

HOUSE BILL 97

M3

3lr0063

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 15, 2013

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Sediment Control and Stormwater Management Plans –**
3 **Authority**

4 FOR the purpose of authorizing the Department of the Environment to designate
5 certain sediment control plan and stormwater management plan review and
6 approval authority; and generally relating to the review and approval of
7 sediment control and stormwater management plans.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 4–105(a), 4–106, and 4–205
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2012 Supplement)

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

15 **Article – Environment**

16 4–105.

17 (a) (1) (i) In this section, “construction” means land clearing,
18 grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting,
19 or otherwise disturbing land for any purpose.

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.



1 (ii) "Construction" includes land disturbing activities for the
2 purpose of:

- 3 1. Constructing buildings;
- 4 2. Mining minerals;
- 5 3. Developing golf courses; and
- 6 4. Constructing roads and installing utilities.

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

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

- 12 1. The appropriate soil conservation district;
- 13 2. A municipal corporation in Montgomery County that
14 is designated by a soil conservation district under paragraph (6) of this subsection;
- 15 3. Any municipality not within a soil conservation
16 district;
- 17 4. If a State or federal unit undertakes any construction,
18 the Department **OR THE DEPARTMENT'S DESIGNEE**; or
- 19 5. For abandoned mine reclamation projects conducted
20 by the Department pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the
21 Department.

22 (iii) Criteria used by the Department **OR THE DEPARTMENT'S**
23 **DESIGNEE** for review and approvals under subparagraph (ii)4 of this paragraph:

- 24 1. Shall meet or exceed current Maryland standards and
25 specifications for soil erosion and sediment control; or
- 26 2. If alternative standards are applied, shall be reviewed
27 and approved by the Department.

28 (3) A person may not begin or perform any construction unless the
29 person:

- 30 (i) Obtains an approved sediment control plan;

1 (ii) Implements the measures contained in the approved
2 sediment control plan;

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

5 (iv) Maintains the provisions of the approved sediment control
6 plan; and

7 (v) Implements any sediment control measures reasonably
8 necessary to control sediment runoff.

9 (4) In consultation with the person responsible for performing the
10 construction, the Department, jurisdictions delegated enforcement authority under §
11 4–103(e)(2) of this subtitle, or the appropriate approval agency may require
12 modifications to an approved sediment control plan if the approved plan is not
13 adequate to control sediment or erosion.

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

17 (6) A soil conservation district may delegate approval authority under
18 paragraph (2) of this subsection to a municipal corporation in Montgomery County
19 that:

20 (i) Has its own sediment control review provisions that are at
21 least as stringent as the provisions of the grading and sediment control plan of the soil
22 conservation district;

23 (ii) Issues sediment control permits; and

24 (iii) Meets the necessary performance standards established by
25 written agreement between the district and the municipal corporation.

26 4–106.

27 If a State or federal unit undertakes any construction as defined in §
28 4–105(a)(1) of this subtitle, the Department [of the Environment] **OR THE**
29 **DEPARTMENT’S DESIGNEE** shall review and approve this action and enforce the
30 provisions of this subtitle and any plans approved under this subtitle.

31 4–205.

32 (a) The provisions of § 4–204 of this subtitle do not apply to the construction
33 activities of State or federal agencies.

1 (b) After July 1, 1984, a State or federal agency may not undertake any land
 2 clearing, soil movement, or construction activity involving soil movement unless the
 3 agency has submitted and obtained approval of a stormwater management plan from
 4 the Department **OR THE DEPARTMENT’S DESIGNEE**.

5 (c) (1) On the request of a county or municipality, the Department [of the
 6 Environment] **OR THE DEPARTMENT’S DESIGNEE** shall require that a State or
 7 federal agency submit a stormwater management plan to the requesting jurisdiction
 8 for review and comment, which review and comment shall be completed, returned, and
 9 received by the State or federal agency within 21 calendar days of receipt of the plan.

10 (2) The Department **OR THE DEPARTMENT’S DESIGNEE** shall
 11 require that the State or federal agency include the local jurisdictions’ comments that
 12 are received within the time period required under paragraph (1) of this subsection as
 13 part of its stormwater management plan which is submitted for approval to the
 14 Department.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.