

HOUSE BILL 417

M3

71r2099
CF SB 352

By: **Delegates N. King, Ali, Bobo, Bronrott, V. Clagett, Healey, Lawton, and Montgomery**

Introduced and read first time: February 5, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Golf Course Redevelopment – Environmental Assessment**

3 FOR the purpose of requiring a person who is proposing to redevelop property that
4 was previously used as a commercial golf course to commission a certain
5 comprehensive environmental characterization and assessment of the property
6 before construction; providing for the requirements of the assessment; requiring
7 a certain person to pay for, and ensure the accuracy of, the assessment;
8 requiring the assessment to be conducted by a certain environmental
9 consultant; requiring the environmental consultant to establish a testing plan;
10 requiring samples to be taken in a certain manner and in accordance with
11 certain criteria; providing for certain minimum sampling standards for certain
12 property proposed for redevelopment; requiring the Department of the
13 Environment to establish a certain independent panel; requiring the
14 independent panel to review and approve the testing plan and to evaluate
15 certain sampling results; requiring the panel to use certain protocols,
16 procedures, and standards in its review of certain sampling results; prohibiting
17 a person who is proposing to redevelop certain property from beginning
18 construction until the independent panel approves the testing plan and finds
19 certain contaminant levels acceptable; requiring the Department to make a
20 certain notice and to provide for a certain public hearing under certain
21 circumstances; requiring remediation under certain circumstances; and
22 generally relating to the redevelopment of golf courses.

23 BY adding to

24 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4-105.1
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 2006 Supplement)

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

6 **Article - Environment**

7 **4-105.1.**

8 (A) IN THIS SECTION, "CONSTRUCTION" HAS THE MEANING STATED IN §
9 4-105(A)(1) OF THIS SUBTITLE.

10 (B) (1) IN ADDITION TO THE REQUIREMENTS IN § 4-105 OF THIS
11 SUBTITLE, A PERSON WHO IS PROPOSING TO REDEVELOP PROPERTY IN THE
12 STATE THAT WAS PREVIOUSLY USED IN THE OPERATION OF A COMMERCIAL
13 GOLF COURSE SHALL COMMISSION A COMPREHENSIVE ENVIRONMENTAL
14 CHARACTERIZATION AND ASSESSMENT OF THE PROPERTY BEFORE
15 CONSTRUCTION.

16 (2) THE COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION
17 AND ASSESSMENT OF THE PROPERTY SHALL INCLUDE:

18 (I) A TESTING PLAN;

19 (II) SOIL AND WATER SAMPLES; AND

20 (III) AN EVALUATION OF THE SAMPLING RESULTS.

21 (C) (1) A PERSON WHO IS PROPOSING TO REDEVELOP THE PROPERTY
22 IS RESPONSIBLE FOR:

23 (I) THE COSTS OF COMMISSIONING THE COMPREHENSIVE
24 ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT; AND

25 (II) ENSURING THAT THE RESULTS OF THE
26 COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT ARE
27 ACCURATE.

1 **(2) THE PLANNING AND EXECUTION OF THE COMPREHENSIVE**
2 **ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT SHALL BE CONDUCTED**
3 **BY AN ENVIRONMENTAL CONSULTANT WITH:**

4 **(I) RECOGNIZED EXPERIENCE; AND**

5 **(II) STATE AND FEDERAL CERTIFICATIONS IN HAZARDOUS**
6 **WASTE TESTING AND REMEDIATION.**

7 **(3) AN ENVIRONMENTAL CONSULTANT HIRED TO CONDUCT A**
8 **COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT**
9 **SHALL ESTABLISH A TESTING PLAN THAT DESCRIBES THE NUMBER AND**
10 **LOCATION OF ANY SAMPLES TAKEN ON THE PROPERTY.**

11 **(4) ANY SAMPLES TAKEN AS PART OF THE COMPREHENSIVE**
12 **ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT SHALL BE:**

13 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS**
14 **SUBSECTION, TAKEN IN ACCORDANCE WITH TESTING CRITERIA ESTABLISHED**
15 **BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, WHICH DETERMINES THE**
16 **MINIMUM NUMBER OF SAMPLES TO BE TAKEN;**

17 **(II) COLLECTED FROM DEPTHS RANGING FROM 6 INCHES**
18 **TO 3 FEET;**

19 **(III) TESTED TO DETERMINE THE PRESENCE OF:**

20 **1. HEAVY METALS;**

21 **2. ORGANOPESTICIDES;**

22 **3. ORGANOPHOSPHORUS; AND**

23 **4. CHLORINATED HERBICIDES; AND**

24 **(IV) EVALUATED USING EXISTING STATE OR FEDERAL**
25 **RISK-BASED STANDARDS, WHICHEVER IS MORE STRINGENT.**

1 **(5) FOR A GOLF COURSE WITH 18 HOLES OR FEWER THAT IS**
2 **CONTIGUOUSLY CONTAINED WITHIN THE PROPERTY THAT IS PROPOSED TO BE**
3 **REDEVELOPED, THE FOLLOWING MINIMUM SAMPLING STANDARDS SHALL**
4 **APPLY:**

5 **(I) TWO SAMPLES EACH FROM EIGHT DIFFERENT GREENS**
6 **AND TWO SAMPLES FROM AN ADJACENT DOWN-GRADIENT AREA;**

7 **(II) TWO SAMPLES EACH FROM SIX DIFFERENT TEES AND**
8 **TWO SAMPLES FROM AN ADJACENT DOWN-GRADIENT AREA;**

9 **(III) FIVE SAMPLES EACH FROM THREE DIFFERENT**
10 **FAIRWAYS;**

11 **(IV) ONE SAMPLE, PER EVERY 100 SQUARE FEET, FROM**
12 **AREAS ASSOCIATED WITH CHEMICAL STORAGE, MIXING, AND DISPENSING AND**
13 **ONE SAMPLE FROM AN ADJACENT DOWN-GRADIENT AREA;**

14 **(V) ONE SAMPLE, PER EVERY 100 SQUARE FEET, FROM**
15 **AREAS ASSOCIATED WITH VEHICLE MAINTENANCE, STORAGE, AND FUEL TANKS**
16 **AND ONE SAMPLE FROM AN ADJACENT DOWN-GRADIENT AREA;**

17 **(VI) ONE WATER SAMPLE AND ONE SEDIMENT SAMPLE FROM**
18 **EACH IRRIGATION WELL, POND, AND ADJACENT STREAM OR WETLAND; AND**

19 **(VII) REPRESENTATIVE SAMPLES, INCLUDING AREAS NOT**
20 **USED FOR GOLF OPERATIONS, TAKEN IN A GRID PATTERN ACROSS THE ENTIRE**
21 **PROPERTY.**

22 **(D) (1) THE DEPARTMENT SHALL ESTABLISH AN INDEPENDENT**
23 **PANEL CONSISTING OF AT LEAST FIVE MEMBERS OF THE SCIENTIFIC**
24 **COMMUNITY WITH KNOWLEDGE OF CHEMICAL ANALYSIS AND TESTING, WHICH**
25 **MAY INCLUDE SCIENTISTS FROM:**

26 **(I) THE DEPARTMENT;**

27 **(II) THE U.S. ENVIRONMENTAL PROTECTION AGENCY;**

28 **(III) THE U.S. ARMY CORPS OF ENGINEERS;**

1 (IV) UNIVERSITIES; AND

2 (V) STATE AND LOCAL CONSERVATION ORGANIZATIONS.

3 (2) THE INDEPENDENT PANEL SHALL:

4 (I) REVIEW AND APPROVE THE TESTING PLAN
5 ESTABLISHED UNDER SUBSECTION (C)(3) OF THIS SECTION; AND

6 (II) EVALUATE THE RESULTS OF ANY SAMPLES TAKEN AS
7 PART OF THE COMPREHENSIVE ENVIRONMENTAL CHARACTERIZATION AND
8 ASSESSMENT, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

9 (3) THE INDEPENDENT PANEL SHALL USE STANDARD SCIENTIFIC
10 PROTOCOLS, PROCEDURES, AND THE RISK-BASED STANDARDS UNDER
11 SUBSECTION (C)(4)(IV) OF THIS SECTION IN ITS EVALUATION UNDER
12 PARAGRAPH (2) OF THIS SUBSECTION.

13 (4) A PERSON MAY NOT BEGIN CONSTRUCTION ON THE
14 PROPERTY THAT IS PROPOSED FOR REDEVELOPMENT UNLESS THE
15 INDEPENDENT PANEL APPROVES THE TESTING PLAN AND FINDS ACCEPTABLE
16 LEVELS OF CONTAMINANTS IN ANY SAMPLES TAKEN ON THE PROPERTY.

17 (E) IF THE RESULTS OF A COMPREHENSIVE ENVIRONMENTAL
18 CHARACTERIZATION AND ASSESSMENT SHOW THE PRESENCE OF CONTAMINANT
19 LEVELS ON THE PROPERTY THAT IS PROPOSED FOR REDEVELOPMENT IN
20 EXCESS OF THE RISK-BASED STANDARDS UNDER SUBSECTION (C)(4)(IV) OF
21 THIS SECTION, THE DEPARTMENT SHALL:

22 (1) MAKE PUBLIC NOTICE OF THE COMPREHENSIVE
23 ENVIRONMENTAL CHARACTERIZATION AND ASSESSMENT; AND

24 (2) HOLD A PUBLIC HEARING ON REQUEST.

25 (F) IF THE RESULTS OF A COMPREHENSIVE ENVIRONMENTAL
26 CHARACTERIZATION AND ASSESSMENT SHOW THE PRESENCE OF CONTAMINANT
27 LEVELS ON THE PROPERTY PROPOSED FOR REDEVELOPMENT IN EXCESS OF THE
28 RISK-BASED STANDARDS UNDER SUBSECTION (C)(4)(IV) OF THIS SECTION, THE

1 **PERSON PROPOSING TO REDEVELOP THE PROPERTY SHALL REMEDIATE THE**
2 **SITE IN ACCORDANCE WITH EXISTING STATE AND FEDERAL LAWS AND**
3 **REGULATIONS BEFORE ANY CONSTRUCTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2007.