

# SENATE BILL 352

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CF HB 417

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By: **Senators Conway, Britt, Kasemeyer, Lenett, Muse, and Pinsky**

Introduced and read first time: February 1, 2007

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Golf Course Redevelopment – Report on Need for**  
3 **Environmental Assessment**

4 FOR the purpose of requiring the Department of the Environment to submit a certain  
5 report to the General Assembly on or before a certain date with a certain  
6 recommendation regarding whether or not there is a need for a program to  
7 review and approve development plans before new construction begins on a golf  
8 course; requiring the report to include a description of a certain process and a  
9 certain summary; requiring the Department to take certain actions in  
10 developing a certain recommendation; ~~a person who is proposing to redevelop~~  
11 ~~property that was previously used as a commercial golf course to commission a~~  
12 ~~certain comprehensive environmental characterization and assessment of the~~  
13 ~~property before construction; providing for the requirements of the assessment;~~  
14 ~~requiring a certain person to pay for, and ensure the accuracy of, the~~  
15 ~~assessment; requiring the assessment to be conducted by a certain~~  
16 ~~environmental consultant; requiring the environmental consultant to establish~~  
17 ~~a testing plan; requiring samples to be taken in a certain manner and in~~  
18 ~~accordance with certain criteria; providing for certain minimum sampling~~  
19 ~~standards for certain property proposed for redevelopment; requiring the~~  
20 ~~Department of the Environment to establish a certain independent panel;~~  
21 ~~requiring the independent panel to review and approve the testing plan and to~~

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~evaluate certain sampling results; requiring the panel to use certain protocols, procedures, and standards in its review of certain sampling results; prohibiting a person who is proposing to redevelop certain property from beginning construction until the independent panel approves the testing plan and finds certain contaminant levels acceptable; requiring the Department to make a certain notice and to provide for a certain public hearing under certain circumstances; requiring remediation under certain circumstances; and generally relating to the redevelopment of golf courses.~~

~~BY adding to~~

~~Article — Environment~~

~~Section 4-105.1~~

~~Annotated Code of Maryland~~

~~(1996 Replacement Volume and 2006 Supplement)~~

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

(a) (1) On or before December 31, 2007, the Department of the Environment shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, with a recommendation regarding whether or not there is a need for a program to review and approve development plans before new construction begins on a golf course.

(2) The report shall include:

(i) a description of the appropriate process to review and approve development plans, including the required information to be reviewed, the type of investigation to be conducted, and any specific standards that would need to be met before granting approval for a development plan for new construction on a golf course; and

(ii) a summary of any opposing views from business, environmental, or community groups and an explanation of the reasons why those opposing views were not adopted by the Department.

(b) In developing the recommendation for the report under subsection (a) of this section, the Department shall:

(1) solicit input from stakeholders, including environmental scientists and engineers, environmental organizations, community groups, owners and operators of golf courses, professional groundskeepers, homebuilders, and representatives from local, State, and federal environmental agencies;



- 1                    ~~(I) A TESTING PLAN;~~  
2                    ~~(II) SOIL AND WATER SAMPLES; AND~~  
3                    ~~(III) AN EVALUATION OF THE SAMPLING RESULTS.~~

4            ~~(C) (1) A PERSON WHO IS PROPOSING TO REDEVELOP THE PROPERTY~~  
5 ~~IS RESPONSIBLE FOR:~~

6                    ~~(I) THE COSTS OF COMMISSIONING THE COMPREHENSIVE~~  
7 ~~ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT; AND~~

8                    ~~(II) ENSURING THAT THE RESULTS OF THE~~  
9 ~~COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT ARE~~  
10 ~~ACCURATE.~~

11                    ~~(2) THE PLANNING AND EXECUTION OF THE COMPREHENSIVE~~  
12 ~~ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT SHALL BE CONDUCTED~~  
13 ~~BY AN ENVIRONMENTAL CONSULTANT WITH:~~

14                    ~~(I) RECOGNIZED EXPERIENCE; AND~~

15                    ~~(II) STATE AND FEDERAL CERTIFICATIONS IN HAZARDOUS~~  
16 ~~WASTE TESTING AND REMEDIATION.~~

17                    ~~(3) AN ENVIRONMENTAL CONSULTANT HIRED TO CONDUCT A~~  
18 ~~COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT~~  
19 ~~SHALL ESTABLISH A TESTING PLAN THAT DESCRIBES THE NUMBER AND~~  
20 ~~LOCATION OF ANY SAMPLES TAKEN ON THE PROPERTY.~~

21                    ~~(4) ANY SAMPLES TAKEN AS PART OF THE COMPREHENSIVE~~  
22 ~~ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT SHALL BE:~~

23                    ~~(I) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~  
24 ~~SUBSECTION, TAKEN IN ACCORDANCE WITH TESTING CRITERIA ESTABLISHED~~  
25 ~~BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, WHICH DETERMINES THE~~  
26 ~~MINIMUM NUMBER OF SAMPLES TO BE TAKEN;~~

27                    ~~(II) COLLECTED FROM DEPTHS RANGING FROM 6 INCHES~~  
28 ~~TO 3 FEET;~~

1                   ~~(III) TESTED TO DETERMINE THE PRESENCE OF:~~

2                   ~~1. HEAVY METALS;~~

3                   ~~2. ORGANOPESTICIDES;~~

4                   ~~3. ORGANOPHOSPHORUS; AND~~

5                   ~~4. CHLORINATED HERBICIDES; AND~~

6                   ~~(IV) EVALUATED USING EXISTING STATE OR FEDERAL~~  
7 ~~RISK-BASED STANDARDS, WHICHEVER IS MORE STRINGENT.~~

8                   ~~(5) FOR A GOLF COURSE WITH 18 HOLES OR FEWER THAT IS~~  
9 ~~CONTIGUOUSLY CONTAINED WITHIN THE PROPERTY THAT IS PROPOSED TO BE~~  
10 ~~REDEVELOPED, THE FOLLOWING MINIMUM SAMPLING STANDARDS SHALL~~  
11 ~~APPLY:~~

12                   ~~(I) TWO SAMPLES EACH FROM EIGHT DIFFERENT GREENS~~  
13 ~~AND TWO SAMPLES FROM AN ADJACENT DOWN GRADIENT AREA;~~

14                   ~~(II) TWO SAMPLES EACH FROM SIX DIFFERENT TEES AND~~  
15 ~~TWO SAMPLES FROM AN ADJACENT DOWN GRADIENT AREA;~~

16                   ~~(III) FIVE SAMPLES EACH FROM THREE DIFFERENT~~  
17 ~~FAIRWAYS;~~

18                   ~~(IV) ONE SAMPLE, PER EVERY 100 SQUARE FEET, FROM~~  
19 ~~AREAS ASSOCIATED WITH CHEMICAL STORAGE, MIXING, AND DISPENSING AND~~  
20 ~~ONE SAMPLE FROM AN ADJACENT DOWN GRADIENT AREA;~~

21                   ~~(V) ONE SAMPLE, PER EVERY 100 SQUARE FEET, FROM~~  
22 ~~AREAS ASSOCIATED WITH VEHICLE MAINTENANCE, STORAGE, AND FUEL TANKS~~  
23 ~~AND ONE SAMPLE FROM AN ADJACENT DOWN GRADIENT AREA;~~

24                   ~~(VI) ONE WATER SAMPLE AND ONE SEDIMENT SAMPLE FROM~~  
25 ~~EACH IRRIGATION WELL, POND, AND ADJACENT STREAM OR WETLAND; AND~~

1                   ~~(VII) REPRESENTATIVE SAMPLES, INCLUDING AREAS NOT~~  
2 ~~USED FOR GOLF OPERATIONS, TAKEN IN A GRID PATTERN ACROSS THE ENTIRE~~  
3 ~~PROPERTY.~~

4           ~~(D) (1) THE DEPARTMENT SHALL ESTABLISH AN INDEPENDENT~~  
5 ~~PANEL CONSISTING OF AT LEAST FIVE MEMBERS OF THE SCIENTIFIC~~  
6 ~~COMMUNITY WITH KNOWLEDGE OF CHEMICAL ANALYSIS AND TESTING, WHICH~~  
7 ~~MAY INCLUDE SCIENTISTS FROM:~~

8                   ~~(I) THE DEPARTMENT;~~

9                   ~~(II) THE U.S. ENVIRONMENTAL PROTECTION AGENCY;~~

10                  ~~(III) THE U.S. ARMY CORPS OF ENGINEERS;~~

11                  ~~(IV) UNIVERSITIES; AND~~

12                  ~~(V) STATE AND LOCAL CONSERVATION ORGANIZATIONS.~~

13           ~~(2) THE INDEPENDENT PANEL SHALL:~~

14                   ~~(I) REVIEW AND APPROVE THE TESTING PLAN~~  
15 ~~ESTABLISHED UNDER SUBSECTION (C)(3) OF THIS SECTION; AND~~

16                   ~~(II) EVALUATE THE RESULTS OF ANY SAMPLES TAKEN AS~~  
17 ~~PART OF THE COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND~~  
18 ~~ASSESSMENT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.~~

19           ~~(3) THE INDEPENDENT PANEL SHALL USE STANDARD SCIENTIFIC~~  
20 ~~PROTOCOLS, PROCEDURES, AND THE RISK-BASED STANDARDS UNDER~~  
21 ~~SUBSECTION (C)(4)(IV) OF THIS SECTION IN ITS EVALUATION UNDER~~  
22 ~~PARAGRAPH (2) OF THIS SUBSECTION.~~

23           ~~(4) A PERSON MAY NOT BEGIN CONSTRUCTION ON THE~~  
24 ~~PROPERTY THAT IS PROPOSED FOR REDEVELOPMENT UNLESS THE~~  
25 ~~INDEPENDENT PANEL APPROVES THE TESTING PLAN AND FINDS ACCEPTABLE~~  
26 ~~LEVELS OF CONTAMINANTS IN ANY SAMPLES TAKEN ON THE PROPERTY.~~

27           ~~(E) IF THE RESULTS OF A COMPREHENSIVE ENVIRONMENTAL~~  
28 ~~CHARACTERIZATION AND ASSESSMENT SHOW THE PRESENCE OF CONTAMINANT~~

1 ~~LEVELS ON THE PROPERTY THAT IS PROPOSED FOR REDEVELOPMENT IN~~  
2 ~~EXCESS OF THE RISK-BASED STANDARDS UNDER SUBSECTION (C)(4)(IV) OF~~  
3 ~~THIS SECTION, THE DEPARTMENT SHALL:~~

4 ~~(1) MAKE PUBLIC NOTICE OF THE COMPREHENSIVE~~  
5 ~~ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT; AND~~

6 ~~(2) HOLD A PUBLIC HEARING ON REQUEST.~~

7 ~~(F) IF THE RESULTS OF A COMPREHENSIVE ENVIRONMENTAL~~  
8 ~~CHARACTERIZATION AND ASSESSMENT SHOW THE PRESENCE OF CONTAMINANT~~  
9 ~~LEVELS ON THE PROPERTY PROPOSED FOR REDEVELOPMENT IN EXCESS OF THE~~  
10 ~~RISK-BASED STANDARDS UNDER SUBSECTION (C)(4)(IV) OF THIS SECTION, THE~~  
11 ~~PERSON PROPOSING TO REDEVELOP THE PROPERTY SHALL REMEDIATE THE~~  
12 ~~SITE IN ACCORDANCE WITH EXISTING STATE AND FEDERAL LAWS AND~~  
13 ~~REGULATIONS BEFORE ANY CONSTRUCTION.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 ~~October 1, 2007~~ July 1, 2007.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.