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By: **Senator Green**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                           **Environment - Stormwater Management - Inspections and Water Quality**  
3                           **Standards**

4 FOR the purpose of requiring the Department of the Environment to adopt certain  
5 regulations; requiring the Department to inspect certain development sites for  
6 compliance with certain provisions of law; authorizing the Department to test  
7 stormwater runoff and certain downstream water as part of certain inspections;  
8 prohibiting persons engaged in certain development activities from causing or  
9 contributing to violations of certain water quality standards; and generally  
10 relating to water quality standards and inspections of development sites for  
11 purposes of stormwater management.

12 BY repealing and reenacting, with amendments,  
13 Article - Environment  
14 Section 4-203  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Environment  
19 Section 4-204 and 4-205  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 2004 Supplement)

22 BY adding to  
23 Article - Environment  
24 Section 4-205.1  
25 Annotated Code of Maryland  
26 (1996 Replacement Volume and 2004 Supplement)

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

1 **Article - Environment**

2 4-203.

3 (a) The Department of the Environment shall implement the provisions of this  
4 subtitle and shall consult the Department of Natural Resources from time to time  
5 concerning the impact of stormwater on waters of the State.

6 (b) The Department shall adopt rules and regulations which establish criteria  
7 and procedures for stormwater management in Maryland. The rules and regulations  
8 shall:

9 (1) Indicate that the primary goal of the State and local programs will be  
10 to maintain after development, as nearly as possible, the predevelopment runoff  
11 characteristics;

12 (2) Make allowance for the difference in hydrologic characteristics and  
13 stormwater management needs of different parts of the State;

14 (3) Specify that watershed-wide analyses may be necessary to prevent  
15 undesirable downstream effects of increased stormwater runoff;

16 (4) Specify the exemptions a county or municipality may grant from the  
17 requirements of submitting a stormwater management plan;

18 (5) Specify the minimum content of the local ordinances or the rules and  
19 regulations of the affected county governing body to be adopted which may be done by  
20 inclusion of a model ordinance or model rules and regulations;

21 (6) Indicate that water quality practices may be required for any  
22 redevelopment, even when predevelopment runoff characteristics are maintained;  
23 [and]

24 (7) Specify the minimum requirements for inspection and maintenance  
25 of stormwater practices; AND

26 (8) ESTABLISH SPECIFIC POSTDEVELOPMENT WATER QUALITY  
27 STANDARDS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

28 (c) Before the regulations required under this subsection are final, the  
29 Department shall hold at least one public hearing in the affected immediate  
30 geographic areas of the State and shall consult with the affected counties and  
31 municipalities.

32 (d) The Department shall provide technical assistance, training, research, and  
33 coordination in stormwater management technology to the local governments  
34 consistent with the purposes of this subtitle.

35 (E) (1) AT THE CONCLUSION OF ANY LAND CLEARING, CONSTRUCTION,  
36 DEVELOPMENT, DRAINAGE, OR SOIL MOVEMENT UNDER § 4-204 OR § 4-205 OF THIS

1 SUBTITLE, THE DEPARTMENT SHALL INSPECT THE SITE OF THE LAND CLEARING,  
2 CONSTRUCTION, DEVELOPMENT, DRAINAGE, OR SOIL MOVEMENT FOR COMPLIANCE  
3 WITH § 4-205.1 OF THIS SUBTITLE.

4 (2) AS PART OF THE INSPECTION REQUIRED UNDER THIS SUBSECTION,  
5 THE DEPARTMENT MAY TEST STORMWATER RUNOFF AND ANY DOWNSTREAM WATER  
6 THE DEPARTMENT REASONABLY DETERMINES MAY BE AFFECTED BY THE LAND  
7 CLEARING, CONSTRUCTION, DEVELOPMENT, DRAINAGE, OR SOIL MOVEMENT.

8 4-204.

9 (a) After July 1, 1984, unless exempted, a person may not develop any land for  
10 residential, commercial, industrial, or institutional use without submitting a  
11 stormwater management plan to the county or municipality that has jurisdiction, and  
12 obtaining approval of the plan from the county or municipality. A grading or building  
13 permit may not be issued for a property unless a stormwater management plan has  
14 been approved that is consistent with this subtitle.

15 (b) The developer shall certify that all land clearing, construction,  
16 development, and drainage will be done according to the plan.

17 (c) Each county or municipality may provide by ordinance for the review and  
18 approval of stormwater management plans by the local soil conservation district.

19 (d) (1) Each governing body of a county or municipality may adopt a system  
20 of charges to fund the implementation of stormwater management programs,  
21 including the following:

22 (i) Reviewing stormwater management plans;

23 (ii) Inspection and enforcement activities;

24 (iii) Watershed planning;

25 (iv) Planning, design, land acquisition, and construction of  
26 stormwater management systems and structures;

27 (v) Retrofitting developed areas for pollution control;

28 (vi) Water quality monitoring and water quality programs;

29 (vii) Operation and maintenance of facilities; and

30 (viii) Program development of these activities.

31 (2) The charges shall take effect upon enactment by the local governing  
32 body.

33 (3) The charges may be collected in the same manner as county and  
34 municipal property taxes, have the same priority, and bear the same interest and  
35 penalties.

1 4-205.

2 (a) The provisions of § 4-204 of this subtitle do not apply to the construction  
3 activities of State or federal agencies.

4 (b) After July 1, 1984, a State or federal agency may not undertake any land  
5 clearing, soil movement, or construction activity involving soil movement unless the  
6 agency has submitted and obtained approval of a stormwater management plan from  
7 the Department.

8 (c) (1) On the request of a county or municipality, the Department of the  
9 Environment shall require that a State or federal agency submit a stormwater  
10 management plan to the requesting jurisdiction for review and comment, which  
11 review and comment shall be completed, returned, and received by the State or  
12 federal agency within 21 calendar days of receipt of the plan.

13 (2) The Department shall require that the State or federal agency  
14 include the local jurisdictions' comments that are received within the time period  
15 required under paragraph (1) of this subsection as part of its stormwater  
16 management plan which is submitted for approval to the Department.

17 4-205.1.

18 (A) THIS SECTION APPLIES TO ANY LAND CLEARING, CONSTRUCTION,  
19 DEVELOPMENT, DRAINAGE, OR SOIL MOVEMENT UNDER § 4-204 OR § 4-205 OF THIS  
20 SUBTITLE, REGARDLESS OF WHETHER IT IS DONE IN COMPLIANCE WITH A  
21 STORMWATER MANAGEMENT PLAN.

22 (B) A PERSON MAY NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF WATER  
23 QUALITY STANDARDS ESTABLISHED UNDER THIS SUBTITLE OR TITLE 9, SUBTITLE 3  
24 OF THIS ARTICLE, INCLUDING:

25 (1) ANY INCREASE IN TURBIDITY THAT CAUSES A SUBSTANTIAL VISIBLE  
26 CONTRAST TO PREDEVELOPMENT CONDITIONS;

27 (2) ANY INCREASE IN SUSPENDED, COLLOIDAL, OR SETTLEABLE SOLIDS  
28 THAT CAUSES DEPOSITION OF THE SOLIDS OR IMPAIRS THE WATERS FOR THEIR  
29 BEST USES; AND

30 (3) ANY RESIDUE OR VISIBLE FILM FROM OIL, GREASE, OR ANY OTHER  
31 SUBSTANCE INSOLUBLE IN WATER.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2005.