



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***Senate Bill 861
Environment - Stormwater Management - Agricultural Land***

Position: Support with Amendments
Committee: Education, Energy, and the Environment
Date: March 3, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS SB 861 WITH AMENDMENTS.**

Bill Summary

Senate Bill 861 requires MDE to alter its stormwater management (SWM) rules and regulations for agricultural lands. Under the bill, MDE must: (1) establish provisions and a model ordinance that require local SWM programs to enforce SWM regulations on agricultural land with the advice and consent of the local soil conservation district; and (2) include in the *Maryland Stormwater Design Manual* a definition of “agriculture” and “accessory uses on agricultural land”, including on-farm processing and office space, as distinct from commercial development and flexibility in enforcement of SWM regulations on agricultural land.

Position Rationale

MDE recognizes the growing importance of agritourism activities on farms and agrees that it should be accounted for in Maryland’s SWM requirements. While MDE agrees with the intent of SB 861, MDE has concerns with the bill’s language as drafted. Broadly, MDE regulates SWM based on the amount of land disturbance and runoff impacts and opposes creating SWM categories based on specific activities or land zoning categories. Activities or zoning do not affect the potential environmental and public safety impacts of stormwater, but may affect the potential treatment options available. Additionally, MDE has concerns with creating different tiers of stormwater enforcement for different types of land use activities.

Separate from the bill, MDE is drafting a major update to its SWM regulations and has extended the public comment period specifically to seek input on agricultural concerns. MDE has also committed to creating a “standard plan” for temporary parking lots, one of the major concerns that gave rise to this bill. A standard plan will make permitting and SWM compliance easier for those farms that qualify.

MDE has worked with the bill’s sponsors and the Maryland Department of Agriculture on amendment language that addresses MDE’s concerns and synchronizes the bill with MDE’s current regulatory efforts. With those sponsor amendments, MDE supports the bill’s passage.

Accordingly, MDE requests the Committee give SB 861 a **FAVORABLE WITH AMENDMENTS** report.

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