



January 30, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: SUPPORT WITH AMENDMENTS – SB 189 (Municipalities – Open Drainage Inlets- Required Grating Systems (Mason’s Law))

Dear Chair Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **request amendments** to SB 189, which would require that municipalities incorporate an approved grating system into the construction of any new open drainage inlet and install an approved grating system to existing open drainage inlets.

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.

SB 189 is well-meaning. We share the comments below as County and municipal employees who are involved in drainage projects on a daily basis in the hopes that it generates a discussion on how to manage drainage in a way that is safe for our citizens and cost-effective for our communities:

- **Bill Scope:** SB 189 uses the term “open drainage inlet” (defined as “a structure with a surface opening that (i) has a diameter of 12 inches or more; and (ii) is designed to collect and drain stormwater runoff”). This definition is confusing. There are generally four types of recognized inlets: grate, curb, combination, and slotted. See State Highway Administration’s Highway Drainage Manual, Section 5.2.4. Given the broad definition in the bill, would the requirements also apply to culverts and culvert headwalls? We note that most engineers do not classify a headwall opening as an inlet.

In rural areas, almost all roads are open-section, that is, with open-ditches on both sides of the road. Every driveway in these areas needs a culvert to cross the ditch and nearly 100% of those culverts are 12 inches. This means adding a grate to every driveway in these communities if culverts are considered an open drainage inlet.

To implement SB 189, municipalities would have to inventory existing inlets. Inventorying publicly-owned assets would be time consuming and challenging. Expanding this to include privately-owned inlets on private property would make this work even more taxing. In any case, as a part of that exercise, municipalities could attempt to identify higher-risk inlets. For example, a municipality would likely prioritize residential versus in industrial areas. When a municipality determines that an inlet is high-risk, it may be preferable to either fence it off or add a warning sign, instead of adding a grate. Municipal engineers should be given the authority to make decisions about how to deal with each situation on a case-by-case basis. **Please consider amending SB 189 to allow a municipality to focus efforts (with grates, fencing, or signage) on municipality-identified high-risk inlets instead of all inlets.**

- **Unintended Consequences:** MAMSA is deeply concerned that this well-intentioned bill could have negative unintended consequences. Grating an inlet reduces hydraulic capacity, which could lead to more flooding,

contrary to the goals of the bill. Grating also increases the potential for clogging of the structure, which can divert flood waters to nearby structures, like homes and roads. Flooding as a result of these modifications could cause widespread safety issues. In addition, with a proliferation of grated structures subject to clogging, municipal workers having to manage these issues during significant storm events will be put in harm's way. This makes it even more important that municipalities are allowed to identify priority situations where grating would not increase the risk of flooding.

- **Cost and Implementation Timeframe:** Grating all existing open drainage inlets would be a very expensive undertaking for municipalities, many of whom have small budgets. In addition, the bill states that all grating work would need to be done on or before June 1, 2027, which gives these small communities less than a year to accomplish an enormous task. Municipalities would likely need to assess the hydraulics of their full drainage systems to ensure the grates are not causing a public safety issue and that the system can still perform as designed—this is an additional cost, and it is likely infeasible given the timeframe. Municipalities would then have to inventory inlets, procure grate materials, and install grates by either hiring new staff or contracting out for this work. If a municipality is in the midst of FY27 budget review, it is too late to amend the budget to address the costs associated with the bill. **Please consider amending SB 189 to (i) give communities more time to implement these requirements and (ii) provide State funding to support grating.**
- **Locality Authority:** SB 189 would presumably require that a municipality add a grate to an existing inlet on private property. Municipalities do not have the legal authority to do so. **Please consider amending SB 189 to clarify that a private property owner will be responsible for making any necessary changes to inlets on their property.**

MAMSA notes that instead of directing municipalities to spend a significant amount of money to cover all of the inlets in a municipality, the State could direct municipalities to use local capital to conduct education and outreach efforts on the risks of swift water incidents, including flash floods. MAMSA would support a bill with this alternative approach.

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt, MAMSA Deputy General Counsel

cc: Committee Members, SB 189 Sponsor