



January 19, 2021

The Honorable Paul G. Pinsky, Chair
Senate Education, Health and Environmental Affairs
2 West, Miller Senate Office Building
Annapolis, MD 21401

Support w/ Amendments: SB 227 – Stormwater Regulations and WIP – Review and Update Cycle

Dear, Chair Pinsky and Committee Members:

The NAIOP Maryland Chapters represent 700 companies involved in development and ownership of commercial, industrial and mixed-use real estate. On behalf of our member companies, I am writing in opposition to Senate Bill 227 - Stormwater Management Regulations and WIP – Review and Update Cycle.

SB 227 raises legitimate questions about how state and local regulators will ensure that stormwater regulations and engineering practices remain appropriate for changing precipitation events and runoff throughout the state. How to resolve these questions and incorporate appropriate policy responses into climate mitigation and adaptation are at the heart of Senate Bill 227. We are concerned that the bill presents timeframes that are not realistic, raises the potential for retroactive changes and is not inclusive enough.

An understanding of local watershed conditions at a watershed or smaller scale is necessary to inform stormwater management design decisions. Global climate models project a range of possible conditions and indicate a trend toward more intense storms, but they disagree on the details of local climate conditions. Modeling exercises that downscale the global models are yielding wide variations in projected frequency and severity of storm events. Alternative approaches to updating storm conditions and runoff rates are the subject of research by stormwater practitioners, the state, and Chesapeake Bay Program but that research is not complete, and we do not believe they will produce results on the time schedule required in the bill.

Maryland transitioned stormwater management regulatory approaches in 1985, 2002 and 2010. Each time the timing of transition from one regulatory manual to the next was extremely important. This is particularly true in phased development projects that have longer time horizons because installation of stormwater practices is done early in the land development process. Retroactive changes applied to mature projects in 2010 presented major challenges that led to the Assembly reconvening stakeholders to establish a phase-in process that allowed mature projects to advance under existing rules and created customized approaches for redevelopment. We urge the committee to ensure a just and smooth transition as part of any changes that result from SB 227.

Finally, we request that the committee expand the stakeholder group to be more inclusive. Local government, stormwater engineers with private sector design and construction experience and development industry groups should be at the table with those already called out in the bill.

NAIOP respectfully recommends your favorable with amendments report on SB 227.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Senate EHEA Committee Members
Nick Manis – Manis, Canning Assoc.