
By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

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

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

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

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

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

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

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

7 (I) HAS ITS OWN SEDIMENT CONTROL REVIEW PROVISIONS; AND

8 (II) ISSUES SEDIMENT CONTROL PERMITS.

9 4-105.

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

13 (ii) "Construction" includes land disturbing activities for the
14 purpose of:

15 1. Constructing buildings;

16 2. Mining minerals;

17 3. Developing golf courses; and

18 4. Constructing roads and installing utilities.

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

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

24 1. The appropriate soil conservation district;

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

28 [2.] 3. Any municipality not within a soil conservation
29 district;

30 [3.] 4. If a State or federal unit undertakes any
31 construction, the Department; or

32 [4.] 5. For abandoned mine reclamation projects conducted
33 by the Department of Natural Resources pursuant to Title 15, Subtitles 5, 6, and 11 of
34 this article, the Department of Natural Resources.

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

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

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

7 (3) A person may not begin or perform any construction unless the
8 person:

9 (i) Obtains an approved sediment control plan;

10 (ii) Implements the measures contained in the approved sediment
11 control plan;

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

14 (iv) Maintains the provisions of the approved sediment control plan;
15 and

16 (v) Implements any sediment control measures reasonably
17 necessary to control sediment runoff.

18 (4) In consultation with the person responsible for performing the
19 construction, the Department, jurisdictions delegated enforcement authority under §
20 4-103(e)(2) of this subtitle, or the appropriate approval agency may require
21 modifications to an approved sediment control plan if the approved plan is not
22 adequate to control sediment or erosion.

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

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

29 (I) HAS ITS OWN SEDIMENT CONTROL REVIEW PROVISIONS; AND

30 (II) ISSUES SEDIMENT CONTROL PERMITS.

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