



# CHESAPEAKE BAY FOUNDATION

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Environmental Protection and Restoration  
Environmental Education

## Senate Bill 227

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

Date: January 21, 2021  
To: Senate Education, Health, and  
Environmental Affairs Committee

Position: **SUPPORT WITH AMENDMENTS**  
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Chesapeake Bay Foundation (CBF) **SUPPORTS SB 227 WITH AMENDMENTS** to require Maryland Department of the Environment to update technical standards in the stormwater design standards manual to reflect changing precipitation patterns associated with climate change.

CBF in its role to track progress of the state's stormwater permits to accomplish nutrient and sediment load reductions under the Chesapeake Bay Blueprint takes notice of failures in current stormwater infrastructure tied to design deficiencies. Urban street flooding and inundation of sewer connections causes raw sewage outflows to surface waters and inside homes. Flooding overwhelms stormwater best management practices and outfalls. Some of these well-intentioned practices now contribute more pollution during storms than they otherwise remove.

The Fourth National Climate Assessment predicts precipitation duration and intensity will increase with climate change in the northeastern United States.<sup>1</sup> Stormwater practice design deficiencies are based on the use of past precipitation data as a guide for volume control. This historic data no longer reflects the reality of storm intensity, duration and frequency in Maryland's region. CBF and our partner organizations have raised this issue to MDE through detailed technical comments on their draft Municipal Separate Storm Sewer System (MS4) permits. This legislation would provide a clear indication to the Department that a new policy is necessary and should be expedited.

Chesapeake Bay Program models show an increasing amount of nitrogen pollution from the stormwater sector over time unlike all other sectors that are making progress to reduce pollution under the Bay Blueprint<sup>2</sup>. Updating the volume control standards with more current precipitation data that include recent extreme storms, and requiring the Department to make those changes in the design manual under a certain deadline is needed to reverse this disturbing trend.

**CBF urges the Committee's FAVORABLE report on SB 227 as amended by sponsor.**

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<sup>1</sup> Mecray, Ellen L., et al., *Fourth National Climate Assessment*, Chapter 18: Northeast, available at <https://nca2018.globalchange.gov/chapter/18/>

<sup>2</sup> Chesapeake Assessment Scenario Tool, version "CAST-2017d" <https://cast.chesapeakebay.net/>

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