



Testimony in Support of House Bill 295 (Delegates Love and Henson)
Water Pollution – Stormwater Management Regulations
and Watershed Implementation Plans – Review and Update

January 25, 2021

Dear Chairman Barve and Members of the Committee:

Thank you for this opportunity to submit testimony in support of House Bill 295.

Climate change has and will continue to threaten Marylanders' health and safety, economic welfare, and our natural resources. The intensity of rainfall, flooding, and extreme weather has risen dramatically over the past several decades, and this trend is projected to continue for decades to come. Recent years have shown that increased rainfall and flooding are causing tragic, unanticipated consequences. While many of the ways in which more frequent and stronger storms impact Marylanders and their environment appear more subtle, federal and state scientists have shown that increased precipitation has a dramatic and deleterious effect on our neighborhood streams, rivers, drinking water, and the Chesapeake Bay.

If enacted, HB 295 will ensure:

1. Maryland does its part to offset the impact of climate change on the Bay cleanup;
2. Update stormwater restoration standards that are more than 20 years out-of-date; and
3. Maximize the benefits that Maryland's investment in the Bay will also contribute to Marylanders' safety and economic welfare.

**HB 295 Reaffirms Maryland's Commitment
to Restore the Bay and Local Waterways by 2025**

The commitment to identify and address climate change's impacts on the Bay cleanup began over ten years ago.¹ More recently, the Bay Partners committed to addressing the impacts of climate change on the Bay cleanup by 2025. This bill would reaffirm Maryland's commitment to do its part to restore the Bay by offsetting pollutant loads not currently accounted for in its watershed implementation plan. The Bay Program has shown that the Bay Partners must collectively offset an additional 5 million pounds of nitrogen pollution attributable to the impacts of climate change by 2025. This bill would put Maryland's effort on par with that of Virginia, which has already adopted a plan and commitment to offset its load of Bay pollution attributed to climate change by 2025.

¹ United States, Executive Office of the President [Barack Obama]. Executive Order 13508: Chesapeake Bay Protection and Restoration, May 12, 2009. Part 6: Protect Chesapeake Bay as Climate Changes.

HB 295 Puts Maryland on a Trajectory to Adapt its Stormwater Laws as Climate Impacts Worsen

Maryland's design standards for stormwater pollution control practices are based upon precipitation data that are over 20 to 30 years old. The design requirements have not been updated since 2000. In that time, Maryland has issued several versions of stormwater pollution permits. Over the last year, Maryland has begun to reissue permits that are necessary to the state's effort to clean up the Bay by 2025, but these permits do not take into account stronger and more frequent precipitation over the last several decades. This bill would not only put Maryland back on track to have stormwater design standards and permits that reflect current rainfall patterns, but it would also put the state on a trajectory to assess then update, as necessary, those standards into the future.

HB 295 Reaps the Co-Benefits of Stormwater Restoration for Community Safety, Economy, and Environment

If the design of stormwater pollution controls reflect the rainfall conditions of the 1980s, then those practices will not adequately protect drinking water and help to prevent flooding. The increasing intensity of rainfall is worsening urban flooding, polluting drinking water resources, and causing billions of dollars in damages each year in the United States. More frequent storms are producing more rainfall in shorter periods of time, which is causing dangerous flooding to occur in more places that have never flooded before. With Baltimore as one of its case studies, the National Academies of Sciences recently examined urban flooding and found that it disproportionately impacts socially vulnerable communities and may be mitigated, in part, through stormwater system design adaptations.² The physical impact of flooding also puts drinking water resources at risk by carrying greater loads of pollution downstream, and it is increasing damage to neighborhood streams and rivers through erosion. Stormwater practices that are appropriately designed to capture and treat greater rainfall volumes will not only reduce water quality pollutants, like nitrogen and phosphorus, but also mitigate flooding and other physical impacts.

For all of these reasons, I urge a favorable report on House Bill 295.

Respectfully Submitted,

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² National Academies of Sciences, Engineering, and Medicine. 2019. Framing the Challenge of Urban Flooding in the United States. Washington, DC: The National Academies Press.
<https://doi.org/10.17226/25381>.