

# Chapter 81

## (House Bill 97)

AN ACT concerning

### **Environment – Sediment Control and Stormwater Management Plans – Authority**

FOR the purpose of authorizing the Department of the Environment to designate certain sediment control plan and stormwater management plan review and approval authority; and generally relating to the review and approval of sediment control and stormwater management plans.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 4–105(a), 4–106, and 4–205  
Annotated Code of Maryland  
(2007 Replacement Volume and 2012 Supplement)

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

### **Article – Environment**

4–105.

(a) (1) (i) In this section, “construction” means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise disturbing land for any purpose.

(ii) “Construction” includes land disturbing activities for the purpose of:

1. Constructing buildings;
2. Mining minerals;
3. Developing golf courses; and
4. Constructing roads and installing utilities.

(2) (i) Before any person begins any construction, the appropriate approval authority shall first receive, review, and approve the proposed earth change and the sediment control plan.

(ii) Except as provided in subsection (b) of this section, the approval authority is:

1. The appropriate soil conservation district;
2. A municipal corporation in Montgomery County that is designated by a soil conservation district under paragraph (6) of this subsection;
3. Any municipality not within a soil conservation district;
4. If a State or federal unit undertakes any construction, the Department **OR THE DEPARTMENT'S DESIGNEE**; or
5. For abandoned mine reclamation projects conducted by the Department pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the Department.

(iii) Criteria used by the Department **OR THE DEPARTMENT'S DESIGNEE** for review and approvals under subparagraph (ii)4 of this paragraph:

1. Shall meet or exceed current Maryland standards and specifications for soil erosion and sediment control; or
2. If alternative standards are applied, shall be reviewed and approved by the Department.

(3) A person may not begin or perform any construction unless the person:

- (i) Obtains an approved sediment control plan;
- (ii) Implements the measures contained in the approved sediment control plan;
- (iii) Conducts the construction as specified in the sequence of construction contained in the approved sediment control plan;
- (iv) Maintains the provisions of the approved sediment control plan; and
- (v) Implements any sediment control measures reasonably necessary to control sediment runoff.

(4) In consultation with the person responsible for performing the construction, the Department, jurisdictions delegated enforcement authority under § 4–103(e)(2) of this subtitle, or the appropriate approval agency may require modifications to an approved sediment control plan if the approved plan is not adequate to control sediment or erosion.

(5) A person performing construction that proposes a major change to an approved sediment control plan shall submit the proposed change to the appropriate approval authority for review and approval.

(6) A soil conservation district may delegate approval authority under paragraph (2) of this subsection to a municipal corporation in Montgomery County that:

(i) Has its own sediment control review provisions that are at least as stringent as the provisions of the grading and sediment control plan of the soil conservation district;

(ii) Issues sediment control permits; and

(iii) Meets the necessary performance standards established by written agreement between the district and the municipal corporation.

4–106.

If a State or federal unit undertakes any construction as defined in § 4–105(a)(1) of this subtitle, the Department [of the Environment] **OR THE DEPARTMENT'S DESIGNEE** shall review and approve this action and enforce the provisions of this subtitle and any plans approved under this subtitle.

4–205.

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

(b) After July 1, 1984, a State or federal agency may not undertake any land clearing, soil movement, or construction activity involving soil movement unless the agency has submitted and obtained approval of a stormwater management plan from the Department **OR THE DEPARTMENT'S DESIGNEE**.

(c) (1) On the request of a county or municipality, the Department [of the Environment] **OR THE DEPARTMENT'S DESIGNEE** shall require that a State or federal agency submit a stormwater management plan to the requesting jurisdiction for review and comment, which review and comment shall be completed, returned, and received by the State or federal agency within 21 calendar days of receipt of the plan.

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

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

**Approved by the Governor, April 9, 2013.**