

SENATE BILL 42

M3

5lr1298

(PRE-FILED)

By: **Senator M. Washington**

Requested: October 22, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Interjurisdictional Watersheds – Flood Management**

3 FOR the purpose of requiring the Department of the Environment to designate certain
4 watersheds and all their headwaters and tributaries as interjurisdictional flood
5 hazard watersheds; and generally relating to interjurisdictional watersheds and
6 flood management.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 5–801 and 5–803(d) and (e)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Environment**

15 5–801.

16 (a) In this subtitle the following terms have the meanings indicated.

17 (b) “Area of nontidal inundation” means an area within the State which is subject
18 to inundation caused predominately by accumulated surface runoff or excess rainfall runoff,
19 or both.

20 (c) “Area of tidal inundation” means an area within the State which is subject to
21 inundation caused predominately by tides or wind–driven waters, or both.

22 (d) “Department” means the Department of the Environment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Federal flood insurance program" means the program established by the
2 National Flood Insurance Act of 1968, as amended.

3 (f) "Flood hazard area" means an area of tidal or nontidal inundation resulting
4 from a 100-year flood event and established pursuant to the provisions of § 5-803 of this
5 subtitle.

6 (G) "HEADWATER STREAM" MEANS:

7 (1) THE SOURCE OF A STREAM OR RIVER, LOCATED AT THE FURTHEST
8 POINT FROM WHERE THE WATER BODY EMPTIES OR MERGES WITH ANOTHER; OR

9 (2) A SMALL STREAM OR WETLAND AT THE HIGHEST END OF A
10 WATERSHED.

11 (H) "INTERJURISDICTIONAL WATERSHED" MEANS AN AREA OF LAND
12 SITUATED ON TWO OR MORE JURISDICTIONS THAT DRAINS ALL THE STREAMS AND
13 RAINFALL TO A COMMON OUTLET, SUCH AS THE OUTFLOW OF A RESERVOIR, MOUTH
14 OF A BAY, OR ANY POINT ALONG A STREAM CHANNEL.

15 [(g)] (I) "100-year flood event" or "100-year flood" means a flood that has a 1%
16 chance of being equalled or exceeded in any given year.

17 [(h)] (J) "Secretary" means the Secretary of the Environment.

18 [(i)] (K) "Subdivision" means:

19 (1) Any county, including Baltimore City; and

20 (2) Any incorporated municipality which has the authority to adopt and
21 enforce land use and control measures for the areas within its jurisdiction.

22 5-803.

23 (d) (1) (I) By July 1, 1990 each subdivision, in cooperation with the
24 Departments of the Environment and Agriculture, the Department of Planning, and other
25 appropriate State agencies, shall prepare a flood management plan based upon an
26 evaluation of the alternative management techniques and other findings included in
27 studies conducted under subsection (b) of this section.

28 (II) Each flood management plan shall be consistent with the
29 purposes and provisions of this subtitle.

30 (2) Management techniques may include:

- 1 (i) Flood control dams;
- 2 (ii) Levees and dikes;
- 3 (iii) Stormwater detention or retention structures;
- 4 (iv) Public acquisition;
- 5 (v) Flood proofing;
- 6 (vi) Storm drain and stream maintenance;
- 7 (vii) Tax adjustment policies;
- 8 (viii) Subdivision, zoning, and related ordinances; and
- 9 (ix) Other practical methods.

10 (3) Management techniques shall include flood warning systems.

11 (e) (1) (I) In any interjurisdictional watershed, those portions of the flood
 12 management plans of the subdivisions relating to the watershed shall be subject to review
 13 and approval by the Department as one plan.

14 (II) THE DEPARTMENT SHALL DESIGNATE AT LEAST THE
 15 FOLLOWING WATERSHEDS AND ALL THEIR HEADWATERS AND TRIBUTARIES AS
 16 INTERJURISDICTIONAL FLOOD HAZARD WATERSHEDS:

- 17 1. CARROLL CREEK IN FREDERICK CITY AND
 18 FREDERICK COUNTY;
- 19 2. GWYNNS FALLS IN BALTIMORE CITY AND
 20 BALTIMORE COUNTY;
- 21 3. JONES FALLS IN BALTIMORE CITY AND BALTIMORE
 22 COUNTY; AND
- 23 4. HERRING RUN, INCLUDING THE HERRING RUN
 24 STREAM IN BALTIMORE CITY AND THE HERRING RUN HEADWATERS IN BALTIMORE
 25 COUNTY.

26 (2) (I) Any comprehensive flood management plan which includes a
 27 project for which grant funds are requested under this section is subject to review and
 28 approval by the Department.

1 **(II)** If a plan is disapproved, the Secretary shall set forth in writing
2 the reason for disapproval.

3 **(III)** Disapproval of a plan shall be based only on flood management
4 considerations.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2025.