

# HOUSE BILL 623

M3, M4

3lr2079

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By: **Delegates Smigiel, Afzali, Glass, Hough, and McDermott**

Introduced and read first time: February 1, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sediment Control – Agricultural Land Management Practices**

3 FOR the purpose of defining “agricultural land management practices” to clarify the  
4 application of a certain exemption from certain sediment control requirements;  
5 and generally relating to agricultural land management practices.

6 BY repealing and reenacting, with amendments,  
7 Article – Environment  
8 Section 4–101.1  
9 Annotated Code of Maryland  
10 (2007 Replacement Volume and 2012 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Environment  
13 Section 4–102  
14 Annotated Code of Maryland  
15 (2007 Replacement Volume and 2012 Supplement)

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

18 **Article – Environment**

19 4–101.1.

20 (a) In this title the following words have the meanings indicated.

21 **(B) (1) “AGRICULTURAL LAND MANAGEMENT PRACTICES” MEANS**  
22 **THOSE METHODS AND PROCEDURES USED IN THE PREPARATION AND**  
23 **CULTIVATION OF LAND IN ORDER TO FURTHER CROP AND LIVESTOCK**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PRODUCTION, COMMERCIAL AGRICULTURE CULTIVATION, NURSERY  
2 PRODUCTION, INCLUDING CONTAINERIZED GROWING STOCK, AND ANY  
3 NECESSARY CONSERVATION OF RELATED SOIL AND WATER RESOURCES.

4 (2) "AGRICULTURAL LAND MANAGEMENT PRACTICES" DOES NOT  
5 INCLUDE LOGGING AND TIMBER REMOVAL OPERATIONS.

6 [(b)] (C) "Person" includes the federal government, the State, any county,  
7 municipal corporation, or other political subdivision of the State, or any of their units.

8 [(c)] (D) "Pollution" means any contamination or other alteration of the  
9 physical, chemical, or biological properties of any waters of this State, including a  
10 change in temperature, taste, color, turbidity, or odor of the waters or the discharge or  
11 deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive,  
12 or other substances into any waters of this State, that will render the waters harmful  
13 or detrimental to:

14 (1) Public health, safety, or welfare;

15 (2) Domestic, commercial, industrial, agricultural, recreational, or  
16 other legitimate beneficial uses;

17 (3) Livestock, wild animals, or birds; or

18 (4) Fish or other aquatic life.

19 [(d)] (E) "Waters of this State" includes:

20 (1) Both surface and underground waters within the boundaries of  
21 this State subject to its jurisdiction, including that part of the Atlantic Ocean within  
22 the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds,  
23 lakes, rivers, streams, storm drain systems, public ditches, tax ditches, and public  
24 drainage systems within this State, other than those designed and used to collect,  
25 convey, or dispose of sanitary sewage; and

26 (2) The flood plain of free-flowing waters determined by the  
27 Department of Natural Resources on the basis of the 100-year flood frequency.

28 4-102.

29 The provisions of this subtitle do not apply to agricultural land management  
30 practices, construction of agricultural structures, or, except in Calvert County, to  
31 construction of single-family residences or their accessory buildings that disturb an  
32 area of less than one-half acre and occur on lots of two acres or more. Regardless of  
33 planning, zoning, or subdivision controls, a county or municipality may not issue a  
34 permit for grading or construction of any building, other than those matters exempted

1 by the provisions of this section, unless the grading or construction conforms with  
2 plans approved as provided in this subtitle.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.