

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 861

(Senators Zucker and Feldman)

Education, Energy, and the Environment

Environment and Transportation

Environment - Stormwater Management for Agritourism

This bill requires the rules and regulations required to be adopted by the Maryland Department of the Environment (MDE) that establish criteria and procedures for stormwater management to (1) in consultation with the Maryland Department of Agriculture, define “agritourism” and (2) consider best management practices for stormwater management for agritourism, including 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 requires Montgomery County and the Montgomery County Soil Conservation District jointly to, in consultation with MDE, review the county’s current process for reviewing and approving stormwater management plans for agritourism, as specified, and report the findings of the review to the Governor and the General Assembly by December 31, 2026.

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. No effect on revenues.

Local Effect: The bill’s changes can be handled using existing resources. No effect on revenues.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: As part of the review of the county’s current process for reviewing and approving stormwater management plans for agritourism, Montgomery County and the

Montgomery County Soil Conservation District jointly must (1) examine how other counties in the State review and approve such plans; (2) identify challenges and approaches to improve plan review and coordination between the county and the soil conservation district; and (3) recommend changes to the review and approval process.

Current Law:

Stormwater Management Act and Implementing Regulations

The intent of the Stormwater Management Act is to reduce, as much as possible, the adverse effects of stormwater runoff. To achieve that goal, pursuant to § 4-203 of the Environment Article, MDE is in charge of implementing the Stormwater Management Act and is required to adopt rules and regulations that establish criteria and procedures for stormwater management in Maryland.

The rules and regulations must, among other things, (1) specify the minimum content of the local ordinances or the rules and regulations of the affected county governing body to be adopted, which may be done by inclusion of a model ordinance or model rules and regulations, and (2) establish regulations and a model ordinance that require:

- the implementation of environmental site design to the maximum extent practicable;
- the review and modification (if necessary) of planning and zoning or public works ordinances to remove impediments to environmental site design and implementation; and
- a developer to demonstrate that environmental site design has been implemented to the maximum extent practicable and standard best management practices have been used only where absolutely necessary.

MDE must review and update the regulations at least once every five years.

Local Stormwater Management Programs

Each county and municipality must have an ordinance implementing a stormwater management program that is consistent with flood management plans and that meets certain minimum requirements. Each county or municipality may provide by ordinance for the review and approval of stormwater management plans by the local soil conservation district. Each governing body of a county or municipality may also adopt a system of charges to fund the implementation of their stormwater management programs, as specified.

MDE must provide technical assistance, training, research, and coordination in stormwater management technology to local governments. MDE is also required to inspect and review local stormwater management programs at least once every three years.

Stormwater Management Plans

Generally, unless exempted, a person may not develop any land for residential, commercial, industrial, or institutional use unless the person has submitted a stormwater management plan and has received approval of the plan from the applicable local approval authority. State and federal agencies are required to submit a stormwater management plan and obtain State approval from MDE prior to undertaking specified construction activity.

Current regulations exempt agricultural land management practices from regulations that implement State and local stormwater management programs.

Small Business Effect: The bill's changes may benefit agricultural operations in the State (many of which are small businesses) to the extent the regulations adopted by MDE pursuant to the bill allow farms that conduct agritourism activities to meet stormwater management requirements through best management practices that are tailored more specifically to agricultural operations. (As noted above, under the bill, MDE's regulations must consider best management practices for stormwater management for agritourism, including the creation of a standard plan for temporary parking areas and the use of pasture, meadows, and cropland for the treatment of stormwater runoff.) Small business farmers in Montgomery County may also benefit to the extent the review of the county's current process of reviewing and approving stormwater management plans for agritourism leads to any changes that benefit agricultural operations.

Additional Comments: MDE advises that it is in the process of updating its stormwater regulations and that it has extended the public comment period specifically to seek input on agricultural concerns. MDE also notes that it has committed to creating a standard plan for temporary parking areas for agritourism activities on farms.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1071 (Delegate Foley, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of the Environment; Maryland Department of Agriculture; Montgomery and Prince George's counties; Montgomery County Soil Conservation District; Maryland Association of County Health Officers; City of Annapolis; Department of Legislative Services

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