



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Favor of HB 295

Water Pollution - Stormwater Management Regulations and Watershed Implementation Plans - Review and Update

Chair Barve, Vice Chair Stein, members of the Environment and Transportation Committee. I respectfully request a favorable report on House Bill 295, legislation that will bring Maryland into the 21st century in order to better address the harmful impacts of severe storms and flooding on our communities.

Currently, Maryland is basing our requirements to address and control stormwater on data from the 1990s. Rainfall patterns, including storm intensity and frequency, have changed and grown in severity dramatically since then. According to the Bay Program, between 1958 and 2012, rainfall measured during heavy precipitation events in the Northeastern US increased by more than 70 percent. On a personal level, in July 2019 a flash storm hit so hard, and with so much water, roads close to me flooded so fast that cars were overwhelmed by water and drivers had to climb on top of their cars.¹ That same storm caused a portion of a road around the corner from me to cave in.² In September 2020, flash floods hit Bethesda, Kensington and Aspen Hill, again flooding roads and stranding drivers.³

Simply put, the data currently in the stormwater regulations does not reflect Maryland's climate reality in 2021. Having up-to-date data is crucial so that stormwater management is done using the most recent data and planning for our environment as it is and not as it was. Constructing a building to meet storms of 30 years ago makes no sense.

The good news is that MDE recognizes its data is out of date, and is currently working in two ways to update this data: the Bay Program is gathering rainfall data that should be available this spring, and Maryland is entering into an agreement with other states to update our Atlas 14 data.

¹ <https://www.mymcmedia.org/wtop-reporter-shares-details-about-viral-photo/>

² <https://www.mymcmedia.org/sinkhole-fenway-road-closed-due-to-july-8-rain/>

³ <https://www.mymcmedia.org/flooding-causes-road-closures-leaves-cars-stranded-in-montgomery-county/>

HB 295 does a couple things. First, it makes sure that MDE gets that updated data as soon as it is available. Second, it makes sure MDE is updating its regulations on a regular basis as a result of the data. Third, in updating the regulations, it ensures MDE consults with a range of stakeholders, including the counties and municipalities who are on the frontlines of managing these floods. Finally, the bill codifies the Governor's commitment to our Phase 3 WIP goals.

Counties and municipalities rely on these data sets from MDE to size their stormwater practices and have called for this solution. We have worked with local governments that are on the front line of this issue and recovering from damage to communities and infrastructure that are costly and resource-intensive. By passing this bill, the General Assembly can help save our local partners valuable time and resources.

Finally, we have done extensive work with MDE, the counties and municipalities before filing the bill and since, and have agreed to a set of amendments. These amendments:

- Clarify the definition of "precipitation data" to ensure that it is the correct type of historical climate data that MDE has traditionally used to update standards of stormwater practices.
- Clarify that MDE's rules and regulations shall incorporate the most recently available precipitation data - this makes clear the primary intent of the legislation.
- Replace the one-time requirement for MDE to propose new regulations with new precipitation data by Jan 1, 2022 with a recurring requirement that MDE provide the General Assembly a report of any necessary revisions to regulations once every 5 years after the first required report in January 2022.
- Clarify that every five years, MDE shall, at a minimum, incorporate the most recently available precipitation data.
- Require consultation with municipalities and counties as stakeholders for the Department to consult with when revising the regulations.
- Replace a one-time requirement for all permits issued after regulation changes in Jan. 2022 to a recurring commitment that any new requirements and standards will be immediately incorporated in any future permits.

In conclusion, we know our rainfall patterns have changed - and we know the State's hard work in achieving meaningful progress in cleaning up the Bay is challenged by the effects of climate change. The harder the rainfall, the more pollution enters our waterways as the pavement and development speed up the flow of this water and also prevent it from being able to spread out and soak into the land. Since we know development contributes to the major flooding events we have seen across Maryland, ensuring that new permits (issued after this legislation takes effect) are based on current data is key to addressing this urgent issue.

For these reasons I respectfully request a favorable report on HB 295.