

**SB663\_CBF\_OPPOSE\_ErikFisher.pdf**

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# CHESAPEAKE BAY FOUNDATION

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*Environmental Protection and Restoration  
Environmental Education*

## **Senate Bill 663**

Charles County - Cemeteries - Sediment Control, Stormwater Management, and Forest Conservation

Date: February 24, 2021

To: Education, Health & Environmental Affairs Committee

Position: Oppose

Contact: Erik Fisher, AICP

Maryland Assistant Director

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Chesapeake Bay Foundation (CBF) **OPPOSES** SB 663, which would exempt new or expanding cemeteries in Charles County from rules that protect soil, water, and forests.

### **SB 663 would allow new or expanding cemeteries to ignore environmental laws, putting the environment at risk.**

Like other forms of development, creating and expanding a cemetery can require tree clearing, grading, and paving over fields and forest land. Clearing forest, grading land, and building roads causes significant environmental impacts. These impacts are felt particularly strongly in Charles County, which has lost the third most forest acreage of any Maryland county over the past 15 years.

SB 663 would introduce 'use tests' and 'geography tests' that do not currently exist in state sediment control and forest conservation laws – and that bear no relationship to the impact of the development activity. Public services such as parks, libraries, fire stations and hospitals are all subject to these rules, and successfully comply with them.

### **Environmental laws help prevent erosion, treat runoff, and reduce forest loss during development.**

Grading land exposes and disturbs soil, which is easily lost from a development site and deposited in local waterways. Cutting forest increases nutrient pollution, destroys habitat, and eliminates a critical climate control and clean-air filter. Hardened surfaces and compacted open areas increase the amount and content of stormwater, potentially leading to community flooding and poor water quality.

While Maryland's environmental laws could be strengthened, they stipulate basic protection and mitigation measures needed to protect communities and maintain clean water. The state also relies on these laws to remain in compliance with Clean Water Act permits and fulfill its commitment to mitigate development impacts in the Chesapeake Bay TMDL and WIP.

**CBF urges the Committee's UNFAVORABLE report on SB 663.** For more information, please contact Robin Jessica Clark, Maryland Staff Attorney at [rclark@cbf.org](mailto:rclark@cbf.org) and 443.995.8753.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

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Position: INFO



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary  
Horacio Tablada, Deputy Secretary

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

The Honorable Paul G. Pinsky

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](mailto: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