

# SENATE BILL 784

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CF HB 786

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By: **Senators Rosapepe, Britt, and Pinsky**  
Introduced and read first time: February 14, 2007  
Assigned to: Rules

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## 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)

24 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment  
Section 4–202 and 4–203  
Annotated Code of Maryland  
(1996 Replacement Volume and 2006 Supplement)

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

**Article – Environment**

**4–201.1.**

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

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

(C) “ENVIRONMENTAL SITE DESIGN TECHNIQUE” INCLUDES:

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

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

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

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

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

4–202.

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

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

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

15 4-203.

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

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

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

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

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

29           (4) Specify the exemptions a county or municipality may grant from  
30 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.