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SUPPORT: SB 471 - Sediment Control Plans, Discharge Permits for Stormwater Associated with Construction Activity, and Notice and Comment Requirements

Chairman Barve and Members of the Committee:

Maryland LCV supports SB 471 addressing stormwater pollution associated with construction activity, and we thank Senator Elfreth for her leadership on this issue.

Sediment pollution is both an ecological and an economic problem for Maryland waters. Sediment runoff contributes to Maryland's need to frequently bear the cost of dredging channels for recreational and commercial boating. Sediment pollution also causes significant ecological harm to our streams and rivers, clouding the water, which blocks sunlight and harms aquatic-dwelling plants and animals.

For decades Maryland has demonstrated leadership among our Chesapeake Bay watershed neighbor states and has been making progress in reducing the pollution running off into our streams and the Chesapeake Bay. In spite of these efforts, erosion due to construction activity has continued to be a known problem for water pollution.

In advance of the hearing for SB 471, watershed and local organizational members of the Choose Clean Water Coalition shared recent photographs they had taken of sediment runoff from construction sites. These photographs showed both sediment laden stormwater running directly off of construction sites, as well as plumes of sediment appearing in the receiving water of streams downhill from those sites. The documented polluted runoff was coming off of sites with erosion control intact, but controls that were clearly failing to achieve best management practices. SB 471 has been structured to address this, by giving inspectors authority to require large construction sites to adapt their stormwater erosion controls when they are clearly not working as intended.

In addition, SB 471 would:

1. Require large sites (disturbing 5 acres or more) to acquire individual permits, rather than being allowed to operate under the stormwater construction general permit. Doing so will ensure a thorough and appropriate review of site-specific controls for stormwater and will help to protect sensitive areas during clearing and grading.
2. Require Maryland Department of the Environment to update specifications for erosion control and sediment plans every five years with guidance from a stakeholder workgroup.
3. For construction projects in sensitive areas, extend the comment period upon written request to allow adequate time for review and comment on the appropriateness of the permit to meet the conditions of the specific site.

If enacted, this bill will help to ensure construction sites are properly maintained, can be held accountable to manage their site responsibly, and protect our most sensitive waterways from harm due to sediment pollution. For these reasons, MDLCV urges a favorable report on SB 471.