

HOUSE BILL 1428

M3

8lr3498

By: **Delegates Flanagan, Fraser–Hidalgo, Frush, Gilchrist, Healey, McMillan, Otto, and Robinson**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Environment – Stormwater Management Infrastructure – Historic Districts**

3 FOR the purpose of requiring the Department of the Environment to adopt regulations to
4 require certain stormwater management infrastructure for a development or
5 redevelopment project in a certain locally designated historic district be designed in
6 a certain manner; defining certain terms; and generally relating to stormwater
7 management infrastructure.

8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 4–201.1(a) and 4–203(a)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2017 Supplement)

13 BY adding to

14 Article – Environment

15 Section 4–201.1(e) and (f)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Environment

20 Section 4–203(b)

21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2013 Replacement Volume and 2017 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.

(E) “QUALIFIED HISTORIC DISTRICT” MEANS A LOCALLY DESIGNATED HISTORIC DISTRICT IN WHICH:

(1) NONTIDAL FLOODING HAS RESULTED IN:

(I) A DEMONSTRABLE THREAT TO THE LIFE AND SAFETY OF INDIVIDUALS; ~~OR~~ AND

(II) THE DEATH OF AN INDIVIDUAL AFTER JULY 29, 2016; ~~AND~~

(2) THERE IS A HISTORY OF RAPID FLOODING EVENTS IN GEOMORPHIC LOW-LYING AREAS FROM HEAVY RAINFALL; AND

~~(2)~~ (3) FOUR OR MORE REPETITIVE LOSS PROPERTIES ARE LOCATED.

(F) “REPETITIVE LOSS PROPERTY” MEANS AN INSURABLE BUILDING FOR WHICH TWO OR MORE CLAIMS OF MORE THAN \$1,000 WERE PAID BY THE NATIONAL FLOOD INSURANCE PROGRAM WITHIN ANY ROLLING 10-YEAR PERIOD SINCE 1978, WHETHER OR NOT THE PROPERTY IS CURRENTLY INSURED UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

4–203.

(a) The Department of the Environment shall implement the provisions of this subtitle and shall consult the Department of Natural Resources from time to time, including during the adoption of regulations, concerning the impact of stormwater on waters of the State.

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

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

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

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

5 (4) Specify the exemptions a county or municipality may grant from the
6 requirements of submitting a stormwater management plan;

7 (5) (i) Specify the minimum content of the local ordinances or the rules
8 and regulations of the affected county governing body to be adopted which may be done by
9 inclusion of a model ordinance or model rules and regulations; and

10 (ii) Establish regulations and a model ordinance that require:

11 1. The implementation of environmental site design to the
12 maximum extent practicable;

13 2. The review and modification, if necessary, of planning and
14 zoning or public works ordinances to remove impediments to environmental site design
15 implementation; and

16 3. A developer to demonstrate that:

17 A. Environmental site design has been implemented to the
18 maximum extent practicable; and

19 B. Standard best management practices have been used only
20 where absolutely necessary;

21 (6) Indicate that water quality practices may be required for any
22 redevelopment, even when predevelopment runoff characteristics are maintained;

23 (7) Specify the minimum requirements for inspection and maintenance of
24 stormwater practices;

25 (8) Specify that all stormwater management plans shall be designed to:

26 (i) Prevent soil erosion from any development project;

27 (ii) Prevent, to the maximum extent practicable, an increase in
28 nonpoint pollution;

29 (iii) Maintain the integrity of stream channels for their biological
30 function, as well as for drainage;

1 (iv) Minimize pollutants in stormwater runoff from new development
2 and redevelopment in order to:

3 1. Restore, enhance, and maintain the chemical, physical,
4 and biological integrity of the waters of the State;

5 2. Protect public health;

6 3. Safeguard fish and aquatic life and scenic and ecological
7 values; and

8 4. Enhance the domestic, municipal, recreational, industrial,
9 and other uses of water as specified by the Department;

10 (v) Protect public safety through the proper design and operation of
11 stormwater management facilities;

12 (vi) Maintain 100% of average annual predevelopment groundwater
13 recharge volume for the site;

14 (vii) Capture and treat stormwater runoff to remove pollutants and
15 enhance water quality;

16 (viii) Implement a channel protection strategy to reduce downstream
17 erosion in receiving streams; and

18 (ix) Implement quantity control strategies to prevent increases in the
19 frequency and magnitude of out-of-bank flooding from large, less frequent storm events;
20 [and]

21 (9) (i) Establish a comprehensive process for approving grading and
22 sediment control plans and stormwater management plans; and

23 (ii) Specify that the comprehensive process established under item
24 (i) of this item takes into account the cumulative impacts of both plans; AND

25 **(10) FOR ANY DEVELOPMENT OR REDEVELOPMENT PROJECT WITHIN A**
26 **QUALIFIED HISTORIC DISTRICT, REQUIRE STORMWATER MANAGEMENT**
27 **INFRASTRUCTURE THAT IS DESIGNED IN A MANNER TO PROTECT THE PHYSICAL**
28 **INTEGRITY OF THE STORMWATER MANAGEMENT INFRASTRUCTURE DURING A**
29 **100-YEAR STORM EVENT.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
31 1, 2018.