



February 27, 2026

The Honorable Brian J. Feldman  
Chair, Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

**Re: SUPPORT WITH AMENDMENTS -- SB 861 (Environment – Stormwater Management – Agricultural Land)**

Dear Chair Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **SUPPORT WITH AMENDMENTS** SB 861, which would require that the Maryland Department of the Environment (MDE) establish provisions and a model ordinance to require stormwater management on agricultural land with the advice and consent of the local soil conservation district (SCD), define agriculture and accessory uses on agricultural land in the Maryland Stormwater Design Manual, and allow for flexibility in stormwater management enforcement on agricultural land. (p. 2, l. 18-28).

MAMSA is an association of the State’s local governments and leading stormwater consultant firms who work for clean water and safe infrastructure based on sound science and good public policy. MAMSA Members regularly review stormwater management plans for agricultural properties; these plans are not exempt from the State’s stormwater regulations unless the associated land disturbance is less than 5,000 square feet. COMAR 26.17.02.05(B).

Although some development or redevelopment on an agricultural property may have minimal impacts on water quality, farms that build barns to rent for event space and wineries and breweries that add impervious parking lots to welcome visitors who will purchase their products can have significant water quality impacts. MAMSA is concerned that the bill text that directs MDE to “allow for flexibility” in enforcement on these properties would give commercial installations at agricultural properties compliance options that are unwarranted and that are not available to other developers or redevelopers. Additionally, MAMSA questions whether local SCDs have the expertise to provide the “advice and consent” suggested by the bill. MAMSA Members value their relationships with local SCDs, but some SCDs do not have professional engineers on staff qualified to review and comment on technical details associated with stormwater management.

For these reasons, MAMSA requests **AMENDMENTS** to delete: (i) the reference to SCDs (p. 2, l. 20-21) and (ii) the language regarding enforcement flexibility (p. 2, l. 27-28).

Please feel free to contact me with any questions at [Lisa@AquaLaw.com](mailto:Lisa@AquaLaw.com) or 804-716-9021.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Ochsenhirt".

Lisa M. Ochsenhirt  
MAMSA Deputy General Counsel

cc: Education, Energy, and the Environment Committee Members, SB 861 Sponsors