

# Stormwater Regulations Workshop

## -The 2007 Maryland Stormwater Management Act-

### M-NCPPC Fairland Regional Park: February 23, 2008

On Saturday February 23, 2008 AWCAC, the Maryland Stormwater Consortium and COG held a ½ day workshop at M-NCPPC's Fairland Regional Park to help detail the upcoming changes to the Maryland stormwater regulations. The event included presentations by government officials, NGOs, and other stormwater experts. Presenters and topics covered in the first panel included:

- Description of the MD Stormwater Act of 2007 (Bob Summers: Deputy Secretary, Maryland Department of the Environment)
- Environmental Site Design (ESD): Practices/steps that need to be included, and why (Jim Gracie: MD Stormwater Consortium)
- Need for including stronger stormwater requirements for redevelopment in the new regulations (Dana Minerva: Anacostia Restoration Partnership)

A second group of panelists described past and present stormwater work in the Anacostia watershed, how various governmental bodies are planning to incorporate the 2007 act, and various technical issues surrounding stormwater.

- History of stormwater issues in the Anacostia watershed, and how it relates to existing and future stormwater controls (John Galli: Metropolitan Washington Council of Governments)
- Stormwater problems in the Anacostia watershed, and the role of citizens (Jim Connolly: Anacostia Watershed Society)
- The Upper Paint Branch Special Protection Area and land protection as a stormwater control. (David Dunmire: Eyes of Paint Branch)
- Understanding Anacostia watershed hydrology (Dr. Karen Prestegaard: University of Maryland)
- Stormwater in Montgomery County: Current and future controls (Steve Shofar: Montgomery County Department of Environmental Protection)
- Stormwater in Prince George's County: Current and future stormwater controls (Dr. Sam Moki: Prince George's County Department of Environmental Resources)

The panelist's presentations generated many questions from participants, and led to several resounding statements and questions related to what the group would like to see in the new regulations and what steps participants might take. The following is a bulleted list of the *major* points the group consistently brought up and/or agreed upon through questions and comments.

- While the new regulations are a step in the right direction for controlling stormwater, there are several topics that must be addressed in the regulations:
  - Specific regulations must be included which strengthen stormwater controls during redevelopment.
  - Both development and redevelopment should follow a series of options to deal with or mitigate stormwater before they have the option of paying a fee. Such a fee should be a *last* resort and must be high enough to dissuade developers from

avoiding stormwater control. Currently some development follows such a “stepwise” approach. Redevelopment should be done in a similar manner.

- Education of engineering and developers needs to occur related to the new regulations. It is not acceptable to keep using old plans and old practices.
- Preservation and conservation of open space need to be part of the solution, redevelopment does not occur in all areas.
- The definition of redevelopment should be revisited, and should be broad enough to include more than just entire buildings. For example, warehouse roofs represent an opportunity for retrofitting since they must be replaced about every 20 to 30 years.
- Continued assistance for citizen education/outreach and assistance with upkeep of current projects (such as LID projects on school grounds) is necessary and helpful for continued support of stormwater controls.
- Current economic approaches do not include long-term costs to the community when considering development, and it is the feeling in some circles that greater stormwater control may make businesses move somewhere else. This is not always the case and is inconsistent with true smart growth plans. Further research and consideration of this approach must be completed before the new stormwater regulations are finalized.
- Regulations need to be clear to everyone, and elected officials need to be on board.
- Stormwater utility fees seem to be a straightforward and sensible approach for funding stormwater retrofit and restoration efforts. MDE should seriously consider and include these fees as a part of the new regulations.
- MDE must make inclusion of public recommendations and early completion of the regulations high priorities, and allow sufficient time for public comment (and inclusion of those comments).
- Participants felt that the best way to include their recommendations was by informing and connecting elected officials (i.e. the Governor, Rosapepe, and other influential state delegates) to the rewriting process. Specifically, the need to get the Governor to make critical policy decisions to move MDE further along was articulated. However, other avenues such as participation in public listening sessions, and writing letters are still important.
- Participants felt that Jim Connolly and the Anacostia Watershed Society would be most effective at communicating citizen’s position on stormwater regulation changes as they had been with restoration issues in the Anacostia watershed, and that the citizens should support them. Jim Connolly stressed the importance of elected officials hearing the same message from many sources.