategies required in MDE's *Construction Stormwater Antidegradation Checklist – Version 1.1* only apply to the 100-foot stream buffer – an area generally already protected by most local ordinances. SB 471 offers a more complete solution, providing for the issuance of individual discharge permits for construction sites in floodplains, along shorelines, and those draining to Maryland's highest quality creeks and streams. Individual permits allow environmental managers to tailor erosion and sediment control practices more specifically to the scale, scope, and layout of the project, as well as the features and assimilative capacity of nearby waterways.

SB 471 also provides a clear performance standard for stopping sediment loss, empowering environmental managers to respond when basic controls fail. The state must equip frontline inspectors and regulators to handle the consequences of intensifying rainfall events associated with a warmer and wetter climate.

CBF urges the Committee's FAVORABLE report on SB 471.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.