

# SENATE BILL 687

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By: **Senator M. Washington**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Flood Risk Review Process – Establishment**

3 FOR the purpose of requiring the Department of the Environment to establish and  
4 implement a flood risk review process for certain areas identified as being at risk of  
5 tidal or nontidal flooding; applying the flood risk review process to the Department's  
6 review of certain plans and permits; requiring the Department to consult with  
7 certain local jurisdictions, State agencies, and watershed advisory groups before  
8 making a certain final determination under this Act; requiring a certain final  
9 determination to be incorporated into a local stormwater management approval  
10 process and making the determination binding on the local approving authority; and  
11 generally relating to flood risks.

12 BY repealing and reenacting, without amendments,  
13 Article – Environment  
14 Section 4–201.1, 4–203, and 5–802  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2025 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Environment  
19 Section 5–101 and 5–701  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2025 Supplement)

22 BY adding to  
23 Article – Environment  
24 Section 5–803.1  
25 Annotated Code of Maryland  
26 (2013 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Environment**

4 4–201.1.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Environmental site design” means using small-scale stormwater  
7 management practices, nonstructural techniques, and better site planning to mimic  
8 natural hydrologic runoff characteristics and minimize the impact of land development on  
9 water resources.

10 (c) “Environmental site design” includes:

11 (1) Optimizing conservation of natural features, such as drainage patterns,  
12 soils, and vegetation;

13 (2) Minimizing use of impervious surfaces;

14 (3) Slowing down runoff to maintain discharge timing and to increase  
15 infiltration and evapotranspiration; and

16 (4) Using other nonstructural practices or innovative stormwater  
17 management technologies approved by the Department.

18 (d) (1) “Impervious surface” means a surface that does not allow stormwater  
19 to infiltrate into the ground.

20 (2) “Impervious surface” includes rooftops, driveways, sidewalks, or  
21 pavement.

22 (e) “Precipitation data” means historical data that describes the relationship  
23 between precipitation intensity, duration, and return period.

24 4–203.

25 (a) The Department of the Environment shall implement the provisions of this  
26 subtitle and shall consult the Department of Natural Resources from time to time,  
27 including during the adoption of regulations, concerning the impact of stormwater on  
28 waters of the State.

29 (b) (1) The Department shall adopt rules and regulations which establish  
30 criteria and procedures for stormwater management in Maryland.

31 (2) The rules and regulations shall:

1 (i) Indicate that the primary goal of the State and local programs  
2 will be to maintain after development, as nearly as possible, the predevelopment runoff  
3 characteristics;

4 (ii) Make allowance for the difference in hydrologic characteristics  
5 and stormwater management needs of different parts of the State;

6 (iii) Specify that watershed-wide analyses may be necessary to  
7 prevent undesirable downstream effects of increased stormwater runoff;

8 (iv) Specify the exemptions a county or municipality may grant from  
9 the requirements of submitting a stormwater management plan;

10 (v) 1. Specify the minimum content of the local ordinances or the  
11 rules and regulations of the affected county governing body to be adopted which may be  
12 done by inclusion of a model ordinance or model rules and regulations; and

13 2. Establish regulations and a model ordinance that require:

14 A. The implementation of environmental site design to the  
15 maximum extent practicable;

16 B. The review and modification, if necessary, of planning and  
17 zoning or public works ordinances to remove impediments to environmental site design  
18 implementation; and

19 C. A developer to demonstrate that environmental site  
20 design has been implemented to the maximum extent practicable and standard best  
21 management practices have been used only where absolutely necessary;

22 (vi) Indicate that water quality practices may be required for any  
23 redevelopment, even when predevelopment runoff characteristics are maintained;

24 (vii) Specify the minimum requirements for inspection and  
25 maintenance of stormwater practices;

26 (viii) Specify that all stormwater management plans shall be designed  
27 to:

28 1. Prevent soil erosion from any development project;

29 2. Prevent, to the maximum extent practicable, an increase  
30 in nonpoint pollution;

31 3. Maintain the integrity of stream channels for their  
32 biological function, as well as for drainage;

1                                   4.     Minimize pollutants in stormwater runoff from new  
2 development and redevelopment in order to:

3                                   A.     Restore, enhance, and maintain the chemical, physical,  
4 and biological integrity of the waters of the State;

5                                   B.     Protect public health;

6                                   C.     Safeguard fish and aquatic life and scenic and ecological  
7 values; and

8                                   D.     Enhance the domestic, municipal, recreational, industrial,  
9 and other uses of water as specified by the Department;

10                                  5.     Protect public safety through the proper design and  
11 operation of stormwater management facilities;

12                                  6.     Maintain 100% of average annual predevelopment  
13 groundwater recharge volume for the site;

14                                  7.     Capture and treat stormwater runoff to remove pollutants  
15 and enhance water quality;

16                                  8.     Implement a channel protection strategy to reduce  
17 downstream erosion in receiving streams; and

18                                  9.     Implement quantity control strategies to prevent  
19 increases in the frequency and magnitude of out-of-bank flooding from large, less frequent  
20 storm events;

21                                  (ix)  1.     Establish a comprehensive process for approving grading  
22 and sediment control plans and stormwater management plans; and

23                                  2.     Specify that the comprehensive process established under  
24 item (i) of this item takes into account the cumulative impacts of both plans; and

25                                  (x)    Incorporate the most recent precipitation data available.

26                                  (3)  (i)    The Department shall review and update the regulations  
27 adopted under this section at least once every 5 years.

28                                  (ii)  In reviewing and updating the regulations adopted under this  
29 section, the Department shall:

30                                  1.     At a minimum, revise water quality and water quantity  
31 control standards using the most recent precipitation data available; and



1 G. A private sector entity with design and construction  
2 experience; and

3 H. An association that has expertise in stormwater  
4 restoration projects.

5 (2) Before any regulations required under this section are adopted, the  
6 Department shall hold at least one public hearing in the affected immediate geographic  
7 areas of the State and shall consult with the affected counties and municipalities.

8 (d) The Department may not delay the implementation of any new requirements  
9 or standards established under regulations adopted under this section.

10 (e) The Department shall provide technical assistance, training, research, and  
11 coordination in stormwater management technology to the local governments consistent  
12 with the purposes of this subtitle.

13 5–101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Administration” means the Water and Science Administration.

16 (c) “Appropriate county governing body” means the county commissioners of any  
17 nonchartered county or the county council of any chartered county in which a portion of the  
18 watershed is located.

19 (d) “County” includes Baltimore City unless otherwise indicated.

20 (e) “Department” means the Department of the Environment.

21 (f) “Director” means the Director of the Water and Science Administration.

22 (g) **“FLOOD RISK” MEANS THE POTENTIAL FOR IMPACTS TO LIFE,**  
23 **PROPERTY, INFRASTRUCTURE, OR NATURAL RESOURCES RESULTING FROM TIDAL**  
24 **FLOODING, NONTIDAL FLOODING, OR STORMWATER RUNOFF.**

25 (H) “Person” includes the federal government, the State, any county, municipal  
26 corporation, or other political subdivision of the State, or any of their units, or an individual,  
27 receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any  
28 kind, or any partnership, firm, association, public or private corporation, or any other  
29 entity.

30 [(h)] (I) (1) “Pollution” means every contamination or other alteration of the  
31 physical, chemical, or biological properties of any waters of the State.

1           (2) “Pollution” includes change in temperature, taste, color, turbidity, or  
2 odor of the waters of the State or the discharge or deposit of any organic matter, harmful  
3 organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of the  
4 State as will render the waters of the State harmful, detrimental, or injurious to public  
5 health, safety, or welfare, domestic, commercial, industrial, agricultural, recreational,  
6 other legitimate beneficial uses, or livestock, wild animals, birds or fish or other aquatic  
7 life.

8           [(i)] **(J)** “Public water system” has the meaning stated in § 9–401 of this article.

9           [(j)] **(K)** “Secretary” means the Secretary of the Environment.

10          [(k)] **(L)** “Water management strategy area” means an area designated by the  
11 Department in which a specific water resource problem has been identified and for which  
12 the Department has adopted specific water use restrictions or criteria for permit approval  
13 in order to protect the water resource or existing water users.

14          [(l)] **(M)** “Waters of the State” includes:

15           (1) Both surface and underground waters within the boundaries of the  
16 State subject to its jurisdiction;

17           (2) That portion of the Atlantic Ocean within the boundaries of the State;

18           (3) The Chesapeake Bay and its tributaries;

19           (4) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public  
20 drainage systems within the State, other than those designed and used to collect, convey,  
21 or dispose of sanitary sewage; and

22           (5) The floodplain of free-flowing waters determined by the Department on  
23 the basis of the 100-year flood frequency.

24 5–701.

25          (a) **(1)** The Department is responsible for developing and carrying out a long  
26 range program for controlling flood waters in the State.

27          **(2)** In addition, the Department shall cooperate with the federal and local  
28 governments to control State flood waters and serve in a liaison capacity to these  
29 governments in any flood control matter.

30          (b) The Department shall [provide]:

1           **(1) PROVIDE** technical assistance to local governments and other State  
2 units to interpret flood information and draft local land use and other regulations  
3 pertaining to areas subject to flooding[. It shall review];

4           **(2) REVIEW** plans for local public works and exercise regulatory control  
5 over them in or on waters of the State as provided in Subtitle 5 of this title[. The  
6 Department shall administer]; **AND**

7           **(3) ADMINISTER** financial assistance for flood control as funds for this  
8 purpose are made available.

9 5–802.

10           (a) The General Assembly finds and declares that:

11           (1) Recurrent flooding of a portion of the State’s land resources causes loss  
12 of life, damage to property, disruption of commerce and governmental services, and  
13 unsanitary conditions, all of which are detrimental to the health, safety, welfare, and  
14 property of the occupants of flood hazard areas of the State;

15           (2) Considerable public costs are incurred through the emergency  
16 preparedness program and by replacing public utilities and other public capital  
17 investments destroyed or damaged by floods;

18           (3) Flood waters disregard jurisdictional boundaries; and

19           (4) The public interest necessitates management of waters and flood  
20 hazard areas for the objectives of preventing and alleviating flood threats to life and health,  
21 reducing private and public economic losses, and to the extent possible, preserving the  
22 biological values associated with these land and water resources.

23           (b) The policy and purposes of this subtitle are:

24           (1) To assist in the guidance of development to minimize the impacts of  
25 flooding;

26           (2) To provide State guidelines and technical assistance to local  
27 governments in management of flood hazard areas;

28           (3) To provide for comprehensive watershed management;

29           (4) To facilitate implementation of projects for flood control;

30           (5) To encourage and provide for local governmental units to manage  
31 flood-prone lands in a comprehensive manner;

1           (6) To provide for the biological and environmental quality of the  
2 watersheds of the State; and

3           (7) To establish a grant program to assist local jurisdictions with:

4           (i) Implementation of those capital projects included within the  
5 comprehensive flood management plans which are adopted and approved in accordance  
6 with this subtitle; and

7           (ii) Infrastructure repairs, watershed restoration, and emergency  
8 protection work associated with a flood event.

9 **5-803.1.**

10           **(A) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A FLOOD RISK**  
11 **REVIEW PROCESS FOR AREAS IDENTIFIED BY THE DEPARTMENT OR THE**  
12 **DEPARTMENT OF NATURAL RESOURCES IN STATUTE OR REGULATION AS BEING AT**  
13 **RISK OF TIDAL OR NONTIDAL FLOODING.**

14           **(B) THE FLOOD RISK REVIEW PROCESS SHALL APPLY TO THE**  
15 **DEPARTMENT'S REVIEW OF ANY PLAN OR PERMIT RELATED TO A PROPOSED**  
16 **DEVELOPMENT WITHIN AN AREA DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

17           **(C) THE FLOOD RISK REVIEW PROCESS SHALL:**

18           **(1) INCLUDE AN EVALUATION OF THE POTENTIAL IMPACTS OF THE**  
19 **PROPOSED DEVELOPMENT ON DOWNSTREAM FLOODING, INCLUDING:**

20           **(I) THE CUMULATIVE IMPACTS OF PAST, PRESENT, AND**  
21 **REASONABLY FORESEEABLE DEVELOPMENT IN THE WATERSHED; AND**

22           **(II) THE EFFECTS ON STORMWATER CONVEYANCE, STORAGE,**  
23 **AND INFILTRATION CAPACITY;**

24           **(2) ENSURE CONSISTENCY WITH ANY WATERSHED STUDY OR FLOOD**  
25 **MANAGEMENT PLAN DEVELOPED UNDER § 5-803 OF THIS SUBTITLE AND UPDATED**  
26 **THROUGH THE ADVANCING STORMWATER RESILIENCY IN MARYLAND INITIATIVE;**

27           **(3) INCORPORATE DATA REGARDING CURRENT AND PROJECTED**  
28 **PRECIPITATION INTENSITY, DURATION, AND FREQUENCY USING:**

29           **(I) THE MOST RECENT CLIMATE-ADJUSTED PRECIPITATION**  
30 **DATA AND MODELING REQUIRED UNDER § 4-203 OF THIS ARTICLE; AND**

1                   **(II) LAND USE AND IMPERVIOUS SURFACE CHANGE TRENDS**  
2 **IDENTIFIED BY THE DEPARTMENT OF PLANNING AND THE ADVANCING**  
3 **STORMWATER RESILIENCY IN MARYLAND STUDIES; AND**

4                   **(4) REQUIRE THE DEPARTMENT TO CONDITION, MODIFY, OR DENY**  
5 **APPROVAL OF THE PLAN OR PERMIT IF THE DEPARTMENT DETERMINES THAT THE**  
6 **PROPOSED DEVELOPMENT WOULD:**

7                   **(I) INCREASE DOWNSTREAM FLOOD HAZARDS OR FLOOD**  
8 **DAMAGE TO EXISTING COMMUNITIES;**

9                   **(II) IMPAIR THE EFFECTIVENESS OF WATERSHED-SCALE**  
10 **FLOOD MANAGEMENT STRATEGIES DEVELOPED UNDER § 5-803 OF THIS SUBTITLE;**  
11 **OR**

12                   **(III) CONFLICT WITH STORMWATER QUANTITY STANDARDS**  
13 **ADOPTED UNDER THE ADVANCING STORMWATER RESILIENCY IN MARYLAND**  
14 **INITIATIVE.**

15                   **(D) BEFORE ISSUING A FINAL DETERMINATION ON A PLAN OR PERMIT**  
16 **SUBJECT TO A FLOOD RISK REVIEW UNDER THIS SECTION, THE DEPARTMENT SHALL**  
17 **CONSULT WITH:**

18                   **(1) EACH AFFECTED LOCAL JURISDICTION;**

19                   **(2) THE DEPARTMENT OF PLANNING; AND**

20                   **(3) AS APPROPRIATE, THE DEPARTMENT OF NATURAL RESOURCES**  
21 **OR A WATERSHED ADVISORY GROUP CONVENED UNDER THE ADVANCING**  
22 **STORMWATER RESILIENCY IN MARYLAND INITIATIVE.**

23                   **(E) A FINAL DETERMINATION ISSUED UNDER THIS SECTION SHALL BE**  
24 **INCORPORATED INTO THE LOCAL STORMWATER MANAGEMENT APPROVAL PROCESS**  
25 **AND SHALL BE BINDING ON THE LOCAL APPROVING AUTHORITY.**

26                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2026.