



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

***Senate Bill 687***

***Environment - Flood Risk Review Process - Establishment***

**Position:** Letter of Concern  
**Committee:** Education, Energy, and the Environment  
**Date:** March 3, 2026  
**From:** Alex Butler, Deputy Director of Government Relations

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The Maryland Department of the Environment (MDE) offers the following **LETTER OF CONCERN** for SB 687.

**Bill Summary**

Senate Bill 687 proposes a new flood risk review process for areas identified by MDE or the Department of Natural Resources (DNR) in statute or regulation as being at risk of tidal or nontidal flooding. The review process applies to MDE's review of any plan or permit related to a proposed development.

The review process requires MDE to: (1) perform an evaluation of downstream flooding impacts, including past, present and future cumulative impacts, and stormwater capacity; (2) ensure consistency with certain watershed studies or flood management plans; (3) incorporate climate and precipitation data and land use and impervious surface change trends; and (4) condition, modify, or deny the the plan or permit if MDE determines that the proposed development would increase downstream flooding, impair watershed-scale flood management strategies, or conflict with stormwater quantity standards. MDE must consult with each affected local jurisdiction, the Department of Planning, and, if appropriate, DNR or a watershed advisory group. MDE's "final determination" under this process shall be incorporated into local stormwater management reviews and bind the local approving authority.

**Key Points**

As discussed in greater detail below, MDE has the following concerns regarding SB 867. The bill broadly applies to a wide range of MDE permits—including those for wastewater, stormwater, and waterway construction—for any development project located within identified at-risk areas. To meet the bill's requirements, The Department would need to conduct extensive new watershed modeling and studies at great cost, as the necessary data and tools for incorporating future precipitation do not currently exist. Furthermore, the bill fails to integrate its proposed flood review process with existing federal, state, and local stormwater requirements, which would lead to significant and inefficient regulatory duplication. Finally, by granting the Department a de facto veto over traditional local land-use decisions, the bill creates substantial litigation risks and administrative uncertainty regarding the legal appeals process.

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**Covered Permits or Approvals:** The bill would apply to “any plan or permit related to a proposed development” identified as an at-risk area. MDE believes this would include at a minimum: (1) discharge permits for development; (2) discharge permits for wastewater treatment; (3) water appropriation permits; (4) waterway construction permits; and (5) stormwater management for private developers and State or federal construction. More broadly, MDE believes the bill would likely cover any permit issued by MDE that involves construction and demolition, so long as stormwater management approvals are required.

**Evaluations and Studies:** MDE would need to perform numerous, detailed studies in order to develop new or updated models of multiple watersheds using recent data that is part of the Advancing Stormwater Resiliency in Maryland (A-StoRM) initiative in order to meet the bill’s requirements. These studies and their associated models do *not* currently exist, and the effort to develop them would be significant and lengthy.

As part of its own legislation (HB 257 of 2026) MDE estimates the cost of performing a detailed model and mapping at the 12-digit Hydrologic Unit Code (HUC) watershed to be \$200,000-\$500,000 per watershed study. Assuming 20% of the 411 United States Geological Survey HUC-12 digit watersheds in Maryland are identified as high priority watersheds, the total estimated cost for this work would be \$16-40 million.

Additionally, new modeling programs and tools would have to be developed to meet some of the bill’s requirements. For example, there are no existing tools available to incorporate future precipitation estimates into watershed level modeling.

**Current Stormwater Management and Flooding Requirements:** The bill does not synthesize existing stormwater management and flooding requirements with the bill’s new flood review process. Variations of the reviews required under the bill are already performed (and would still have to be performed at the state and local level) under MDE’s stormwater management program, the Federal Emergency Management Agency’s National Flood Insurance Program, and local flooding ordinances.

**Litigation Risk:** Senate Bill 687 creates a significant litigation risk for MDE by establishing a de facto veto and requiring MDE to exercise it over local land use decisions. The bill is unclear about whether a final determination by MDE would be subject to appeal on the record, a contested case hearing, or an administrative mandamus, but MDE anticipates numerous challenges to its binding decisions that have been traditionally made at the local level.

MDE appreciates the opportunity to offer this **LETTER OF CONCERN** for SB 687 and is available for questions.