

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 440

(Senators Conway and Salling)

Education, Health, and Environmental Affairs

Environment and Transportation

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**Environment - Water Management - Sediment Control at Large Redevelopment Sites**

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This bill establishes the Maryland Department of the Environment (MDE) as the approval authority for grading, earth change, and sediment control plans for large redevelopment sites. MDE must develop sediment control criteria for these sites that are as protective of the environment as criteria required by soil conservation districts and MDE for all other sites. A “large redevelopment site” is defined as any real property that (1) consists of one or more contiguous parcels that are collectively more than 500 acres; (2) is being used, or was formerly used, for industrial purposes and manufacturing; and (3) for which MDE has received at least one application to participate in MDE’s Voluntary Cleanup Program or at least one plan for remedial action by a responsible party, the owner or operator of the site, or a prospective purchaser of the site in accordance with specified provisions of law relating to the release of hazardous substances into the environment.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** Because it is assumed that the bill only applies in a limited number of cases, MDE can implement the bill’s requirements with existing budgeted resources, as discussed below. Revenues are not affected.

**Local Effect:** Because it is assumed that the bill only applies in a limited number of cases, the bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** A county or municipality may issue grading and building permits but may only issue such a permit to a developer who has submitted a grading and sediment control plan approved by the appropriate approval authority.

In addition, before a person begins any land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or other disturbing of land for any purpose, the appropriate approval authority must review and approve the proposed earth change and the sediment control plan. The approval authority is (1) the appropriate soil conservation district; (2) a municipal corporation in Montgomery County (under specified conditions); (3) any municipality not within a soil conservation district; or (4) MDE, for State or federal plans and for abandoned mine reclamation projects conducted by MDE.

Under the Code of Maryland Regulations, a person must obtain an approved final stormwater management plan prior to developing any land, including developments that disturb 5,000 square feet or more. Approved grading and sediment control plans must be incorporated into an approved stormwater management plan. Thus, any construction affected by the bill likely also needs a final stormwater management plan that incorporates an approved grading and sediment control plan.

**Background:** The purpose of MDE's Voluntary Cleanup Program is to (1) encourage the investigation of eligible properties with known or perceived contamination; (2) protect public health and the environment where cleanup projects are being performed or need to be performed; (3) accelerate cleanup of eligible properties; and (4) provide predictability and finality to the cleanup of eligible properties.

Under provisions of the Environment Article relating to the release of hazardous substances into the environment, the Secretary of the Environment is given authority to take remedial action if any hazardous substance is released (or there is a substantial threat of a release) unless the Secretary determines that a removal and remedial action will be done properly and in a timely manner by the owner or operator of the facility or by any other responsible party.

**State Expenditures:** MDE advises that there are only two existing sites that likely fall under the bill's definition of a "large redevelopment site." In addition, MDE reports that over the last 20 years, only two sites would have been affected by the bill. Because it is assumed that the bill only applies in a limited number of cases, MDE can implement the bill's requirements with existing budgeted resources.

## Additional Information

**Prior Introductions:** None.

## **Cross File: HB 557 (Delegate Stein, *et al.*) - Environment and Transportation.**

**Information Source(s):** cities of Baltimore and College Park; Harford, Montgomery, and Wicomico counties; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2017  
mm/lgc Third Reader - March 14, 2017  
Revised - Amendment(s) - March 14, 2017

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