

# **Support SB687 - ShoreRivers.docx.pdf**

Uploaded by: Benjamin Ford

Position: FAV



## Testimony in Support of Senate Bill 687 – Environment - Flood Risk Review Process - Establishment

2/27/2026

Dear Chair and Members of the Committee,

Thank you for the opportunity to submit testimony in SUPPORT of SB687 on behalf of ShoreRivers. ShoreRivers is a Riverkeeper organization focused on protecting water quality on Maryland's Eastern Shore, with more than 2,000 members. Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement. Our organization grounds its positions in measurable data, long-term monitoring, and adaptive management.

**SB687 would require the Maryland Department of the Environment to incorporate updated flood risk science, cumulative downstream impacts, and climate-adjusted precipitation data into its permit and plan review process. This is a commonsense, science-based step that aligns directly with the realities facing our rivers today.**

On Maryland's Eastern Shore, flooding is no longer a theoretical concern. Sea level rise, increasingly intense precipitation events, and expanding impervious surface coverage are reshaping how water moves across the landscape. When development proceeds without fully accounting for cumulative flood and stormwater impacts, the result is predictable: increased erosion, nutrient and sediment loading, degraded submerged aquatic vegetation, and stressed oyster habitat. ShoreRivers and our partners then must invest significant public and private dollars to repair damage that could have been prevented through better planning.

**SB687 strengthens upstream decision-making so that downstream communities and ecosystems are not left to absorb avoidable harm.** By requiring MDE to evaluate how proposed projects affect stormwater conveyance, storage, and infiltration at a watershed scale, the bill advances the same systems-based approach that underpins successful restoration efforts across the Chesapeake Bay.

Importantly, the bill directs the use of updated climate-adjusted precipitation projections. Restoration practitioners design living shorelines, stream restorations, and stormwater retrofits using forward-looking rainfall data. State permitting should be held to the same standard. Approving infrastructure based on outdated assumptions undermines both public safety and long-term water quality goals.

### ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

[shorerivers.org](http://shorerivers.org) | 443.385.0511 | [info@shorerivers.org](mailto:info@shorerivers.org)

The requirement for consultation with local jurisdictions and planning entities also supports transparency and coordinated watershed management. Flooding, like pollution, does not respect jurisdictional boundaries. Ensuring that state determinations are informed by comprehensive data and are binding in local stormwater decisions will help prevent fragmented outcomes that shift risk from one community to another.

**SB687 does not halt development. Rather, it ensures that development proceeds responsibly, informed by the best available science and with full consideration of cumulative impacts. That approach protects taxpayers from future infrastructure failures, reduces long-term restoration costs, and safeguards the ecological integrity of Maryland's rivers.**

For these reasons, ShoreRivers respectfully urges a favorable report on SB687. Strengthening flood risk review today will reduce water quality degradation tomorrow and support the long-term resilience of the Chesapeake Bay and its tributaries.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Ford', with a horizontal line extending to the right.

**Benjamin Ford, Miles-Wye Riverkeeper, on behalf of ShoreRivers**

# **SB0687\_Environment\_Flood\_Risk\_Review\_Process\_Estab**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0687**  
**Environment - Flood Risk Review Process – Establishment**

**Bill Sponsor:** Senator Washington  
**Committee:** Education, Energy, and the Environment  
**Organization Submitting:** Maryland Legislative Coalition  
**Person Submitting:** Cecilia Plante, co-chair  
**Position:** FAVORABLE

I am submitting this testimony in favor of SB0687 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

With all the changes to the weather patterns, and water level rise due to climate change, Maryland is experiencing a much greater flooding risk. Planning that has been done at a macro level is often disrupted by new developments in places that are either at risk themselves, or put other adjacent areas at risk.

This bill, if enacted, would require a flood risk review process for any areas that are considered a flood risk. This process would apply to the review of any plan or permit related to a proposed development within a flood risk area including an evaluation of the potential impacts of the proposed development on downstream flooding, and the cumulative impacts of past, present, and reasonably foreseeable development in the watershed. Before issuing a final determination, the Maryland Department of the Environment (MDE) would consult with the local jurisdiction, the Department of Planning, and potentially the Department of Natural Resources.

This legislation would also require MDE to condition, modify, or deny approval of the plan or permit if they determine that the proposed development would increase downstream flood hazards or flood damage to existing communities, impair the effectiveness of watershed-scale flood management strategies, or conflict with stormwater quantity standards.

Our members believe in being prepared and planning ahead. This is not just a possible disaster that we would be avoiding, it's an disaster that is already upon us.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

**SB 687 - CBF - FAV.pdf**

Uploaded by: Matt Stegman

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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## Senate Bill 687

### Environment – Flood Risk Review Process – Establishment

**Date:** March 3, 2026

**To:** Senate Education, Energy, & Environment Committee

**Position:** **FAVORABLE**

**From:** Gussie Maguire,  
MD Staff Scientist

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The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 687** which establishes a flood risk review process in the Department of the Environment for areas at risk of tidal or nontidal flooding. The process includes impacts from past, present, and foreseeable future development on flooding downstream and potential effects on stormwater management.

Development across the state continues to increase Maryland's impervious surface coverage. When farmland, open space, and forests are converted into housing or commercial use, the land can no longer absorb rainwater, leading to stormwater runoff. This runoff carries pollutants from rooftops, roadways, and other paved, hardened surfaces straight into streams and rivers that flow to the Chesapeake Bay. It also contributes to flooding, causing serious hazards to Maryland residents. Flooding does not respect political boundaries, making the cross-jurisdictional, cross-departmental consultation required in the bill especially important.

CBF urges the General Assembly to prioritize management of stormwater runoff, which is the fastest growing source of pollution in the Chesapeake Bay watershed, now and in the years ahead. While other pollution sources like wastewater and agriculture have trended down in recent years, stormwater pollution has only increased. Not long ago, Maryland was considered a national leader in green infrastructure, which can stop runoff before it harms people, properties, and waterways. These often-natural solutions, such as tree roots and healthy soils, absorb rainwater like a sponge, rather than let it swiftly wash away to cause flooding and pollution.

**CBF urges the Committee's FAVORABLE report on SB 687.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*

# **Support Bill 687 -Catonsville Indivisible Group.p**

Uploaded by: Susan Radke

Position: FAV



## Catonsville Indivisible Group

### **Support for Senate Bill 687 Environment – Flood Risk Review Process- Establishment**

My name is Susan Radke and am a co-leader with Catonsville Indivisible Group, a grassroots group of constituents living in Catonsville, Southwest Baltimore County, Maryland who are dedicated to protecting progressive and democratic values.

The Catonsville Indivisible Group and I support Senate Bill 687 which requires the Department of the Environment to establish and implement a flood risk review process for certain areas identified as being at risk of tidal and non-tidal flooding and applying the review of certain plans and permits to be incorporated into a local stormwater management approval process.

Currently, there is development occurring along the Patapsco River at the old Ellicott Mill in Oella where the flour mill is being redeveloped into multi-use 190 luxury apartments, retail and destination restaurants in a flood plain. Baltimore County approved four additional floors to this building, and to this date, there appears to be no final flood management plan for this structure. Ellicott City and Oella has a long history of flooding because of the Howard County watersheds as well as flooding from the Patapsco River. Although there was a flood risk review process the no final flood management plan will impact the new development being built in Oella, MD. Howard County is remediating flash flooding events in Ellicott City by diverting stormwater directly into the Patapsco River right above the luxury apartment development where the land is not high enough to prevent flooding. This area is an interjurisdictional waterway where county risk review processes differ and there is no collaboration between the counties to address flood risk reviews, nor how to reduce the environmental hazards that ultimately affect the Chesapeake Bay. Further, this bill will also ensure that future development will address areas of development in Turner Station, the Inner

Harbor, Fells Point and Caton areas of Baltimore City as well as other areas throughout the State of Maryland.

Therefore, Senate Bill 687 will ensure these areas at risk of tidal and non-tidal flooding are responsibly managed and that all flood management plans are subject to review and approval.

The Catonsville Indivisible Group and I urge the Senate to vote yes and pass this legislation with no amendments.

Susan Radke, co-leader, on behalf of the Catonsville Indivisible Group.

# **Exhibit 1, Ellicott City Historic flooding.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

Historical flood date markers, Ellicott City.



## **Exhibit 2, Ellicott City historic flooding.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

Exhibit two  
Historic flood damage, Ellicott City. 2016



## **Exhibit 3, Ellicott City historic flooding.Hurrica**

Uploaded by: Winnie Carpenter

Position: FAV

Exhibit three  
Ellicott Mill flooding, Baltimore County 1972



Ellicott brothers house

## **Exhibit 4, Eliocott City historic flooding.Hurric**

Uploaded by: Winnie Carpenter

Position: FAV

Exhibit four  
Patapsco River, flooding, Baltimore County 1972



Don't come downstairs !

## **Exhibit 5. Additional parking approved in floodpla**

Uploaded by: Winnie Carpenter

Position: FAV



## **Exhibit 6. Ellicott City Watershed.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

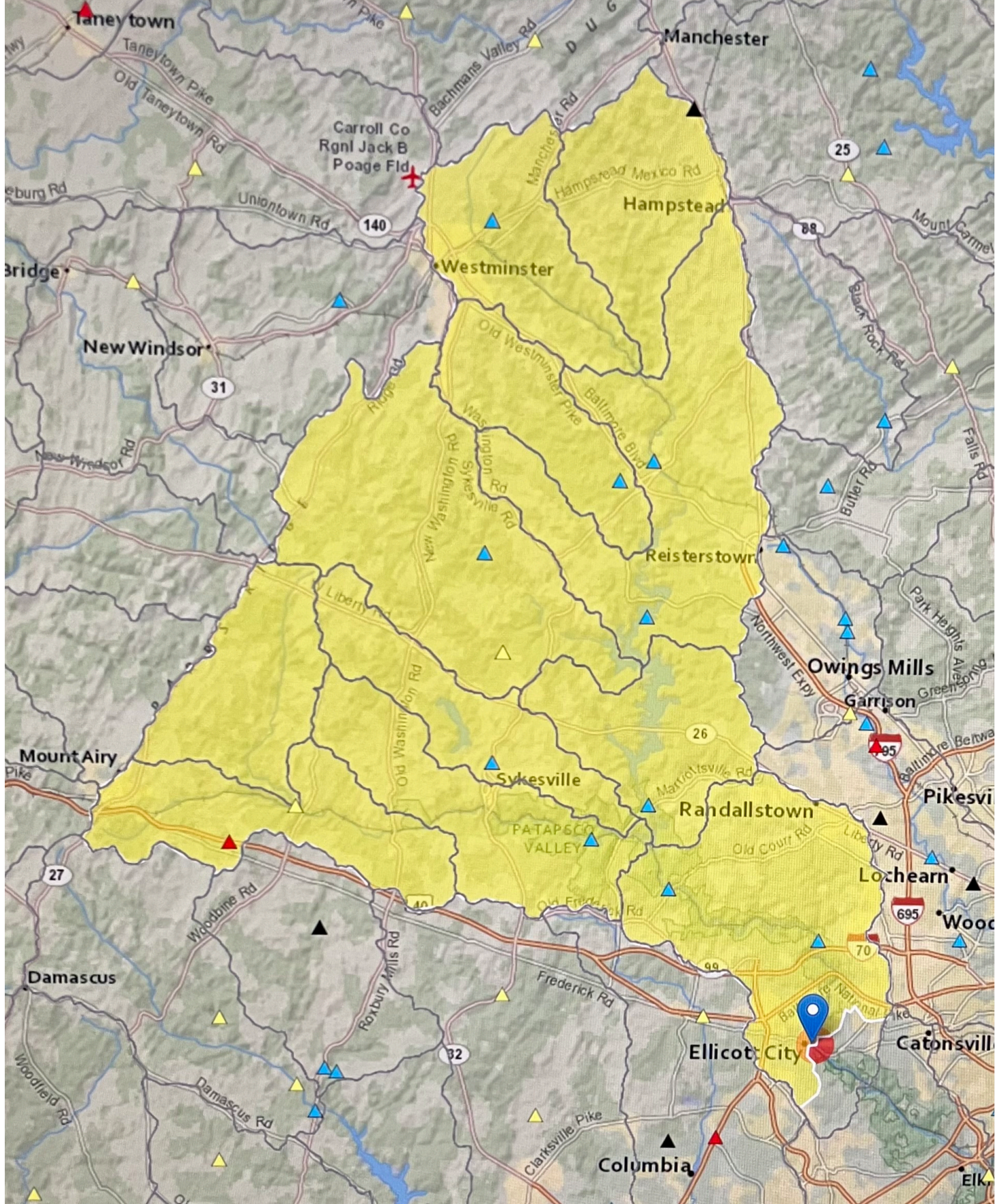


Patapsco River and Howard County tributaries converge at the Village of Oella, in Baltimore County.

## **Exhibit 7. Drainage Basin. Patapsco River.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

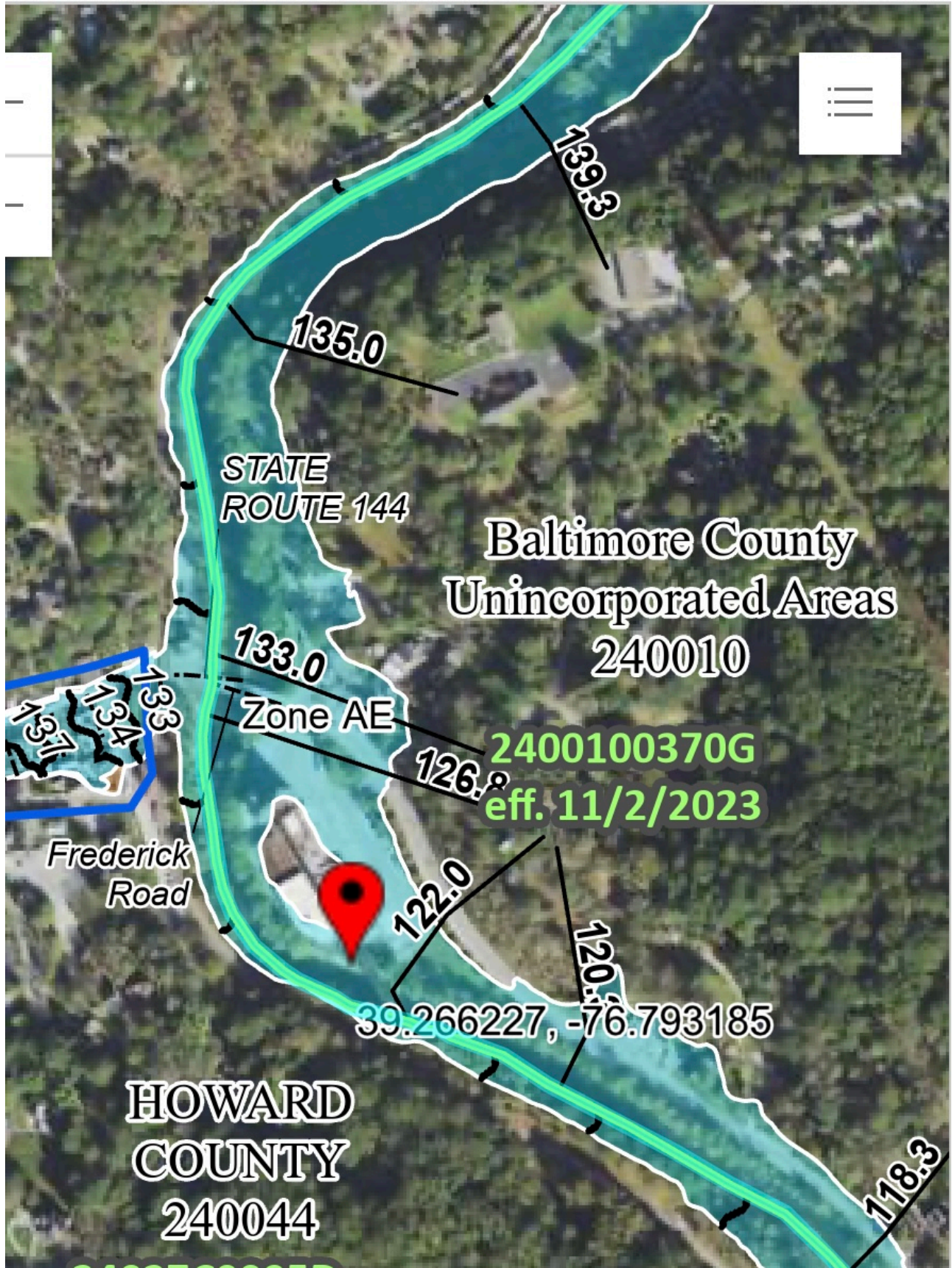


USGS StreamStats:  
Approx 300 sq mile Drainage Basin funnels to Oella in Baltimore County.  
Counties in Basin include Baltimore, Howard, Carroll and Baltimore City.

## **Exhibit 8. FEMA Flood map.pdf**

Uploaded by: Winnie Carpenter

Position: FAV



FEMA Map updated 2023.

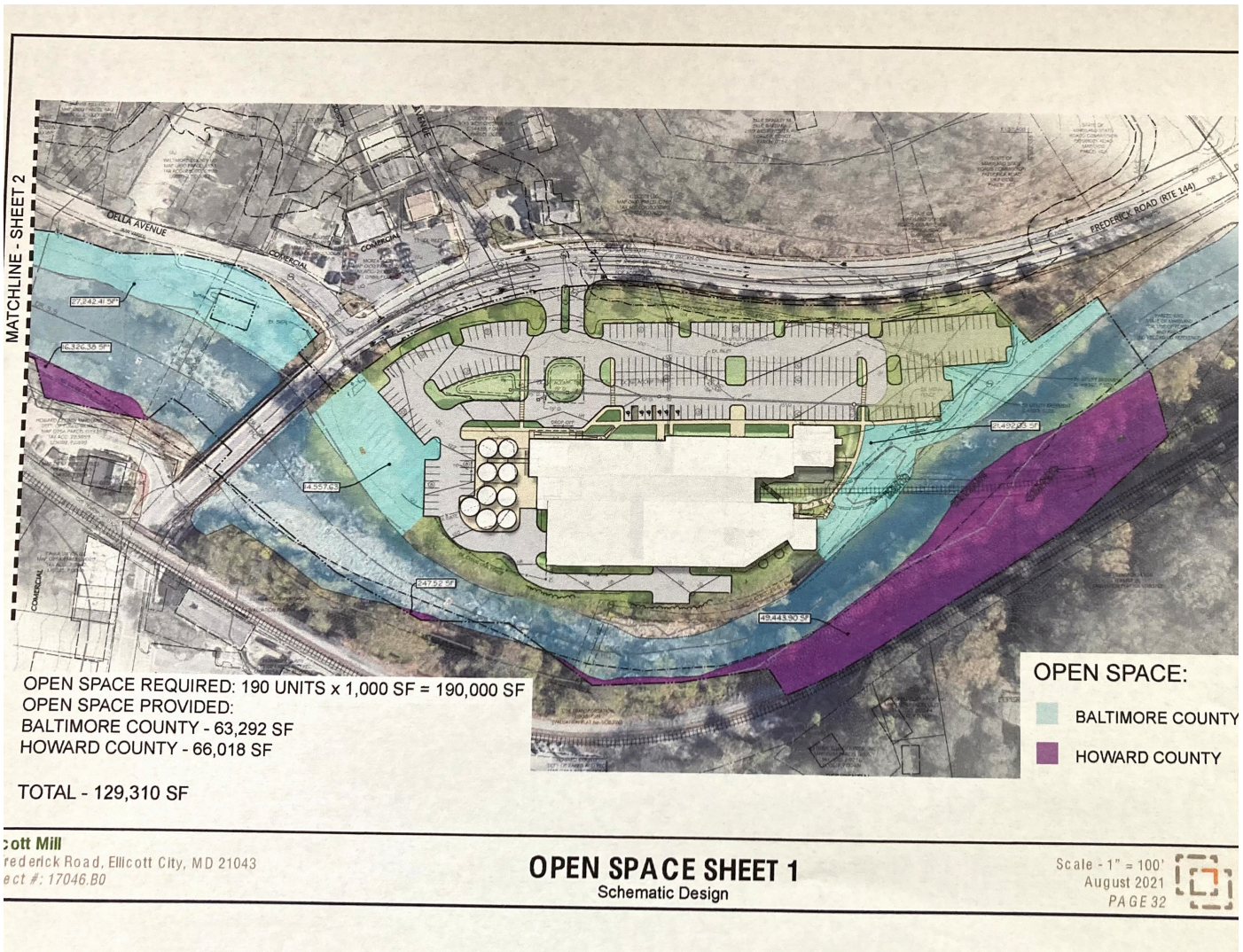
Wilkins-Rogers Flour Mill **building** in Baltimore County removed from floodplain.

# **Exhibit 9. Open Space Development Waiver.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

# Ellicott Mill, Open Space Plan



Ellicott Mill  
Frederick Road, Ellicott City, MD 21043  
Project #: 17046.B0

## OPEN SPACE SHEET 1

Schematic Design

Scale - 1" = 100'  
August 2021  
PAGE 32

**SB687 Carpenter Testimony.2026.pdf**

Uploaded by: Winnie Carpenter

Position: FAV

February 27, 2026

## **SB687**

### **Environment – Flood Risk Review Process – Establishment**

Testimony by Winnie Carpenter, on behalf of Oella-Catonsville Flood Solutions

#### **WE SUPPORT SB687**

**SECTION 1(5-803.1)(C)(1)(I) The cumulative impacts of past, present, and reasonably foreseeable development in the watershed must be addressed. Ellicott City, Baltimore and Howard Counties, have a well-documented history of flooding. The floodwater levels were documented on the arch near the B&O Museum in Old Ellicott City before recent floods destroyed them. (Exhibit 1, and 2-4 for historic flooding.)**

**SECTION 1(5-803.1)(C)(1)(II) Baltimore County approved additional paved area, for a redevelopment in a floodplain which will effect stormwater conveyance, storage, and infiltration capacity. (Exhibit 5)**

**SECTION 1(5-803.1)(C)(3) Baltimore and Howard County tributaries meet the Patapsco River at Ellicott City, where there is no gauge to incorporate data, regarding current and projected intensity, duration, and frequency. (Exhibit 6)**

**SECTION 1(5-803.1)(C)(3) USGS StreamStat findings confirm the likelihood of greater flooding from a nearly 300 square mile drainage basin which funnels into the historic mill town of Oella. (Exhibit 7)**

**SECTION 1(5-803.1)(C)(II) Land use and impervious surface change trend require identification by the Department of Planning and the Advancing Stormwater Resiliency in Maryland studies. In November 2023, the FEMA floodplain map removed a 190,000 square foot structure from the middle of the floodplain – this action needs to be investigated and corrected. (Exhibit 8)**

**SECTION 1(5-803)(C)(4)(II) Granting waivers for required Open Space would impair the effectiveness of watershed-scale flood management strategies developed under 5-803. Baltimore County waived the required 190,000 square foot Open Space to 12,000 square feet, with a payment to the county for \$40,000. (Exhibit 9)**

**SB0687-EEE\_MACo\_OPP.pdf**

Uploaded by: Dominic Butchko

Position: UNF



## Senate Bill 687

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

MACo Position: **OPPOSE**

To: Education, Energy, and the Environment  
Committee

Date: March 3, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES SB 687**. This bill would require the Maryland Department of the Environment (MDE) to establish a new “flood risk review process” for areas identified as being at risk of tidal or nontidal flooding, apply that process to MDE’s review of plans and permits, and then make MDE’s final determination binding within the local stormwater approval process.

Counties strongly support resilient development and prudent flood risk planning. However, SB 687 is largely duplicative of existing state and local review frameworks and would insert a new, State-driven layer into project review in a way that overlaps with (and ultimately constrains) local land use and stormwater decision-making. The bill applies broadly to MDE’s review of “any plan or permit related to a proposed development” in identified risk areas.

Counties already conduct robust, locally tailored reviews through stormwater management, grading, sediment control, and development approval processes that evaluate flooding and runoff impacts in the context of local infrastructure and land use compatibility. SB 687 would add a layer of parallel State “flood risk review” that largely duplicates these functions, then makes MDE’s final determination binding within the local approval process—creating a new State override inside a traditionally local framework. This structure would add delay and uncertainty, invite timing and process conflicts, and complicate established review pathways for both local governments and applicants, without a clear corresponding benefit beyond existing state and local tools.

Counties remain committed to working with the State to reduce flood risks and strengthen resilience. However, SB 687’s creation of a new, duplicative State review process—paired with a binding determination that constrains local approvals—would undermine local analysis and complicate established stormwater and development review systems. For these reasons, MACo respectfully urges the Committee to issue an **UNFAVORABLE** report on SB 687.

**2026-02-27 MAMSA Ltr OPP SB 687.pdf**

Uploaded by: Lisa Ochsenhirt

Position: UNF



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: OPPOSE-- SB 687 (Environment – Flood Risk Review Process - Establishment)**

Dear Chair Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **OPPOSE SB 687**, which would require that the Maryland Department of the Environment (MDE) implement a flood risk review process for certain areas of the State if development is proposed in those areas.

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 objects to SB 687 because it is unnecessary.

MDE has been working diligently for several years now to implement Advancing Stormwater Resiliency in Maryland (A-StoRM) (SB 227, 2021). In fact, in September, 2024, MDE issued an Advanced Notice of Proposed Rulemaking (ANPRM) to update its stormwater regulations and the State’s Stormwater Design Manual. From MDE’s ANPRM: “The Maryland Department of the Environment (MDE) is considering revisions to regulations in COMAR 26.17.02, with a focus on updating stormwater management requirements and the design manual to reflect modern rainfall data, climate-driven flood risks, and statewide consistency.” MDE’s work is meant to address the increased potential for flooding from development and redevelopment. SB 687 is unnecessary given MDE’s significant progress in updating the State’s stormwater requirements.

MAMSA supports allowing MDE to move forward with its A-StoRM efforts, without adding more tasks to MDE’s worklist (e.g., requiring MDE to evaluate broad development patterns in a watershed before approving a permit).

For the reasons above, MAMSA urges the Committee to **Vote NO** on SB 687.

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 687 Sponsor

**2026-02-27 MAMWA Letter OPP SB 687.pdf**

Uploaded by: Lisa Ochsenhirt

Position: UNF



## Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7<sup>th</sup> Floor

Laurel, MD 20707

Tel: 301-206-7008

### MEMBER AGENCIES

Allegany County  
Anne Arundel County  
City of Baltimore  
Baltimore County  
Town of Berlin  
Cecil County  
Town of Centreville  
Charles County  
City of Cumberland  
D.C. Water  
Easton Utilities  
Frederick County  
City of Hagerstown  
Harford County  
City of Havre de Grace  
Howard County  
Ocean City  
Pocomoke City  
Queen Anne's County  
City of Salisbury  
Somerset Co. Sanitary District  
St. Mary's Metro. Comm.  
Washington County  
Worcester County  
WSSC Water

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: OPPOSE-- SB 687 (Environment – Flood Risk Review Process - Establishment)**

Dear Chair Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to **OPPOSE SB 687**, which would require that the Maryland Department of the Environment (MDE) implement a flood risk review process for certain areas of the State if development is proposed in those areas.

MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewer population. Many of MAMWA's members also operate a public water system. MAMWA Members are frequently required to obtain local stormwater management approval and/or MDE approval for local drinking water and wastewater capital construction projects.

MAMWA objects to SB 687 because it is unnecessary.

MDE has been working diligently for several years now to implement Advancing Stormwater Resiliency in Maryland (A-StoRM) (SB 227, 2021). In fact, in September, 2024, MDE issued an Advanced Notice of Proposed Rulemaking (ANPRM) to update its stormwater regulations and the State's Stormwater Design Manual. From MDE's ANPRM: "The Maryland Department of the Environment (MDE) is considering revisions to regulations in COMAR 26.17.02, with a focus on updating stormwater management requirements and the design manual to reflect modern rainfall data, climate-driven flood risks, and statewide consistency." MDE's work is meant to address the increased potential for flooding from development and redevelopment. SB 687 is unnecessary given MDE's significant progress in updating the State's stormwater requirements.

MAMWA supports allowing MDE to move forward with its A-StoRM efforts, without adding more tasks to MDE's worklist (e.g., requiring MDE to evaluate broad development patterns in a watershed before approving a permit).

For the reasons above, MAMWA urges the Committee to **Vote NO** on SB 687.

### CONSULTANT MEMBERS

Black & Veatch  
GHD, Inc.  
Hazen and Sawyer  
HDR Engineering, Inc.  
Jacobs  
Ramboll Americas  
WRA

### GENERAL COUNSEL

AquaLaw PLC

MAMWA Letter on SB 687

February 27, 2026

Page 2

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

Sincerely,



Lisa M. Ochsenhirt

MAMWA Deputy General Counsel

cc: Education, Energy, and the Environment Committee Members, SB 687 Sponsor

**MBIA Letter of Opposition SB 687.pdf**

Uploaded by: Lori Graf

Position: UNF

February 27<sup>th</sup>, 2026

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

**RE: MBIA Letter of Opposition SB 687 Environment - Flood Risk Review Process - Establishment**

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 687 Environment - Flood Risk Review Process - Establishment**.

MBIA would like for the committee to address several concerns we have with this bill:

**1. Existing Local Flood Risk Review**

In many jurisdictions reviews of flood risks already occur at the local level under the regulations currently in place. Local jurisdictions evaluate stormwater management and floodplain impacts as part of the development review process. This bill would require an additional state level review for any project in a watershed deemed to be high risk.

**2. Status and Scope of ASToRM Regulations**

The ASToRM regulations referenced in the bill are still under development. To date, they have focused primarily on stormwater management at the individual site level (i.e., new development and redevelopment projects), addressing water quantity and quality contributions from a single project. The next anticipated phase is for MDE to shift focus toward high-risk watersheds on a broader, watershed-wide basis.

**3. Unintended Consequences for Redevelopment**

Requiring individual redevelopment projects to address watershed-level flooding concerns may unintentionally make redevelopment significantly more difficult. Developers would be required to design for future conditions while being constrained by existing surrounding infrastructure.

This creates several challenges:

- a. Potentially extensive off-site infrastructure upgrades
- b. Required permissions to access or modify property not owned or controlled by the developer
- c. Unclear cost-sharing mechanisms for downstream or off-site improvements

**4. Economic Feasibility Concerns**

The cumulative costs associated with off-site upgrades and coordination with multiple property

owners could escalate to the point where redevelopment is no longer economically feasible—particularly for infill or urban redevelopment projects.

**5. Need for Clear Responsibility and Cost Allocation**

The bill should explicitly address:

- a. Who is responsible for implementing improvements identified as necessary to mitigate watershed-level flooding impacts
- b. How costs will be allocated for improvements on land not owned or controlled by the developer
- c. Whether public funding mechanisms or grant programs will be available to support required off-site infrastructure upgrades

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Education, Energy, and the Environment Committee

**SB687-EEE-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0687**

March 3, 2026

**TO:** Members of the Senate Education, Energy, and the Environment Committee

**FROM:** Nina Themelis, Director, Mayor's Office of Government Relations

**RE:** **Senate Bill 687** - Environment - Flood Risk Review Process - Establishment

**POSITION: OPPOSE**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 687.

SB 687 requires the Department of the Environment to establish and implement a flood risk review process for areas identified as being at risk of tidal or nontidal flooding. The bill applies this review process to the Department's evaluation of certain development plans and permits, requires consultation with local jurisdictions, State agencies, and watershed advisory groups prior to final determinations, and makes those determinations binding within local stormwater management approval processes. The bill also incorporates climate-adjusted precipitation data and watershed-scale flood management considerations into flood risk decision-making and generally relates to flood risk management and resiliency.

The BCA remains supportive of the Maryland Department of the Environment's efforts to advance stormwater resilience in Maryland through the A-STORM initiative. In September 2024, MDE issued an Advanced Notice of Proposed Rulemaking to begin updating its stormwater management regulations and the State's Stormwater Design Manual. This process is intended to incorporate updated rainfall data, account for climate-driven flood risks, and improve consistency in stormwater requirements statewide.

MDE's ongoing regulatory updates are intended to address the increased potential for flooding associated with development and redevelopment across the State. Given this active effort, SB 687 is unnecessary and potentially duplicative. The bill would impose additional responsibilities on MDE to evaluate cumulative watershed-scale development impacts as part of individual permit approvals and this approach overlaps with the objectives already being addressed through in the ASTORM initiative

For these reasons, we respectfully request an **unfavorable** report on SB 687.

# **SB 687- Flood Risk Review Process- NAIOP - UNF - E**

Uploaded by: Tom Ballentine

Position: UNF



February 27, 2026

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

**Unfavorable: SB 687 – Environmental Permits – Impact Burden Analysis**

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, light-industrial, and mixed-use real estate, I am writing to recommend your unfavorable report on SB 687.

SB 687 creates an entirely new, mandatory Flood Risk Review Process within the Maryland Department of the Environment (MDE). The bill requires that MDE establish and implement a new review process for development applications in any area designated by MDE or the Department of Natural Resources (DNR) to be at risk of tidal or nontidal flooding. The bill does not specify which mapping data define these areas or what criteria are used to determine flood risk areas.

The bill requires MDE to evaluate cumulative watershed impacts, climate-adjusted precipitation, and land-use trends and authorizes the Department to condition, modify, or deny stormwater permits on a project-by-project basis. MDE's final decision would be binding on local governments departing from the delegated review authority most jurisdictions use today.

Even if MDE had the program capacity to conduct these reviews, this approach would redirect the technical focus away from AStoRM which has over the course of several years worked through a collaborative process to incorporate modern climate science, updated precipitation data, and watershed-scale planning into stormwater and flood-risk regulations. The AStoRM initiative provides a strong, collaborative, data-driven pathway to accomplish these goals and should continue to be the approach taken to incorporating changing conditions into stormwater regulations.

**For these reasons, NAIOP respectfully requests your unfavorable report on SB 687.**

Sincerely,

A handwritten signature in blue ink that reads "T.M. Ballentine". The signature is written in a cursive style and is positioned above the typed name.

Tom Ballentine, Vice President for Policy  
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members  
Nick Manis – Manis, Canning Assoc.

**MDE SB 687 LOC.pdf**

Uploaded by: Jeremy D Baker

Position: INFO



**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.

**Contact:** Alex Butler, Deputy Director of Government Relations  
Phone: 443-695-7478, Email: [alex.butler@maryland.gov](mailto:alex.butler@maryland.gov)

**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.

# **SB0687 - LOC - SHA - Environment - Flood Risk Revi**

Uploaded by: Nora Corasaniti

Position: INFO

March 3, 2026

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

***Re: Letter of Concern – Senate Bill 687 – Environment – Flood Risk Review Process – Establishment***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 687 but respectfully offers the following concerns for the Committee’s consideration.

SB 687 requires the Department of the Environment (MDE) to establish and implement a flood risk review process for areas identified as being at risk of tidal or nontidal flooding, applies the flood risk review process to the review of plans and permits, and provides that prior to a final determination on a plan or permit, MDE must consult with the Maryland Department of Planning (MDP), local governments, and other parties.

The State Highway Administration (SHA) recognizes the importance of flood risk and stormwater management across the state and is committed to responsible project planning, design, and delivery. However, SHA has concerns about the requirements imposed by SB 687 as they apply to highway projects.

Of significant concern are the requirements set forth in the proposed new § 5-803.1(c)(1)(i) of the Environment article. As written, it is unclear what level of effort and what studies would be required to evaluate past development activity within a watershed – specifically how far back in time SHA would be required to assess prior development. Additionally, it is unclear if SHA would be expected to reasonably determine foreseeable future development within a given watershed.

If SHA is expected to comply with the requirements as written, this will result in significant administrative and financial burdens, for which SHA is not currently staffed or funded to undertake. As written, SHA would be required to analyze historical and current zoning maps, project future development scenarios and develop new hydrological and hydraulic models to analyze cumulative stormwater and flood impacts.

These requirements go well beyond SHA’s current flood risk and stormwater management practices for highway projects. Without clearer definitions and limits on the scope of these obligations, implementation could be extraordinarily resource-intensive and could affect the timely delivery of critical transportation projects across Maryland.

The Honorable Brian J. Feldman  
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The Maryland Department of Transportation requests the Committee consider these concerns during their deliberations of Senate Bill 687.

Respectfully submitted,

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