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By: **Montgomery County Delegation**  
Introduced and read first time: February 11, 2000  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 17, 2000

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CHAPTER 459

1 AN ACT concerning

2 **Montgomery County - Soil Conservation Districts - Delegation of Approval**  
3 **Authority to Municipal Corporations**

4 FOR the purpose of authorizing a soil conservation district to delegate certain  
5 approval authority of certain sediment control plans to certain municipal  
6 corporations in Montgomery County under certain circumstances; making  
7 stylistic changes; and generally relating to the delegation of approval authority  
8 of sediment control plan reviews to municipal corporations by soil conservation  
9 districts in Montgomery County.

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 4-103(a) and 4-105(a)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1999 Supplement)

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

17 **Article - Environment**

18 4-103.

19 (a) (1) A county or municipality may issue grading and building permits as  
20 provided by law.

21 (2) A grading or building permit may not be issued until the developer:

1                   [(1)]   (I)       [submits] SUBMITS a grading and sediment control plan  
2 approved by:

3                                   1.       [the] THE appropriate soil conservation district[,]; OR

4                                   2.       A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY  
5 THAT IS DESIGNATED UNDER PARAGRAPH (4) OF THIS SUBSECTION; and

6                   [(2)]   (II)      [certifies] CERTIFIES that all land clearing, construction, and  
7 development will be done under the plan.

8                   (3)       Criteria for sediment control and the procedure for referring an  
9 applicant to the appropriate soil conservation district shall be acceptable to the soil  
10 conservation district and the Department of the Environment.

11                   (4)       A SOIL CONSERVATION DISTRICT MAY DELEGATE APPROVAL  
12 AUTHORITY OF A GRADING AND SEDIMENT CONTROL PLAN TO A MUNICIPAL  
13 CORPORATION IN MONTGOMERY COUNTY THAT:

14                                   (I)       HAS ITS OWN SEDIMENT CONTROL REVIEW PROVISIONS THAT  
15 ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THE GRADING AND SEDIMENT  
16 CONTROL PLAN OF THE SOIL CONSERVATION DISTRICT; AND

17                                   (II)      ISSUES SEDIMENT CONTROL PERMITS; AND

18                                   (III)     MEETS THE NECESSARY PERFORMANCE STANDARDS  
19 ESTABLISHED BY WRITTEN AGREEMENT BETWEEN THE DISTRICT AND THE  
20 MUNICIPAL CORPORATION.

21 4-105.

22                   (a)       (1)       (i)       In this section "construction" means land clearing, grubbing,  
23 topsoil stripping, soil movement, grading, cutting and filling, transporting, or  
24 otherwise disturbing land for any purpose.

25                                   (ii)      "Construction" includes land disturbing activities for the  
26 purpose of:

27                                   1.       Constructing buildings;

28                                   2.       Mining minerals;

29                                   3.       Developing golf courses; and

30                                   4.       Constructing roads and installing utilities.

31                   (2)       (i)       Before any person begins any construction, the appropriate  
32 approval authority shall first receive, review, and approve the proposed earth change  
33 and the sediment control plan.

1 (ii) Except as provided in subsection (b) of this section, the approval  
2 authority is:

3 1. The appropriate soil conservation district;

4 2. A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY  
5 THAT IS DESIGNATED BY A SOIL CONSERVATION DISTRICT UNDER PARAGRAPH (6) OF  
6 THIS SUBSECTION;

7 [2.] 3. Any municipality not within a soil conservation  
8 district;

9 [3.] 4. If a State or federal unit undertakes any  
10 construction, the Department; or

11 [4.] 5. For abandoned mine reclamation projects conducted  
12 by the Department of Natural Resources pursuant to Title 15, Subtitles 5, 6, and 11 of  
13 this article, the Department of Natural Resources.

14 (iii) Criteria used by the Department of Natural Resources for  
15 review and approvals under subparagraph (ii)4 of this paragraph:

16 1. Shall meet or exceed current Maryland standards and  
17 specifications for soil erosion and sediment control; or

18 2. If alternative standards are applied, shall be reviewed and  
19 approved by the Department.

20 (3) A person may not begin or perform any construction unless the  
21 person:

22 (i) Obtains an approved sediment control plan;

23 (ii) Implements the measures contained in the approved sediment  
24 control plan;

25 (iii) Conducts the construction as specified in the sequence of  
26 construction contained in the approved sediment control plan;

27 (iv) Maintains the provisions of the approved sediment control plan;  
28 and

29 (v) Implements any sediment control measures reasonably  
30 necessary to control sediment runoff.

31 (4) In consultation with the person responsible for performing the  
32 construction, the Department, jurisdictions delegated enforcement authority under §  
33 4-103(e)(2) of this subtitle, or the appropriate approval agency may require  
34 modifications to an approved sediment control plan if the approved plan is not  
35 adequate to control sediment or erosion.

1           (5)     A person performing construction that proposes a major change to an  
2 approved sediment control plan shall submit the proposed change to the appropriate  
3 approval authority for review and approval.

4           (6)     A SOIL CONSERVATION DISTRICT MAY DELEGATE APPROVAL  
5 AUTHORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION TO A MUNICIPAL  
6 CORPORATION IN MONTGOMERY COUNTY THAT:

7                   (I)     HAS ITS OWN SEDIMENT CONTROL REVIEW PROVISIONS THAT  
8 ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THE GRADING AND SEDIMENT  
9 CONTROL PLAN OF THE SOIL CONSERVATION DISTRICT; AND

10                   (II)    ISSUES SEDIMENT CONTROL PERMITS; AND

11                   (III)   MEETS THE NECESSARY PERFORMANCE STANDARDS  
12 ESTABLISHED BY WRITTEN AGREEMENT BETWEEN THE DISTRICT AND THE  
13 MUNICIPAL CORPORATION.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2000.