

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

A BILL ENTITLED

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.

20 (ii) “Construction” includes land disturbing activities for the
21 purpose of:

22 1. Constructing buildings;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) Maintains the provisions of the approved sediment control
2 plan; and

3 (v) Implements any sediment control measures reasonably
4 necessary to control sediment runoff.

5 (4) In consultation with the person responsible for performing the
6 construction, the Department, jurisdictions delegated enforcement authority under §
7 4–103(e)(2) of this subtitle, or the appropriate approval agency may require
8 modifications to an approved sediment control plan if the approved plan is not
9 adequate to control sediment or erosion.

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

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

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

19 (ii) Issues sediment control permits; and

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

22 4–106.

23 If a State or federal unit undertakes any construction as defined in §
24 4–105(a)(1) of this subtitle, the Department [of the Environment] **OR THE**
25 **DEPARTMENT’S DESIGNEE** shall review and approve this action and enforce the
26 provisions of this subtitle and any plans approved under this subtitle.

27 4–205.

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

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

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

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

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