

SENATOR SARAH ELFRETH  
*Legislative District 30*  
Anne Arundel County

Budget and Taxation Committee

*Subcommittees*

Education, Business and Administration

Chair, Pensions

*Senate Chair*

Joint Committee on Administrative,  
Executive, and Legislative Review

Joint Committee on the Chesapeake and  
Atlantic Coastal Bays Critical Area



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

January 21, 2021

**Testimony in Favor of SB0227**  
**Water Pollution - Stormwater Management Regulations and Watershed Implementation**  
**Plans - Review and Update**

Chairman Pinsky, Vice Chair Kagan, and members of the Environment, Health, and Education Affairs Committee,

I respectfully request a favorable report of Senate Bill 227, legislation that will bring Maryland into the 21st century in order to better address the harmful impacts of severe storms and flooding on our communities.

Currently, Maryland is basing our technology to control stormwater on data from the 1980s and 1990s. Rainfall patterns, including storm intensity and frequency, have changed and grown in severity dramatically since then. According to the Bay Program, between 1958 and 2012, rainfall measured during heavy precipitation events in the Northeastern US increased by more than 70 percent. Simply put, the data currently in the MDE stormwater manual does not reflect Maryland's climate reality in 2021. By integrating more current data this bill is not prescriptive—we aren't changing anything by having MDE update rainfall data to the current numbers. The environment has changed and we are merely making sure the data MDE uses reflects our reality.

We know our rainfall patterns have changed - and we know the State's hard work in achieving meaningful progress in cleaning up the Bay is challenged by the effects of climate change. The harder the rainfall, the more pollution enters our waterways as the pavement and development speed up the flow of this water and also prevent it from being able to spread out and soak into the land. Since we know development contributes to the major flooding events we have seen across Maryland, ensuring that new permits (issued after this legislation takes effect) are based on current data is key to addressing this urgent issue.

The good news: SB227 is not overly prescriptive. It builds on the work MDE is currently undergoing with trusted partners. The Bay Program is currently gathering rainfall data and Maryland is entering into an agreement with other states to update our Atlas 14 data. This first set of data will be available to MDE and the public in Spring 2021. This bill provides a no-cost,

common-sense approach to then using this data effectively and ensuring Maryland stays on the forefront of addressing changing climate.

What's more: the Governor has already agreed to fully allocate the climate loads within the Phase III WIPs for Maryland. This bill doesn't require any additional work—it just makes clear that the MDGA also supports this commitment.

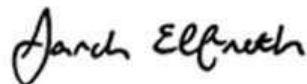
Counties and municipalities rely on these data sets from MDE to size their stormwater practices and have called for this solution. We have worked with local governments that are on the front line of this issue and recovering from damage to communities and infrastructure are costly and resource-intensive. By passing this bill, the General Assembly can help save our local partners valuable time and resources.

To that end, we are also submitting a number of amendments that were made in consultation with MACo and MML. These include:

- Clarifies the definition of “precipitation data” to ensure that it is the correct type of historical climate data that MDE has traditionally used to update standards of storm water practices.
- Clarifies that MDE’s rules and regulations shall incorporate the most recently available precipitation data - this makes clear the primary intent of the legislation.
- Replaces the one-time requirement for MDE to propose new regulations with new precipitation data by Jan 1, 2022 with a recurring requirement that MDE provide the General Assembly a report of any necessary revisions to regulations once every 5 years after the first required report in January 2022.
- Clarifies that every five years, MDE shall, at a minimum, incorporate the most recently available precipitation data.
- Requires consultation with municipalities and counties as stakeholders for the Department to consult with when revising the regulations.
- Replaces a one-time requirement for all permits issued after regulation changes in Jan 22’ to a recurring commitment that any new requirements and standards will be immediately incorporated in any future permits.

Once again I respectfully request a favorable report of Senate Bill 324.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Sarah Elfreth