



January 25, 2021

The Honorable Kumar P. Barve, Chair  
House Environment and Transportation Committee  
House Office Building, Room 251  
6 Bladen St., Annapolis, MD 21401

**Support w/ Amendments: HB 295 – Stormwater Regulations and WIP – Review and Update Cycle**

Dear, Chair Barve 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 to support with amendments House Bill 295 - Stormwater Management Regulations and WIP – Review and Update Cycle.

HB 295 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 HB 295. NAIOP is concerned that the bill presents timeframes for resolving technical questions about localized weather events that are too short, raises the potential for retroactive changes to stormwater practices in mature development projects and that the stakeholder participation 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 making them inappropriate to use as the inputs to design stormwater practices. 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 careful timing of the 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 design of stormwater practices is done early in the land development process. Retroactive changes applied to mature projects in 2010 presented major challenges that led the Assembly to reconvene 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 HB 295.

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.

It is our understanding that some of these issues may already be under consideration for amendments. NAIOP would appreciate the opportunity to be part of any continued discussions.

**NAIOP respectfully recommends your favorable with amendments report on HB 295.**

Sincerely,

A handwritten signature in blue ink, appearing to read "T.M. Ballentine", with a horizontal line extending to the right.

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

cc: House Environment and Transportation Committee Members  
Nick Manis – Manis, Canning Assoc.