



February 24, 2021

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 663 – Charles County - Cemeteries - Sediment Control, Stormwater Management, and Forest Conservation

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 663, entitled *Charles County - Cemeteries - Sediment Control, Stormwater Management, and Forest Conservation* and would like to offer a letter of information about this legislation.

SB 663 amends Environment Article §§ 4-102 and 4-204 providing an exemption for cemeteries located in Charles County from the requirement to obtain and implement an approved erosion and sediment control plan and an approved stormwater management plan. The purpose of Environment Article § 4-102 is to protect the waters of the State from harm resulting from pollution generated by soil erosion and sediment discharges. The law does this by requiring proper implementation of sediment and erosion control practices per an approved erosion and sediment control plan. The purpose of Environment Article § 4-202 is to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, all of which have adverse impacts on the water and land resources of Maryland. This is achieved through the requirement of obtaining and implementing an approved stormwater management plan.

The proposed Bill does not exempt cemeteries from the requirements of Environment Article §9-322 and/or §9-232, nor can it exempt cemeteries from meeting the requirements of the General NPDES Permit for Stormwater Associated with Construction Activity (14-GP). The 14-GP is required for all land disturbances greater than one acre. An approved erosion and sediment control plan prescribes the necessary action to ensure compliance with these two legal obligations. Without the plan the site owner and the public are left to judge whether the requirements have been met. An approved erosion and sediment control plan is required to obtain coverage under the 14-GP. This proposed Bill would result in an inconsistency between two statutes and will likely cause confusion for the property owner.

While the proposed Bill exempts cemeteries in Charles County from obtaining an approved stormwater management plan prior to issuance of a grading permit, exemption from a plan does not exempt the property owner from the requirement to prevent off-site stormwater impacts. The approved stormwater management plan provides a clear path towards prevention of unmanaged, off-site stormwater runoff. Cemeteries are not without the potential to create deleterious off-site stormwater

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impacts. Without proper stormwater management, downstream flooding, erosion, and stormwater pollution can occur.

In addition, Charles County is home to approximately 41 Tier II high quality waters making it one of the top, if not the top, County in Maryland having high quality waters. Both the erosion and sediment control plan and the stormwater management plan provide some assurance that harmful stormwater discharges to those high-quality waters will be prevented. The plans prescribe what should be implemented to prevent harmful discharges from occurring. Without an approved plan, and a requirement to implement it, there is a greater likelihood that downstream impacts will occur.

Thank you for your consideration. We will continue to monitor Senate Bill 663 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Arthur Ellis