
By: **Senator Green**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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 authorizing the Department to charge a certain fee; prohibiting persons engaged
9 in certain development activities from causing or contributing to violations of
10 certain water quality standards; and generally relating to water quality
11 standards and inspections of development sites for purposes of stormwater
12 management.

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 4-203
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2005 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Environment
20 Section 4-204 and 4-205
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 2005 Supplement)

23 BY adding to
24 Article - Environment
25 Section 4-205.1
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 2005 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 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 (3) THE DEPARTMENT MAY CHARGE THE PERSON RESPONSIBLE FOR
9 THE LAND CLEARING, CONSTRUCTION, DEVELOPMENT, DRAINAGE, OR SOIL
10 MOVEMENT A FEE NOT TO EXCEED THE COST TO THE DEPARTMENT OF CONDUCTING
11 THE INSPECTIONS REQUIRED UNDER THIS SUBSECTION.

12 4-204.

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

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

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

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

26 (i) Reviewing stormwater management plans;

27 (ii) Inspection and enforcement activities;

28 (iii) Watershed planning;

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

31 (v) Retrofitting developed areas for pollution control;

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

33 (vii) Operation and maintenance of facilities; and

34 (viii) Program development of these activities.

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

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

6 4-205.

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

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

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

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

22 4-205.1.

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

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

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.