



Montgomery County

Office of Intergovernmental Relations

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SB 688

DATE: March 3, 2026

SPONSOR: Senator M. Washington

ASSIGNED TO: Education, Energy, and the Environment

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POSITION: Oppose (Department of Environmental Protection)

Environment - Stream and Floodplain Restoration Projects – Requirements and Limitations

Senate Bill 688 would prohibit the Maryland Department of the Environment (MDE) from allowing Municipal Separate Storm Sewer System (MS4) permit restoration and Total Maximum Daily Load (TMDL) credit for projects that involve in-stream construction. The bill also creates an unreasonable level of work to perform any in-stream work completed not for credit but for the protection of infrastructure or for public safety.

SB688 would prohibit MDE from approving stream restoration projects that rely on in-stream construction or the mechanical alteration of a stream unless non-stream-disturbing stormwater management practices have been evaluated and found to be technically infeasible. This language is inappropriately restrictive in requiring non-stream-disturbing stormwater management practices be employed first without consideration of costs, project feasibility, private property rights, and administrative convenience. Counties and MDE each have a responsibility in the public interest to deploy limited taxpayer resources cost-effectively and to comply with MS4 permit requirements and TMDL pollution reduction obligations. Many of the non-stream-disturbing stormwater management practices, such as upland green infrastructure, are significantly more expensive to implement than stream restoration (stream restoration costs approximately \$80,000 per impervious acre vs \$250,000 per impervious acre for green infrastructure). Restricting Montgomery County from using stream restoration to meet regulatory obligations would result in tens of millions of dollars in additional costs. Failure to meet these requirements could subject the County to fines, administrative penalties, and further mandatory restoration actions.

This bill also imposes new requirements for stormwater management plans associated with stream restoration projects. These requirements, including mandating full watershed studies considering non-stream-disturbing alternatives, would increase project planning costs and delay essential services to communities. Many stream restoration sites are experiencing severe erosion; delaying or complicating their restoration would not only place ecological resources at greater risk but also deprive surrounding communities of needed environmental and public safety improvements.

The use of stream and floodplain restoration are essential tools for recovering the hydrological and ecological functions of waterways that have been degraded over time by land development. These restoration approaches have been rigorously evaluated within the Chesapeake Bay watershed by multiple Chesapeake Bay Program Expert Panels, representing a broad cross-section of the scientific community.

We respectfully request that the Education, Energy, and the Environment Committee issue an unfavorable report on Senate Bill 688.