

SWM - Letter.pdf

Uploaded by: Christopher Miller

Position: FAV

To Whom It May Concern,

My name is Chris Miller, and I am submitting comments on behalf of Lone Oak Farm, a working agricultural operation located in Montgomery County, Maryland.

Lone Oak Farm is an active farm that produces grain crops on-site and also partners with other local farms to source agricultural products. These crops are processed through our on-farm agricultural facilities, including our farm malt house, brewery (Lone Oak Farm Brewing Company), and distillery (Fallen Oak Distilling). In addition to production agriculture, we conduct agritourism activities that support the financial sustainability of farming operations and help connect the public to local agriculture.

My family and I live on the farm, and our businesses are locally owned and family operated, not private equity backed corporations. The decisions we make directly affect our ability to keep farmland in agriculture for the next generation. The activities we have developed are not separate from agriculture; they are what allow us to remain a working farm and preserve open space in Montgomery County.

We appreciate the opportunity to provide comments on the proposed updates to the Maryland Stormwater Design Manual and strongly support the State's goals of environmental protection and water quality. Farmers depend on healthy soil and clean water more than anyone, and we are committed to responsible stewardship of our land and natural resources.

However, the current regulatory framework often applies stormwater standards developed for urban and commercial land development directly to agricultural operations, even when the land remains in agricultural use. This creates significant challenges and unintended consequences for farms without necessarily improving environmental outcomes.

As noted in comments submitted by the Montgomery Soil Conservation District, the Maryland Stormwater Design Manual was largely developed to address residential and commercial land uses rather than agricultural landscapes. In practice, agricultural activities — including modern value-added agriculture — are frequently treated as “land development,” which creates regulatory confusion and barriers for farmers.

From the perspective of Lone Oak Farm, we respectfully offer the following recommendations for consideration:

Recognition of Modern Agricultural Operations

Agriculture has evolved significantly, and farms increasingly rely on value-added processing, on-farm manufacturing, storage, agritourism, and direct-to-consumer sales to remain economically viable. These activities should be clearly recognized as agricultural and accessory agricultural uses when they are directly tied to farm production.

Facilities such as malt houses, breweries, distilleries using farm-grown products, and associated agricultural business spaces should not automatically be treated as commercial land development when they are integral to agricultural operations.

Role of Soil Conservation Districts

Soil Conservation Districts have decades of experience working with agricultural operations and are best positioned to guide stormwater compliance on farmland. Their involvement should be prioritized for agricultural projects to ensure practical, cost-effective, and environmentally appropriate solutions.

Flexibility for Grass and Seasonal Parking Areas

Farms frequently utilize grass or reinforced turf areas for seasonal or intermittent parking associated with agricultural operations and agritourism. Treating these areas as permanently impervious surfaces creates unintended incentives to install asphalt, which increases runoff and environmental impact. Flexible standards that consider frequency and duration of use would better align with environmental goals.

Recognition of Agricultural Land as a Stormwater Treatment Resource

Agricultural properties typically contain large pervious areas, including cropland, pasture, and conservation areas, which naturally infiltrate and treat stormwater. The manual should recognize these features as viable treatment opportunities where appropriate, reflecting the differences between agricultural and urban environments.

Easement and Parcel Flexibility

Stormwater easement requirements designed for subdivision development can be excessive when applied to large agricultural properties. Alternative approaches such as covenants, owner certifications, or inspection agreements should be considered, particularly where infiltration practices are used.

Flexibility should also be provided to allow treatment areas to cross parcel boundaries when parcels are under common ownership, which would allow more effective and less costly environmental solutions.

Supporting the Economic Viability of Family Farms

Agriculture in Maryland faces increasing economic pressure, and farms must diversify to remain viable. Regulations that unintentionally treat farms as commercial development projects can discourage reinvestment in agricultural operations and accelerate farmland loss.

Modern agricultural operations like ours — where crops are grown, processed, and sold locally — represent the future of sustainable agriculture in Maryland. Updating the Stormwater Design Manual to recognize these realities will help preserve working farms, protect rural economies, and maintain agricultural land for future generations while still achieving environmental protection goals.

In closing Lone Oak Farm is committed to soil health, water quality protection, and responsible land stewardship. We believe that recognizing the unique characteristics of agricultural landscapes within stormwater policy will produce better environmental outcomes while supporting Maryland agriculture and family farms like ours.

We appreciate the opportunity to provide input and welcome continued collaboration with the State of Maryland on solutions that protect both the environment and the long-term viability of farming.

Thank you for your time and consideration.

Sincerely,
Chris Miller
Lone Oak Farm
5000 Olney Laytonsville Rd. Olney, Md 20832
Chris@loneoakbrewingco.com
301-775-1327

SDFD Harris testimony SB861 03-03-26.pdf

Uploaded by: David Harris

Position: FAV



18100 Bucklodge Road, Boyds, MD 20841 (202) 438-7041 david@songdogspirits.com

Testimony before the Education, Energy,
and the Environment Committee
Maryland Senate
Annapolis, Maryland

March 3, 2026

Dear Chair Feldman and members of this committee,

We greatly appreciate the opportunity to share our story with you, and to speak strongly in support of SB861, which would help thoughtfully regulate stormwater management on farms like ours.

My wife and I opened Song Dog Farm Distillery in Montgomery County's beautiful agricultural reserve this past October. Our eleven-year path to opening was a complex and arduous one, but perhaps the most challenging issue was stormwater management, and navigating a system that treats our farm the same as an urban strip mall.

In late 2023, after eight years of work and planning, we thought we were on the cusp of breaking ground on our farm distillery building – until we learned that our planned small gravel parking lot would prevent us from working on stormwater management with our capable Soil Conservation District, and we would instead have to go through an extensive planning process with Montgomery County's Department of Permitting Services, guided by the existing Stormwater Design Manual which does not make any accommodation for agricultural land. This process added many months to our timeline, and cost more than \$200,000 in actual stormwater infrastructure construction – not including the six-figure investment in engineering, permitting, myriad bonds and added forest conservation requirements. We had to build these stormwater management features even though we are surrounded with acres of permeable surfaces and open ground. Just as important, we lost months of time that we could have been open and generating income and tax revenue.

Agricultural land use differs substantially from traditional business land use. Treating our open farmland's stormwater requirements the same as that of a Starbucks or a Walmart makes no sense. Doing so doesn't recognize the nature of our farmland and abundance of permeable surface, and moreover, it incentivizes us to pave over these areas. That's not what we want to do, and presumably that's not what anyone wants to see in Montgomery County's rolling farmland.

Maryland's Soil Conservation Districts across the state are ready and willing to work with farmers on stormwater management issues related to building agricultural and accessory use structures and other changes to farmland required for sustaining an agricultural business. Soil Conservation Districts were designed to assist farmers in conserving their land, soil, and other natural resources – exactly what stormwater management aims to do. We care deeply about our farm and the land and water around it. Our goal is not to circumvent requirements that help conserve these resources, but to make it more feasible for farmers and farm businesses to practice conservation in a reasonable, affordable, and timely manner.

We are glad to be open and shining a bright light on Maryland's amazing agriculture, but the last year before opening – in which we were hit with many hundreds of thousands of dollars in engineering and stormwater management construction bills – made our opening almost impossible. This process imperils many farm businesses, including ours. This legislation is a very necessary first step, along with modifying the State's Stormwater Design Manual to consider cropland as a treatment area for stormwater management, and to allow occasional parking on grass and other permeable surfaces. Taken together, these steps will make it easier for agricultural and value-added businesses to thrive at a time when such businesses are often struggling.

Please support SB861 and help empower our state's capable Soil Conservation Districts to help guide farmers and farm businesses like ours through common-sense stormwater management.

SB 861 - Support_Favorable.pdf

Uploaded by: Dawn Luedtke

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

February 27, 2026

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

RE: Senate Bill 861, *Environment - Stormwater Management - Agricultural Land*

Dear Chair Feldman,

I urge the Committee to support Senate Bill 861, Environment - Stormwater Management - Agricultural Land so agricultural operators in Montgomery County can operate free from overburdensome regulatory requirements and on an even playing field with their peers throughout the State.

Thank you Chair Feldman and Senator Zucker for putting this legislation forward and for your collaboration with local farmers and agricultural operators who have urged us to provide this flexibility.

The legislation would ensure that the Soil Conservation District, which is best suited to work collaboratively with farmers to achieve stormwater requirements, would play a leading role in this work. We understand Soil Conservation Districts are empowered to do this work in jurisdictions throughout the State. In Montgomery County, the Department of Permitting Services has taken the lead and consistently threatened to impose commercial-grade stormwater and building requirements on farmers despite other existing exemptions for agriculture and agritourism.

SB 861 would also clarify that all parts of an agricultural operation's business, including office and processing space, are exempt from certain commercial building permits just as the

agricultural activities already are. This is the subject of a local Montgomery County Council bill¹ that has broad support and that we expect the full Council will approve this spring.

Farmers and agricultural operators are a critical part of our local economy and to our mission of preserving our landmark Agricultural Reserve. We must support economic viability for farmers so agriculture remains a part of our communities for generations to come.

Thank you, again, to Chair Feldman and Senator Zucker for putting forward this measure and I respectfully ask the committee for a favorable report.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Luedtke", written in a cursive style.

Dawn Luedtke
Montgomery County Councilmember
District 7

cc: Members of the Education, Energy and Environment Committee

¹ apps.montgomerycountymd.gov/ccllms/BillDetailsPage?RecordId=2895

MDFB - Support - SB861 Environment - Stormwater Ma

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 3, 2026

To: Senate Education, Energy and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of SB861 Environment - Stormwater Management - Agricultural Land**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit this written testimony in support of SB861 Environment - Stormwater Management - Agricultural Land. This legislation takes an important step in improving stormwater management across Maryland by recognizing the unique characteristics of agricultural land and ensuring that local enforcement efforts reflect both environmental goals and agricultural realities. SB 861 strengthens Maryland's approach by requiring the Department of the Environment to develop regulations and a model ordinance that guide local stormwater management programs in enforcing stormwater requirements on agricultural land with the advice and consent of local Soil Conservation Districts. This approach both respects and formalizes the critical role that Soil Conservation Districts already play in advising farmers and partnering with state and local agencies on conservation practices. Their involvement will ensure that stormwater requirements applied to agricultural land are grounded in practical, science-based conservation methods that align with long-standing agricultural best management practices.

A particularly important component of SB 861 is its requirement that the Maryland Stormwater Design Manual be updated to clearly define agriculture, and agricultural accessory uses as distinct from commercial development. Agriculture is fundamentally different from commercial and industrial development in land use, purpose, and impact. Ensuring that these distinctions are formally recognized in state guidance helps avoid misapplication of standards that were never designed for agricultural settings. The bill also directs the Department of the Environment to incorporate flexibility into how stormwater regulations are enforced on agricultural land. This flexibility is vital to maintaining operational viability for farms and reflects the reality that agriculture already operates within a comprehensive system of conservation practices—including nutrient management planning, soil conservation strategies, and land stewardship programs—that deliver measurable environmental benefits.

Senate Bill 861 does not impose new fees or punitive measures on agricultural producers, nor does it require local governments to treat farms as commercial stormwater generators. Instead, it ensures that stormwater enforcement is coordinated, science-based, and appropriately tailored. By directing the state to develop clear guidance, consistent definitions, and a model ordinance, the bill promotes uniformity across local jurisdictions while protecting agricultural operations from the inconsistent or overly burdensome application of stormwater rules. At the same time, the bill reaffirms the importance of farmer-agency partnerships in meeting



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035

410-922-3426 | www.mdfarmbureau.com

environmental goals, recognizes the central role of Soil Conservation Districts, and provides local governments with the clarity and tools they need to carry out enforcement effectively.

For these reasons, Senate Bill 861 represents a balanced and thoughtful approach that strengthens environmental stewardship without undermining the economic viability of Maryland agriculture. It reinforces the state's commitment to clean water while preserving flexibility, clarity, and fairness for the agricultural community. I respectfully urge the Committee to give SB 861 a favorable report

A handwritten signature in black ink, appearing to read "T. Hough". The signature is written in a cursive style and is positioned below a horizontal line.

Tyler Hough

Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org, with any questions

SB861- Amendment-EEE-2.27.26.pdf

Uploaded by: Craig Zucker

Position: FWA



SB0861/233120/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

27 FEB 26
09:33:46

BY: Senator Zucker

(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENTS TO SENATE BILL 861

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- **Agricultural Land**” and substitute “**for Agritourism**”; strike beginning with “establish” in line 4 down through the first “land” in line 9 and substitute “consider certain best management practices for stormwater management for agritourism; requiring Montgomery County and the Montgomery Soil Conservation District, in consultation with the Department, to review certain processes for reviewing and approving certain stormwater management plans”; in line 9, strike “agricultural land” and substitute “agritourism”; in line 12, after “4-203(b)(1)” insert “and 4-204(c)”; in line 17, strike “4-203(b)(2)(v)” and substitute “4-203(b)(2)(ix) and (x)”; and in line 22, strike “4-203(b)(5)” and substitute “4-203(b)(2)(xi)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 28, inclusive; after line 28, insert:

(ix) 1. Establish a comprehensive process for approving grading and sediment control plans and stormwater management plans; and

2. Specify that the comprehensive process established under item (i) of this item takes into account the cumulative impacts of both plans; [and]

(x) Incorporate the most recent precipitation data available; AND

(xi) 1. IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, DEFINE “AGRITOURISM”; AND

2. CONSIDER BEST MANAGEMENT PRACTICES FOR STORMWATER MANAGEMENT FOR AGRITOURISM, INCLUDING:

A. THE CREATION OF A STANDARD PLAN FOR TEMPORARY PARKING AREAS; AND

B. THE USE OF PASTURE, MEADOWS, AND CROPLAND FOR THE TREATMENT OF STORMWATER RUNOFF.

4-204.

(c) Each county or municipality may provide by ordinance for the review and approval of stormwater management plans by the local soil conservation district.

SECTION 2. AND BE IT FURTHER ENACTED, That Montgomery County and the Montgomery Soil Conservation District jointly shall:

(1) in consultation with the Department of the Environment, review the county's current process for reviewing and approving stormwater management plans for agritourism;

(2) as part of the review required under item (1) of this section:

(i) examine how other counties in the State review and approve stormwater management plans for agritourism;

(ii) identify challenges and approaches to improve the agritourism stormwater management plan review and coordination between the county and the soil conservation district; and

(iii) recommend changes to the review and approval process for stormwater management plans for agritourism in the county; and

(3) on or before December 31, 2026, report the findings under this section to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”;

and in line 29, strike “2.” and substitute “3.”.

SB861- Senator Zucker- Stormwater.docx (1).pdf

Uploaded by: Craig Zucker

Position: FWA

CRAIG J. ZUCKER
Legislative District 14
Montgomery County



James Senate Office Building
11 Bladen Street, Room 120
Annapolis, Maryland 21401
410-841-3625
800-492-7122 Ext. 3625
Craig.Zucker@senate.state.md.us

Budget and Taxation Committee
Chair, Capital Budget Subcommittee

Chair, Senate Democratic Caucus

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Craig J. Zucker
Senate Bill 861-Environment - Stormwater Management - Agricultural Land
March 3, 2026
1:00pm
Position: Favorable With Amendments

Good afternoon, Chair Feldman, Vice Chair Kagan, and distinguished members of the Education, Energy and the Environment Committee. It is my pleasure to testify in support of **Senate Bill 861-Environment - Stormwater Management - Agricultural Land**. Thank you Senator Feldman for co-sponsoring this legislation.

SB861 requires the Maryland Department of the Environment (MDE), in consultation with the Maryland Department of Agriculture (MDA), to define agritourism and consider best management practices for stormwater management for agritourism operations. Those best management practices include the creation of a standard plan for temporary parking areas and the use of pasture, meadows, and cropland for the treatment of stormwater runoff. The bill also affirms that each county or municipality may provide by ordinance for the review and approval of stormwater management plans by the local Soil Conservation District, giving localities a clear pathway to leverage SCD expertise in this process. Finally, the bill directs Montgomery County and the Montgomery Soil Conservation District, in consultation with MDE, to jointly review the county's current process for approving stormwater management plans for agritourism, examine how other counties handle the same, identify challenges and opportunities for improvement, and report their findings to the Governor and the General Assembly by December 31, 2026.

This bill addresses a problem that both the District 14 and District 15 delegations have heard about from farmers and agricultural businesses in Montgomery County's agricultural reserve. Maryland's stormwater management framework was designed for urban and suburban development, and applying those same standards uniformly to working farms creates compliance burdens that do not reflect the realities of agricultural operations.

Current guidance does not distinguish between agricultural land uses and commercial development. Temporary grass parking for seasonal events, cropland and pasture used for stormwater calculations, and rotational farming activities are fundamentally

different from a parking lot or a shopping center, yet farmers are being held to the same standards. This leaves little room for site-appropriate solutions.

After constituents raised these concerns to the District 15 delegation, the District 15 delegation wrote jointly to MDE and MDA to elevate the issue. Prior to session, the District 14 delegation joined the effort, and together we have been working with constituents, Montgomery County, MDE, and MDA on a path forward. We have included amendments to more precisely address the changes needed, and both MDE and MDA have agreed to these amendments. We are still in conversations with stakeholders that might require further amendments.

SB 861 does not weaken environmental protections. It ensures the standards we apply to agricultural land are appropriate for the land and the people working it.

I respectfully urge a **favorable with amendments report on Senate Bill 507**. Thank you for your consideration.

SB861 MDA FWA.pdf

Uploaded by: Harrison Palmer

Position: FWA



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin Atticks, Secretary

Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading
Industry

The Wayne A. Cawley, Jr. Building

50 Harry S Truman Parkway

Annapolis, Maryland 21401

mda.maryland.gov

410.841.5885 Baltimore/Washington

410.841.5846 Fax

Maryland Department of Agriculture

Legislative Comment

Date: March 3rd, 2026

BILL NUMBER: Senate Bill 861
BILL TITLE: Environment - Stormwater Management - Agricultural Land
MDA POSITION: SUPPORT WITH AMENDMENTS

The Maryland Department of Agriculture (MDA) respectfully submits this letter in support of *Senate Bill 861 - Environment - Stormwater Management - Agricultural Land*, with amendments.

Senate Bill 861 is the successful result of a deliberate and technical collaboration between the bill sponsors, the Maryland Department of Agriculture (MDA) and the Maryland Department of the Environment (MDE) to ensure clarity for permit applicants and local permitting authorities when implementing stormwater management requirements in agricultural areas. MDA worked on amendments with both MDE and the bill sponsor. As amended, the bill will require MDE, in consultation with MDA, to develop a definition for agritourism for stormwater management purposes. The bill will also require MDE to consider best management practices for stormwater management, including creating a “standard plan” template that can be used for temporary parking areas, and consider the use of pastureland, meadow areas, and cropland for the treatment of stormwater runoff in forthcoming regulations. Finally, the bill ensures that best practices in coordination between soil conservation districts and local permitting authorities are consistently applied across jurisdictions.

The bill maintains Maryland’s high water quality standards while providing farmers with the regulatory certainty necessary to thrive and continue their essential conservation work. By codifying these collaborative standards, this bill provides Maryland’s farmers with the regulatory certainty they need to invest in their operations while continuing to lead the nation in conservation. For these reasons, MDA supports Senate Bill 861 and respectfully requests the consideration of the amendments as provided.

Contact: Harrison Palmer, Chief of Staff
harrisonb.palmer@maryland.gov | (410) 980-9887

MDE SB 861 SWA.pdf

Uploaded by: Jeremy D Baker

Position: FWA



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

***Senate Bill 861
Environment - Stormwater Management - Agricultural Land***

Position: Support with Amendments
Committee: Education, Energy, and the Environment
Date: March 3, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS SB 861 WITH AMENDMENTS.**

Bill Summary

Senate Bill 861 requires MDE to alter its stormwater management (SWM) rules and regulations for agricultural lands. Under the bill, MDE must: (1) establish provisions and a model ordinance that require local SWM programs to enforce SWM regulations on agricultural land with the advice and consent of the local soil conservation district; and (2) include in the *Maryland Stormwater Design Manual* a definition of “agriculture” and “accessory uses on agricultural land”, including on-farm processing and office space, as distinct from commercial development and flexibility in enforcement of SWM regulations on agricultural land.

Position Rationale

MDE recognizes the growing importance of agritourism activities on farms and agrees that it should be accounted for in Maryland’s SWM requirements. While MDE agrees with the intent of SB 861, MDE has concerns with the bill’s language as drafted. Broadly, MDE regulates SWM based on the amount of land disturbance and runoff impacts and opposes creating SWM categories based on specific activities or land zoning categories. Activities or zoning do not affect the potential environmental and public safety impacts of stormwater, but may affect the potential treatment options available. Additionally, MDE has concerns with creating different tiers of stormwater enforcement for different types of land use activities.

Separate from the bill, MDE is drafting a major update to its SWM regulations and has extended the public comment period specifically to seek input on agricultural concerns. MDE has also committed to creating a “standard plan” for temporary parking lots, one of the major concerns that gave rise to this bill. A standard plan will make permitting and SWM compliance easier for those farms that qualify.

MDE has worked with the bill’s sponsors and the Maryland Department of Agriculture on amendment language that addresses MDE’s concerns and synchronizes the bill with MDE’s current regulatory efforts. With those sponsor amendments, MDE supports the bill’s passage.

Accordingly, MDE requests the Committee give SB 861 a **FAVORABLE WITH AMENDMENTS** report.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

2026-02-27 MAMSA Ltr SWA SB 861.pdf

Uploaded by: Lisa Ochsenhirt

Position: FWA



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 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

SB0861_DNR_SWA_EEE_3-3-26.pdf

Uploaded by: Lydia McPherson

Position: FWA



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 3, 2026

BILL NUMBER: SENATE BILL 861 - FIRST READER

SHORT TITLE: ENVIRONMENT - STORMWATER MANAGEMENT - AGRICULTURAL LAND

DEPARTMENT'S POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports Senate Bill 861 with amendments. Regulating agricultural stormwater runoff directly assists in achieving sediment/nutrient reduction, corresponding to Chesapeake Bay restoration goals.

The additional amendments bring the proposed bill into alignment with MDE's ongoing regulatory efforts.

BACKGROUND INFORMATION

Agritourism is an expanding industry in the state, and stormwater management laws and regulations must keep pace with growth. This bill seeks to bring more consistency to how runoff is managed across all of the State's land use types and increase our ability to meet the State's Chesapeake Bay goals.

BILL EXPLANATION

The bill will require the Department of the Environment to adopt regulations establishing provisions and a model ordinance that require local governments to regulate stormwater runoff for agriculture.

Contact: Lydia McPherson, Director, Legislative and Constituent Services
lydia.mcpherson1@maryland.gov ♦ 410-260-8113 (office) ♦ 443-875-7785 (cell)

SB 861 - MoCo_Agriculture_Wenger_FWA (GA 26).pdf

Uploaded by: Melanie Wenger

Position: FWA



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

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.