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Budget and Taxation Committee

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Capital Budget

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Chair, Public Safety,  
Transportation, and Environment

Joint Committee on the Chesapeake and  
Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on  
Program Open Space/Agricultural  
Land Preservation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 23, 2023

**Testimony in Favor of SB0471**  
**Water Pollution Control - Discharge Permits - Stormwater Associated With Construction Activity**

Chairman Feldman, Vice-Chair Kagan, & members of the Education, Energy, & the Environment Committee:

I respectfully request a favorable report of Senate Bill 471 to better protect our waterways from sediment runoff and undue erosion.

According to the EPA, sediment runoff from construction sites is typically 10 – 20 times greater than agricultural lands, and 1,000-2,000 times greater than forested lands. Even a short burst of rain “can contribute more sediment to streams than would be deposited naturally over several decades.” These quick but meaningful storm events create mud-filled water running off a construction site that can destroy a stream and aquatic ecosystem. The cost to repair the damaged streams or dredge the sediment-filled creeks or fight the sediment levels in the Chesapeake Bay is currently borne by the taxpayers to the tune of hundreds of millions of dollars.

This Committee and the General Assembly has recognized the threat of runoff and stormwater before. In 2019 we passed Senate Bill 505 to ensure that MDE effectively reports environmental violations to the State, including sediment and erosion control law violations. In 2021, we passed Senate Bill 227 to ensure that our stormwater standards keep up with the increasing amount of rain that we receive with the average storm.

This legislation goes further to protect our State and our waterways from stormwater and sediment runoff by building off of previously passed legislation.

**To provide better oversight for stormwater discharge permits in the most critical locations** this legislation will require the obtainment of an individual permit as opposed to the current system where the General Discharge Permit (GDP) is authorized. This change will allow for a more enhanced review of these large construction sites (more than 10 acres) that are also located

in a sensitive area (within floodplains, the critical area buffer, or alongside our highest quality streams).

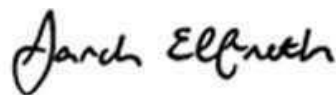
The enhanced review created through requiring an individual permit will not only be beneficial to our waterways but also to Marylanders in ensuring our most sensitive waterways have an added layer of protection. For our citizens and steadfast environmental advocates, this type of review will provide much more time for public input on the impacts of proposed development as the GDP only requires a 45 day review - and to better protect our waters this type of enhanced review will allow those required to obtain an individual permit to actually work with MDE to develop site specific controls to better mitigate runoff effects at that specific site.

**To give inspectors more tools to investigate water pollution and hold polluters more responsible for the pollution they create**, this legislation will clarify that a construction site may not cause sediment pollution or erosion downstream. This may be a surprise to members of the Committee – but this prohibition is not currently in law. This current disconnect in our law creates a situation in which our inspectors have little ability to actually connect the dots between runoff that they or our constituents see and the construction site from which it is originating.

Anne Arundel County has similar language regarding not allowing sediment runoff – and because of this the County can take a more holistic approach to inspecting and monitoring construction sites and more proactively mitigate their impact. Furthermore, this legislation as drafted will set an increased fee amount for those that unlawfully engage in construction activity without a discharge permit or without coverage under a general permit.

You will hear today from issue-area experts on what this bill will mean for Marylanders and our environment - and I am proud that this legislation is not only supported by different advocacy groups across the State as well as MACO and MML. Furthermore, we have had ongoing conversations with MDE regarding this legislation, and I believe we will find a solution to their concerns in the near future.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Sarah Elfreth