



Testimony in Support of Senate Bill 227 (Senator Elfreth)

Water Pollution – Stormwater Management Regulations and Watershed Implementation Plans – Review and Update

January 21, 2021

Dear Chairman Pinsky and Members of the Committee:

Thank you for this opportunity to submit testimony in support of Senate Bill 227 on behalf of Waterkeepers Chesapeake, a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. If enacted, SB 227 will be vital for Waterkeepers as they protect their waterways and work to build community resilience from the impacts of extreme weather and flood events.

With the increasing severity of rain events happening over the past few years, this bill ensures that state and local governments are adapting their permitting process and Bay restoration efforts so our waterways aren't put at greater risk from pollution and our communities aren't put at greater risk from flooding. Senate Bill 227 would allow Maryland to meet the needs of our climate reality by:

- 1) updating the 30-years-outdated rainfall data referenced in Maryland's [Stormwater Design Manual](#), and keeping it current;
- 2) requiring MDE to provide periodic reports to the General Assembly on necessary data revisions; and
- 3) ensuring that the last round of stormwater pollution permit renewals addresses unaccounted-for climate-attributable stormwater pollution before the 2025 Bay TMDL deadline.

The Time to Act Is Now

Maryland communities simply cannot wait any longer for us to catch up to climate change. Severe storm and flood events are laying bare how necessary it is for us to have the best data available when it comes to permitting processes for new development. Our Waterkeepers across the state have witnessed firsthand the fallout from climate-attributable storms. Whether in Ellicott City, Baltimore City, Montgomery County or on the Eastern Shore, these events pollute our waterways and devastate our communities. In Ellicott City, [storms in 2016 and 2018](#) severely damaged small businesses, left homes flooded with six feet of water and killed three people. In Prince George's County, Route 50 was [submerged under five feet of brackish water](#), closing the roadway for about six hours. Fifty years ago, [downtown Annapolis flooded](#) fewer than ten days per year—now that number has increased to forty. Updating rainfall data makes a difference,

ensuring that future development is permitted with an accurate accounting of potential storm impacts to communities, infrastructure and natural resources.

MDE administers permitting programs to control the flow of polluted runoff. Of course, precipitation is not polluted when it falls from the sky—pollution accumulates when rain runs over pavement, construction sites, and other development projects. Maryland uses information about this precipitation in its permitting program and in its regulations and Stormwater Design Manual. This data is approximately 30 years old. The problem with using outdated data is that future development will be permitted without a full accounting of the impact of modern rain events. Given the realities of climate change we are experiencing, this data is simply not capturing Maryland’s “new normal” when it comes to rainfall. This bill will make an immediate impact, ensuring that current precipitation data (such as 1-yr, 24-hr rainfall estimates) will be available to MDE and the counties.

The Data Needed to Update the Curves is Readily Available

This bill allows for MDE to source readily available, current data. The Chesapeake Bay Program is in the process of obtaining current data, which will be accessible to the public in the Spring of 2021. Integrating current, accurate and available data—at no cost—makes sense for Maryland as we continue to fight floods and bolster our resilience to extreme weather events.

This will lead to savings for our state. According to the National Institute of Building Sciences’ (NIBS) [2018 update on the value of mitigation](#), “every \$1 in mitigation efforts save \$6 in future disaster costs[.]” If we do nothing to address flooding and increased rainfall, the cost to our state and local governments increase. The cost of doing nothing is high—Anne Arundel County Department of Public Works and Bureau of Watershed Protection and Restoration estimate dredging project costs at \$500,000, and a one-half mile stream restoration at \$1,000,000. (Anne Arundel County, DPW & BWPR.)

This bill requires MDE to keep this data current by reviewing and updating the data as necessary every five years in consultation with critical stakeholders, including The Commission on Environmental Justice and Sustainable Communities, an academic institution, The Chesapeake Bay Program, the municipalities and counties, The Chesapeake Bay Commission, and others.

Our Cities and Counties Want This Solution

Cities and counties are on the frontlines of addressing flooding issues. Our localities use this data to adequately size their stormwater practices to protect communities and the Bay from stormwater flooding and pollution. Reliable data is one of the best tools they can have to meet their goals and promote community resilience.

For all of these reasons, we urge a favorable report on Senate Bill 227.

Respectfully Submitted,

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