Testimony in Support of House Bill 295– Water Pollution Control – Stormwater Management Regulations and Watershed Implementation Plans – Review and Update

January 27, 2021
Environment & Transportation Committee

Dear Chairman Barve and Members of the Committee,

Thank you for this opportunity to submit testimony in **support of HB295** –*requiring the Department of the Environment to review and update certain regulations in regards to stormwater management*– on behalf of ShoreRivers. ShoreRivers is a non-profit river protection group on Maryland's Eastern Shore with 3,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration and education.

This bill will (1) modernize Maryland's stormwater regulations to reflect changes in precipitation and weather patterns and (2) update Maryland's Watershed Implementation plan to account for the increased pollution load associated with climate change.

MDE has established stormwater management requirements intended to reduce erosion and sediment runoff from constructions sites and developed land, however **these standards are based on 30-year-old precipitation data** that is no longer applicable for today's environment. For example, precipitation data from 2015-2019 on the Eastern Shore shows that in only four years the area experienced 12 "2-year storm events[1]", five "5-year storm events" and four "10-year storm events", illustrating that our standards do not reflect current rainfall conditions.

Furthermore, the best available science warns that extreme precipitation events are going to increase in volume. According to an Eastern Shore Land Conservancy precipitation report completed in 2020[2], **extreme precipitation events on the Eastern Shore will increase in volume up to 1.2" by the middle of this century**. If engineers continue to design based on the outdated state requirements, stormwater practices will inevitably fail and contribute more pollution to our rivers. Similarly, if calculations for a newly constructed highway, community, or development don't account for the projected shift in precipitation, those developments will be in danger of frequent flooding in the future, putting Maryland citizens, infrastructure, and local environments at risk.

[1] Note that these "X-year storm events" terms mean that one can expect a specific amount of rainfall to occur once in X-years, and these terms are established as engineering design standards in the MD Stormwater Manual. For example, the 2-year storm event for Anne Arundel County is 3.3" meaning that the county will experience a storm that releases 3.3" of rain once every 2 years.

[2] Preparing for Increases in Extreme Precipitation Events in Local Planning and Policy on Maryland's Eastern Shore, January, 2020. Eastern Shore Land Conservancy. https://www.eslc.org/wp-content/uploads/2020/01/ExtremePrecipitationReport.pdf

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Maryland Department of the Environment (MDE) established regulations for stormwater associated with construction as a tool to prevent sediment from polluting local streams and in effort to protect valued natural resources. According to MDE, sediment pollution from construction sites results in "reduced stream capacity, and ultimately increased stream scour and flooding. Additionally, suspended sediment contributes to a decline in water quality by blocking sunlight, reducing photosynthesis, decreasing plant growth, destroying bottom dwelling species' habitat, carrying attached pollutants such as phosphorous, and so on. The list of negative impacts is long."

The 2011 Maryland Standards and Specifications for Soil and Erosion Sediment Control also notes that sediment pollution from construction sites can obstruct stream channels and navigable rivers, increase flooding, result in frequent and costly maintenance, reduce storage capacity in drinking water reservoirs, destroy aquatic vegetation, reduce aquatic oxygen levels, negatively impact commercially important finfish and shellfish populations, reduce waterfowl populations, and negatively impact the aesthetic and recreational value of public water resources.

Our waterways make our state unique and a desirable place to live. They benefit our economy as public fisheries and tourist attractions and provide a sense of place and contribute to our way of life as Marylanders. This bill will provide a much needed update to Maryland's stormwater regulations that will result in a more resilient state and better protect the valuable waterways that we so depend on.

For the reasons and the examples described above, ShoreRivers urges the committee to adopt **House Bill 295.**

Sincerely,
Elle Bassett, Miles-Wye Riverkeeper on behalf of:

ShoreRivers
Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Elle Bassett, Miles-Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

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