

SENATE BILL 861

M3, M4

6lr2808
CF HB 1071

By: **Senators Zucker and Feldman**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Management – Agricultural Land**

3 FOR the purpose of requiring the Department of the Environment to adopt regulations that
4 establish provisions and a model ordinance that require local stormwater
5 management programs to enforce stormwater management regulations on
6 agricultural land in a certain manner; requiring the Department, in a certain
7 stormwater design manual, to specify certain definitions and provisions related to
8 the enforcement of certain stormwater management regulations on agricultural
9 land; and generally relating to stormwater management and agricultural land.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 4–203(b)(1)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 4–203(b)(2)(v)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2025 Supplement)

20 BY adding to
21 Article – Environment
22 Section 4–203(b)(5)
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 4–203.

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

5 (2) The rules and regulations shall:

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

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

10 A. The implementation of environmental site design to the
11 maximum extent practicable;12 B. The review and modification, if necessary, of planning and
13 zoning or public works ordinances to remove impediments to environmental site design
14 implementation; and15 C. A developer to demonstrate that environmental site
16 design has been implemented to the maximum extent practicable and standard best
17 management practices have been used only where absolutely necessary; AND18 **3. ESTABLISH PROVISIONS AND A MODEL ORDINANCE**
19 **THAT REQUIRE LOCAL STORMWATER MANAGEMENT PROGRAMS TO ENFORCE**
20 **STORMWATER MANAGEMENT REGULATIONS ON AGRICULTURAL LAND WITH THE**
21 **ADVICE AND CONSENT OF THE LOCAL SOIL CONSERVATION DISTRICT;**22 **(5) IN THE MARYLAND STORMWATER DESIGN MANUAL,**
23 **INCORPORATED BY REFERENCE IN COMAR 26.17.02, THE DEPARTMENT SHALL:**24 **(I) DEFINE AGRICULTURE AND ACCESSORY USES ON**
25 **AGRICULTURAL LAND, INCLUDING ON–FARM PROCESSING AND OFFICE SPACE, AS**
26 **DISTINCT FROM COMMERCIAL DEVELOPMENT; AND**27 **(II) ALLOW FOR FLEXIBILITY IN ENFORCEMENT OF THE**
28 **STORMWATER MANAGEMENT REGULATIONS ON AGRICULTURAL LAND.**29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2026.