

HB1415.Letter of Support.pdf

Uploaded by: Reuben Collins

Position: FAV



Charles County Government

CHARLES COUNTY COMMISSIONERS

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Mark Belton
County Administrator

March 9, 2022

Bill: HB 1415 Grading and Sediment Control Plans - Agricultural Land Management Practices - Definition
Committee: Environment and Transportation
Position: FAVORABLE

Dear Chairman Barve, Vice Chairman Stein, and Members:

On behalf of the County Commissioners for Charles County, it is our sincere pleasure to support passage of HB 1415 Grading and Sediment Control Plans - Agricultural Land Management Practices – Definition.

HB 1415 seeks to include a definition of “agricultural land management practices” in the Maryland Code to expressly include the acts of clearing and grading land in preparation for agricultural land management practices, in order to ensure the activity is exempt from the Stormwater Water Management Plan requirements. Currently, there is ambiguity in the regulations that create uncertainty as to whether clearing and grading of land in preparation for an agricultural land management practice is exempt.

The Commissioners have heard from constituents that are active in the agricultural community, and they have raised concerns about the requirement to complete the stormwater management “Three Step Process,” under the notion that agricultural land management practices are exempt. HB1415 will clarify that clearing and grading property in order to establish cultivatable agricultural land is an exempt agricultural land management practice, and will not require a stormwater management plan under COMAR 26.17.02.

We encourage a favorable committee report on HB 1415. Thank you for the opportunity to provide our full support.

Sincerely,

County Commissioners of Charles County
Reuben B. Collins, II, Esq., President

cc: Charles County Delegation

HB 1415 Grading and erosion control plans on Agric

Uploaded by: Doug Myers

Position: UNF



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 1415

Grading and Sediment Control Plans – Agricultural Land Management Practices – Definition

Date: March 11, 2022

Position: **Oppose**

To: Environment and Transportation Committee

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES** HB 1415, which would exempt certain agricultural land management practices from grading and sediment control plans.

Clearing and grading of land for any purpose is a significant source of nutrient and sediment pollution to local streams, rivers and the Chesapeake Bay. This fact is reflected in the calculations of the Chesapeake Bay Model which identify the largest loads of these pollutants associated with land use conversions.

The Environment Code specifically requires grading and sediment control plans to avoid and minimize this source of pollution. The definition of Agricultural Land Management Practices being sought in this bill is broad enough to cover just about any activity that could occur on a farm, including the destruction of forested lands near a stream. Agency expertise to review and approve such plans, including evaluation of steep slopes, minimizing how much open soil is exposed at a given time and grading recommendations specific to a site are the first lines of defense against this pollution source.

CBF urges the Committee's UNFAVORABLE report on HB 1415. For more information, please contact Robin Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403
Phone (410) 268-8816 • Fax (410) 280-3513

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.

House Bill 1415 - Grading and Sediment Control Pla

Uploaded by: Jen Nelson

Position: UNF



March 11, 2022

The Honorable Kumar Barve, Chairman
House Environment and Transportation Committee

Re: House Bill 1415 - Grading and Sediment Control Plans - Agricultural Land Management Practices – Definition

Position: **OPPOSE**

Chairman Barve & Committee Members:

On behalf of the Maryland Association of Soil Conservation Districts (MASCD) we express our **opposition** for House Bill 1415, Grading and Sediment Control Plans - Agricultural Land Management Practices – Definition. This bill would permit agricultural landowners to conduct timber clearing and land grading, without an approved erosion and sediment control plan. The requirement of an erosion and sediment control plan for a clearing and grading operation has always been backed by Maryland law along with the current definition of "agricultural land management practices".

Erosion and Sediment control plans provide a thorough assessment of erosion conditions that are created from any proposed grading and implement the necessary sediment controls to minimize runoff during land disturbances. Our districts provide current landowners with two options for an intended timber removal operation:

1. Obtain approval of an **Erosion and Sediment Control Plan for Forest Harvest Operations** not including stump removal or grading.
2. Obtain approval of a standard **Erosion and Sediment Control Plan** to include the desired tree removal and desired land grading.

The result of this bill, as written, would be that land clearing and grading operations could occur without needed erosion and sediment controls being present. Grading could also occur without any assessment as to the effect of changes to drainage patterns inside and outside the limits of the disturbed site, including adjacent properties, and Chesapeake Bay tributaries. We respectfully request an **UNFAVORABLE** report of House Bill 1415. Thank you for your kind consideration and attention to this legislation.

Respectfully Submitted,

Jen Nelson, Executive Director
Maryland Association of Soil Conservation Districts

HB1415_INFO_Abbott

Uploaded by: Tyler Abbot

Position: INFO



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

March 11, 2022

The Honorable Kumar P. Barve
House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 1415 – Grading and Sediment Control Plans – Agricultural Land Management Practices

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 1415, entitled *Grading and Sediment Control Plans – Agricultural Land Management Practices*, and would like to offer a letter of concern about this legislation. The Department would like to note that we are currently in conversations with the county to understand the intent of this legislation.

HB 1415 would define agricultural land management practices to include the clearing and grading of land required to cultivate land to further crop and livestock production, and conservation of related soil and water resources. This language expands activities that are exempt from needing an approved erosion and sediment control plan under state law.

However, this does not alter federal law, which requires an approved erosion and sediment control plan for these same activities under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activity, Permit No. 14-GP (14-GP). The 14-GP requires an erosion and sediment control plan (E&SC) approved under the state's program as part of its application for the 14-GP. If this bill were to pass, the Department will be obligated to issue individual NPDES permits for these activities. The only alternative would be for the applicant to apply for and achieve an approved E&SC, only leading to additional frustration and delays for the individual(s). The Department will need to develop a new administrative process for the approval of erosion and sediment control plans and the issuing of individual NPDES permits for these activities that will become exempt under state law.

It is unclear how many projects would fall into this expanded exemption category if the proposed bill were to pass. The Department's best estimate is it could be anywhere from 50-100 projects that would need individual permits, instead of receiving coverage under the general permit. It is also unclear how the Department would enforce this new exemption. There may be circumstances where an inspector observes the clearing of acres of forest and it is asserted that it is being cleared for agricultural purposes and is therefore exempt, only for sometime later for it to be discovered that a different type of project, such as a strip mall, was erected at the same site.

Thank you for considering the Department's concerns regarding this legislation. We will continue to monitor HB 1415 during the committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or 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 Charles County Delegation
Lee Currey, Director, Water and Science Administration