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By: **Senator Forehand**

Introduced and read first time: February 4, 2000

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Soil Conservation Districts - Delegation of Authority**  
3 **to Municipal Corporations**  
4 **MC 24-00**

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

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

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

16 **Article - Environment**

17 4-103.

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

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

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

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

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

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

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

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

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

10 (II) ISSUES SEDIMENT CONTROL PERMITS.

11 4-105.

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

15 (ii) "Construction" includes land disturbing activities for the  
16 purpose of:

- 17 1. Constructing buildings;
- 18 2. Mining minerals;
- 19 3. Developing golf courses; and
- 20 4. Constructing roads and installing utilities.

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

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

- 26 1. The appropriate soil conservation district;
- 27 2. A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY  
28 THAT IS DESIGNATED BY A SOIL CONSERVATION DISTRICT UNDER PARAGRAPH (6) OF  
29 THIS SUBSECTION;

30 [2.] 3. Any municipality not within a soil conservation  
31 district;

32 [3.] 4. If a State or federal unit undertakes any  
33 construction, the Department; or

1 [4.] 5. For abandoned mine reclamation projects conducted  
2 by the Department of Natural Resources pursuant to Title 15, Subtitles 5, 6, and 11 of  
3 this article, the Department of Natural Resources.

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

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

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

10 (3) A person may not begin or perform any construction unless the  
11 person:

12 (i) Obtains an approved sediment control plan;

13 (ii) Implements the measures contained in the approved sediment  
14 control plan;

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

17 (iv) Maintains the provisions of the approved sediment control plan;  
18 and

19 (v) Implements any sediment control measures reasonably  
20 necessary to control sediment runoff.

21 (4) In consultation with the person responsible for performing the  
22 construction, the Department, jurisdictions delegated enforcement authority under §  
23 4-103(e)(2) of this subtitle, or the appropriate approval agency may require  
24 modifications to an approved sediment control plan if the approved plan is not  
25 adequate to control sediment or erosion.

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

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

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

33 (II) ISSUES SEDIMENT CONTROL PERMITS.

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