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By: **Delegates Rosenberg, Aumann, Bobo, Carter, V. Clagett, Oaks, and Trueschler**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Construction on Golf Course Property - Soil Samples**

3 FOR the purpose of prohibiting a person from beginning or performing construction  
4 on certain golf course property unless the person engages a certain consultant  
5 for the taking of certain soil samples; requiring the consultant to take a certain  
6 number of soil samples from certain locations; requiring certain testing of the  
7 samples; requiring the consultant to make certain information available to  
8 certain community associations; requiring a certain consultant to perform a  
9 site-specific risk assessment under certain circumstances; and generally  
10 relating to certain soil samples from certain golf course property.

11 BY repealing and reenacting, with amendments,  
12 Article - Environment  
13 Section 4-105  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2004 Supplement)

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

18 **Article - Environment**

19 4-105.

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

23 (ii) "Construction" includes land disturbing activities for the  
24 purpose of:

25 1. Constructing buildings;

26 2. Mining minerals;



1           (4)    (I)    IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (3)  
2 OF THIS SUBSECTION, A PERSON MAY NOT BEGIN OR PERFORM ANY CONSTRUCTION  
3 ON A PROPERTY THAT HAS BEEN PREVIOUSLY UTILIZED AS A GOLF COURSE UNLESS  
4 THE PERSON ENGAGES AN INDEPENDENT ENVIRONMENTAL CONSULTANT, TO BE  
5 CHOSEN JOINTLY BY THE PERSON AND ANY COMMUNITY ASSOCIATION AFFECTED  
6 BY THE CONSTRUCTION, FOR THE TAKING OF SOIL SAMPLES IN ACCORDANCE WITH  
7 THE REQUIREMENTS OF SUBPARAGRAPH (II) THROUGH (IV) OF THIS PARAGRAPH.

8                   (II)    THE INDEPENDENT ENVIRONMENTAL CONSULTANT SHALL  
9 TAKE A TOTAL OF AT LEAST 10 SOIL SAMPLES FROM THE PROPERTY, EACH AT A  
10 DEPTH OF AT LEAST 4 FEET, FROM THE FOLLOWING LOCATIONS:

- 11                           1.       TWO FROM THE GREENS;
- 12                           2.       TWO FROM THE PESTICIDE OR HERBICIDE STORAGE  
13 AREA;
- 14                           3.       ONE FROM A WOODED AREA; AND
- 15                           4.       THE REMAINDER FROM RANDOM LOCATIONS ON THE  
16 PROPERTY.

17                   (III)   1.       EACH SAMPLE SHALL BE TESTED FOR ARSENIC, LEAD,  
18 CADMIUM, MERCURY, CHLORDANE, AND DDT.

19                           2.       AT LEAST ONE OF THE 10 SAMPLES SHALL BE  
20 DUPLICATED, AS APPROPRIATE, TO CONFIRM LABORATORY RESULTS.

21                   (IV)    THE INDEPENDENT ENVIRONMENTAL CONSULTANT SHALL  
22 MAKE AVAILABLE TO ANY COMMUNITY ASSOCIATION AFFECTED BY THE  
23 CONSTRUCTION THE RESULTS OF ALL SAMPLES, INCLUDING A PROJECTED  
24 ENVIRONMENTAL IMPACT FOR EACH SUBSTANCE UNDER SUBPARAGRAPH (III)1 OF  
25 THIS PARAGRAPH THAT IS FOUND.

26                   (V)     IF A DETRIMENTAL PUBLIC HEALTH OR ENVIRONMENTAL  
27 IMPACT IS PROJECTED FOR ANY SUBSTANCE FOUND, THE PERSON SHALL ENGAGE  
28 AN INDEPENDENT ENVIRONMENTAL CONSULTANT, TO BE CHOSEN JOINTLY BY THE  
29 PERSON AND ANY COMMUNITY ASSOCIATION AFFECTED BY THE CONSTRUCTION, TO  
30 PERFORM A SITE-SPECIFIC RISK ASSESSMENT.

31                   [(4)]   (5)    In consultation with the person responsible for performing the  
32 construction, the Department, jurisdictions delegated enforcement authority under §  
33 4-103(e)(2) of this subtitle, or the appropriate approval agency may require  
34 modifications to an approved sediment control plan if the approved plan is not  
35 adequate to control sediment or erosion.

36                   [(5)]   (6)    A person performing construction that proposes a major change  
37 to an approved sediment control plan shall submit the proposed change to the  
38 appropriate approval authority for review and approval.

1            [(6)]    (7)    A soil conservation district may delegate approval authority  
2 under paragraph (2) of this subsection to a municipal corporation in Montgomery  
3 County that:

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

7                    (ii)        Issues sediment control permits; and

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

10        (b)        In Montgomery County, notwithstanding the provisions of subsection (c) of  
11 this section and § 4-103(a)(1) of this subtitle, the soil conservation district may  
12 delegate the authority to review and approve or reject any sediment control plans for  
13 nonagricultural construction to the Montgomery County government by written  
14 agreement between the district and the county government department authorized by  
15 county law or regulation to perform those functions.

16        (c)        In Prince George's and Montgomery counties, the Washington Suburban  
17 Sanitary Commission, after consultation with and advice of the soil conservation  
18 districts of the two counties and the Department of the Environment, shall prepare  
19 and adopt rules and regulations for erosion and sediment control requirements for  
20 utility construction work. The rules and regulations shall be adopted and enforced as  
21 are others of the Commission under authority conferred by other laws. These rules  
22 and regulations apply to any utility construction work in Prince George's and  
23 Montgomery counties. The provisions of this subsection do not apply until the soil  
24 conservation district in each county approves erosion and sediment control  
25 requirements for utility construction work in that county.

26        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 June 1, 2005.