

SENATE BILL 440

M3

7lr2458
CF HB 557

By: **Senators Conway and Salling**

Introduced and read first time: January 30, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water Management – Sediment Control at Large Redevelopment**
3 **Sites**

4 FOR the purpose of prohibiting a county or municipality from issuing a grading or building
5 permit until the developer submits a grading and sediment control plan approved by
6 the Department of the Environment if the property that is the subject of the permit
7 is, or is included in, a certain large redevelopment site; requiring the Department to
8 determine certain criteria for certain large redevelopment sites; providing that the
9 Department is the approval authority for certain large redevelopment sites; defining
10 the term “large redevelopment site”; and generally relating to sediment control at
11 large redevelopment sites.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 4–101.1, 4–103(a), and 4–105
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2016 Supplement)

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

19 Article – Environment

20 4–101.1.

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

22 (B) **“LARGE REDEVELOPMENT SITE” MEANS ANY REAL PROPERTY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



5 (3) FOR WHICH THE DEPARTMENT HAS RECEIVED:

9 (II) ONE OR MORE PLANS FOR REMEDIAL ACTION BY A
10 RESPONSIBLE PARTY IN ACCORDANCE WITH § 7-222 OF THIS ARTICLE.

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

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

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

19 (2) Domestic, commercial, industrial, agricultural, recreational, or other
20 legitimate beneficial uses;

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

22 (4) Fish or other aquatic life.

23 [(d)] (E) “Waters of this State” includes:

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

4 (i) Submits a grading and sediment control plan approved by:

5 1. The appropriate soil conservation district; [or]

3. THE DEPARTMENT, IF THE PROPERTY THAT IS THE
ING OR BUILDING PERMIT IS, OR IS INCLUDED IN, A LARGE
; AND

11 (ii) Certifies that all land clearing, construction, and development
12 will be done under the plan.

17 (II) FOR LARGE REDEVELOPMENT SITES, CRITERIA FOR
18 SEDIMENT CONTROL SHALL BE DETERMINED BY THE DEPARTMENT.

(4) A soil conservation district may delegate approval authority of a grading and sediment control plan to a municipal corporation in Montgomery County that:

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

24 (ii) Issues sediment control permits; and

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

27 4-105.

(ii) "Construction" includes land disturbing activities for the purpose

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

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

6. FOR LARGE REDEVELOPMENT SITES, THE

23 (iii) Criteria used by the Department or the Department's designee
24 for review and approvals under subparagraph (ii)4 of this paragraph:

29 (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 operations contained in the approved sediment control plan;
- (iv) Maintains the provisions of the approved sediment control plan;
- (v) Implements any sediment control measures reasonably designed to control sediment runoff.

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

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

23 (ii) Issues sediment control permits; and

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

26 (b) In Montgomery County, notwithstanding the provisions of subsection (c) of
27 this section and § 4–103(a)(1) of this subtitle, the soil conservation district may delegate
28 the authority to review and approve or reject any sediment control plans for nonagricultural
29 construction to the Montgomery County government by written agreement between the
30 district and the county government department authorized by county law or regulation to
31 perform those functions.

32 (c) In Prince George's and Montgomery counties, the Washington Suburban
33 Sanitary Commission, after consultation with and advice of the soil conservation districts
34 of the two counties and the Department of the Environment, shall prepare and adopt rules
35 and regulations for erosion and sediment control requirements for utility construction

SENATE BILL 440

1 work. The rules and regulations shall be adopted and enforced as are others of the
2 Commission under authority conferred by other laws. These rules and regulations apply to
3 any utility construction work in Prince George's and Montgomery counties. The provisions
4 of this subsection do not apply until the soil conservation district in each county approves
5 erosion and sediment control requirements for utility construction work in that county.

6 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect July
7 1, 2017.