



Montgomery County

Office of Intergovernmental Relations

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SB 861

DATE: March 3, 2026

SPONSOR: Senators Zucker and Feldman

ASSIGNED TO: Education, Energy, and the Environment

CONTACT PERSON: Melanie Wenger (melanie.wenger@montgomerycountymd.gov)

POSITION: Support with Amendments (Montgomery County Office of Agriculture)

Environment – Stormwater Management – Agricultural Land

Senate Bill 86, as introduced, amends the State Environment Article stormwater management statute to direct the Maryland Department of the Environment (MDE) to revise Statewide stormwater regulations and the Maryland Stormwater Design Manual focused on agricultural land. Specifically, the bill adds an agricultural land enforcement directive to the State stormwater management framework and creates an explicit role for local Soil Conservation Districts in how enforcement is carried out on agricultural land (“advice and consent”). It also directs MDE to draw a definitional line in the Design Manual between agriculture/accessory farm uses and “commercial development,” and to embed enforcement flexibility for agricultural land in the manual.

The sponsors’ amendments make substantive changes to the bill as introduced. If adopted, the revised bill would require MDE in consultation with the Department of Agriculture to include in the rules and regulations a definition of “agritourism” and to consider in the draft best management practices for stormwater management for ag tourism that create a standard plan related to parking and the use of pasture, meadows, and cropland for treatment of stormwater runoff. The amendments also attempt to address an issue specific to Montgomery County related to the County’s process for management of stormwater mitigation related to ag tourism and the appropriate role of its Soil Conservation District in reviewing and approving stormwater management plans. In an effort to address complaints from several owners of wineries located in the County’s Agricultural Reserve, a revised Memorandum of Understanding was issued that shifted responsibility for final review and approval of stormwater plans for agricultural properties from the County’s Department of Permitting Services to its Soil Conservation District, which is the common practice in other parts of the State.

While the Montgomery County Office of Agriculture supports this legislation and the amendments, more work is needed to create greater clarity in the MDE regulations, toward the goal of ensuring equitable and consistent treatment across the State for ag tourism proprietors as it relates to stormwater management. Striking the right balance between environmental stewardship and recognizing that the standards for mitigating stormwater

issues for a parking lot at a new Walmart should not be the same as the 20 parking spaces located on grassland for a small winery open to the public on weekends, is important. Further, the rules and regulations should be drafted in a manner to acknowledge that for more than 80 years, Soil Conservation Districts have been providing leadership in soil and water conservation. In many instances, the MDE's own regulations have been patterned after the standards and specifications developed by the Natural Resource Conservation Service and implemented at the District level. This should not be overlooked or discounted and should weigh heavily into the decision-making process.

The Montgomery County Office of Agriculture respectfully requests the Committee to advance Senate Bill 861, revised to include the sponsors' amendments. Hopefully, discussions will continue among the stakeholders to further improve the stormwater regulations that are in the drafting stage now.