

HOUSE BILL 786

M3

71r1339
CF 71r2532

By: **Delegates Lawton, Beidle, Bobo, Bronrott, V. Clagett, Frush, Guzzone, Healey, Hubbard, Hucker, Lafferty, Lee, McIntosh, Montgomery, Niemann, Stein, F. Turner, and Waldstreicher**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management Act of 2007**

3 FOR the purpose of requiring certain local governments to update certain zoning
4 ordinances to allow for the implementation of certain environmental site design
5 techniques in certain stormwater management practices; requiring the
6 Department of the Environment to adopt regulations that establish a certain
7 model ordinance or model regulation for certain purposes; requiring the
8 Department to adopt regulations that specify certain criteria for certain
9 stormwater management plans and certain stormwater control ordinances;
10 requiring the Department to adopt regulations that specify certain
11 environmental site design techniques as the primary method for managing
12 stormwater under certain circumstances; requiring the Department to adopt
13 regulations that establish a certain comprehensive process for approving certain
14 grading and sediment control plans and certain stormwater management plans;
15 requiring the Department, on or before a certain date, to review a certain fee
16 system and establish a certain schedule of fees necessary to enforce certain
17 provisions of law; defining certain terms; and generally relating to stormwater
18 management.

19 BY adding to

20 Article – Environment

21 Section 4–201.1

22 Annotated Code of Maryland

23 (1996 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Environment
3 Section 4–202 and 4–203
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 2006 Supplement)

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

8 **Article – Environment**

9 **4–201.1.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) “ENVIRONMENTAL SITE DESIGN TECHNIQUE” MEANS A TECHNIQUE
13 USED IN A SITE DESIGN STRATEGY INTENDED TO MAINTAIN OR REPLICATE THE
14 PREDEVELOPMENT HYDROLOGIC AND WATER QUALITY REGIME OF A BUILDING
15 SITE.

16 (C) “ENVIRONMENTAL SITE DESIGN TECHNIQUE” INCLUDES:

17 (1) OPTIMIZING CONSERVATION OF NATURAL FEATURES, SUCH
18 AS DRAINAGE PATTERNS, SOILS, AND VEGETATION;

19 (2) MINIMIZING USE OF IMPERVIOUS SURFACES, SUCH AS PAVED
20 SURFACES, CONCRETE CHANNELS, AND PIPES;

21 (3) SLOWING DOWN RUNOFF TO MAINTAIN DISCHARGE TIMING
22 AND TO INCREASE INFILTRATION AND EVAPOTRANSPIRATION;

23 (4) USING AT-THE-SOURCE INTEGRATED CONTROL TECHNIQUES,
24 SUCH AS BIORETENTION, VEGETATED SWALES, AND INFILTRATION DEVICES;
25 AND

26 (5) USING POLLUTION PREVENTION MEASURES TO REDUCE THE
27 INTRODUCTION OF POLLUTANTS INTO THE ENVIRONMENT.

1 4-202.

2 (A) By July 1, 1984, each county and municipality shall adopt ordinances
3 necessary to implement a stormwater management program. These stormwater
4 management programs shall be consistent with flood management plans, if any,
5 developed under Title 5, Subtitle 8 of this article for a particular watershed, shall meet
6 the requirements established by the Department under § 4-203 of this subtitle, and
7 shall be consistent with the purposes of this subtitle.

8 (B) (1) EACH COUNTY AND MUNICIPALITY THAT EXERCISES
9 PLANNING AND ZONING AUTHORITY SHALL UPDATE LOCAL ZONING
10 ORDINANCES TO ALLOW FOR THE IMPLEMENTATION OF ENVIRONMENTAL SITE
11 DESIGN TECHNIQUES IN STORMWATER MANAGEMENT PRACTICES.

12 (2) EACH COUNTY AND MUNICIPALITY THAT IS SUBJECT TO THE
13 REQUIREMENTS OF THIS SECTION MAY BASE THEIR LOCAL ZONING ORDINANCE
14 ON THE DEPARTMENT'S MODEL ORDINANCE OR MODEL RULES AND
15 REGULATIONS REQUIRED UNDER § 4-203 OF THIS SUBTITLE.

16 4-203.

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

20 (b) The Department shall adopt rules and regulations which establish
21 criteria and procedures for stormwater management in Maryland. The rules and
22 regulations shall:

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

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

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

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

1 (5) **(I)** Specify the minimum content of the local ordinances or the
2 rules and regulations of the affected county governing body to be adopted which may
3 be done by inclusion of a model ordinance or model rules and regulations; **AND**

4 **(II) ESTABLISH A MODEL ORDINANCE OR MODEL RULE AND**
5 **REGULATION FOR A LOCAL ZONING ORDINANCE THAT ALLOWS FOR THE**
6 **IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN TECHNIQUES IN**
7 **STORMWATER MANAGEMENT PRACTICES;**

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

11 (7) Specify the minimum requirements for inspection and
12 maintenance of stormwater practices;

13 **(8) SPECIFY ALL STORMWATER MANAGEMENT PLANS AND**
14 **STORMWATER CONTROL ORDINANCES SHALL BE DESIGNED TO:**

15 **(I) PREVENT SOIL EROSION FROM ANY DEVELOPMENT OR**
16 **CONSTRUCTION PROJECT;**

17 **(II) PREVENT, TO THE MAXIMUM EXTENT PRACTICABLE, AN**
18 **INCREASE IN NONPOINT POLLUTION;**

19 **(III) MAINTAIN THE INTEGRITY OF STREAM CHANNELS FOR**
20 **THEIR BIOLOGICAL FUNCTION, AS WELL AS FOR DRAINAGE;**

21 **(IV) MINIMIZE POLLUTANTS IN STORMWATER RUNOFF**
22 **FROM NEW AND EXISTING DEVELOPMENT IN ORDER TO:**

23 **1. RESTORE, ENHANCE AND MAINTAIN THE**
24 **CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF THE WATERS OF THE**
25 **STATE;**

26 **2. PROTECT PUBLIC HEALTH;**

27 **3. SAFEGUARD FISH AND AQUATIC LIFE AND SCENIC**
28 **AND ECOLOGICAL VALUES; AND**

1 **4. ENHANCE THE DOMESTIC, MUNICIPAL,**
2 **RECREATIONAL, INDUSTRIAL, AND OTHER USES OF WATER;**

3 **(V) PROTECT PUBLIC SAFETY THROUGH THE PROPER**
4 **DESIGN AND OPERATION OF STORMWATER MANAGEMENT FACILITIES;**

5 **(VI) 1. MAINTAIN 100% OF AVERAGE ANNUAL**
6 **PREDEVELOPMENT GROUNDWATER RECHARGE VOLUME FOR THE SITE; OR**

7 **2. ENSURE THAT THE SITE WILL INFILTRATE THE**
8 **POSTDEVELOPMENT INCREASE OF STORMWATER RUNOFF VOLUME FOR THE**
9 **2-YEAR STORM EVENT COMPARED TO THE SITE'S PREDEVELOPMENT RUNOFF**
10 **VOLUME; AND**

11 **(VII) REQUIRE A DEMONSTRATION THROUGH HYDROLOGIC**
12 **AND HYDRAULIC ANALYSES THAT:**

13 **1. FOR STORMWATER LEAVING THE SITE,**
14 **POSTCONSTRUCTION RUNOFF HYDROGRAPHS FOR THE 2-, 10-, AND 100-YEAR**
15 **STORM EVENTS DO NOT EXCEED, AT ANY POINT IN TIME, THE**
16 **PRECONSTRUCTION RUNOFF HYDROGRAPHS FOR THE SAME STORM EVENTS; OR**

17 **2. THERE IS NO INCREASE, AS COMPARED TO THE**
18 **PRECONSTRUCTION CONDITION, IN THE PEAK RUNOFF RATES OF STORMWATER**
19 **LEAVING THE SITE FOR THE 2-, 10-, AND 100-YEAR STORM EVENTS AND THAT**
20 **THE INCREASED VOLUME OR CHANGE IN TIMING OF STORMWATER RUNOFF**
21 **WILL NOT INCREASE FLOOD DAMAGE AT OR DOWNSTREAM OF THE SITE;**

22 **(9) (I) SPECIFY THAT:**

23 **1. ENVIRONMENTAL SITE DESIGN TECHNIQUES ARE**
24 **THE PRIMARY METHOD FOR MANAGING STORMWATER;**

25 **2. STANDARD BEST MANAGEMENT PRACTICES MAY**
26 **BE USED ONLY AS A BACK-UP TO CATCH RUNOFF NOT DEALT WITH THROUGH**
27 **ENVIRONMENTAL SITE DESIGN TECHNIQUES; AND**

1 **3. A DEVELOPER HAS THE BURDEN OF PROOF TO**
2 **SHOW THAT THE USE OF ENVIRONMENTAL SITE DESIGN TECHNIQUES IS NOT**
3 **PRACTICAL; AND**

4 **(10) (I) ESTABLISH A COMPREHENSIVE PROCESS FOR**
5 **APPROVING GRADING AND SEDIMENT CONTROL PLANS AND STORMWATER**
6 **MANAGEMENT PLANS; AND**

7 **(II) SPECIFY THAT THE COMPREHENSIVE PROCESS**
8 **ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TAKES INTO**
9 **ACCOUNT THE CUMULATIVE IMPACTS OF BOTH PLANS.**

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

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

17 **(E) ON OR BEFORE OCTOBER 1, 2009, THE DEPARTMENT SHALL**
18 **REVIEW THE DEPARTMENT'S STORMWATER MANAGEMENT FEE SYSTEM AND**
19 **ESTABLISH AN APPROPRIATE SCHEDULE OF FEES NECESSARY TO ENFORCE THE**
20 **PROVISIONS OF THIS SUBTITLE.**

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