

HOUSE BILL 557

M3

7lr2445
CF SB 440

By: **Delegates Stein, Jalisi, Lafferty, ~~Lewis~~ R. Lewis, and McCray**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Environment – Water Management – Sediment Control at Large Redevelopment**
3 **Sites**

4 FOR the purpose of prohibiting a county or municipality from issuing a grading or building
5 permit until the developer submits a grading and sediment control plan approved by
6 the Department of the Environment if the property that is the subject of the permit
7 is, or is included in, a certain large redevelopment site; requiring the Department to
8 determine certain criteria for certain large redevelopment sites; providing that the
9 Department is the approval authority for certain large redevelopment sites; defining
10 the term “large redevelopment site”; and generally relating to sediment control at
11 large redevelopment sites.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 4–101.1, 4–103(a), and 4–105
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 4–101.1.

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.



1 (a) In this title the following words have the meanings indicated.

2 (B) “LARGE REDEVELOPMENT SITE” MEANS ANY REAL PROPERTY:

3 (1) CONSISTING OF ONE OR MORE CONTIGUOUS PARCELS THAT ARE
4 COLLECTIVELY MORE THAN ~~100~~ 500 ACRES;

5 (2) THAT IS BEING USED, OR WAS FORMERLY USED, FOR INDUSTRIAL
6 PURPOSES AND MANUFACTURING; AND

7 (3) FOR WHICH THE DEPARTMENT HAS RECEIVED:

8 (I) ONE OR MORE APPLICATIONS FOR PARTICIPATION IN THE
9 VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THIS ARTICLE;
10 OR

11 (II) ONE OR MORE PLANS FOR REMEDIAL ACTION BY A
12 RESPONSIBLE PARTY, THE OWNER OR OPERATOR OF THE SITE, OR A PROSPECTIVE
13 PURCHASER OF THE SITE IN ACCORDANCE WITH § 7-222 OF THIS ARTICLE.

14 [(b)] (C) “Person” includes the federal government, the State, any county,
15 municipal corporation, or other political subdivision of the State, or any of their units.

16 [(c)] (D) “Pollution” means any contamination or other alteration of the physical,
17 chemical, or biological properties of any waters of this State, including a change in
18 temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any
19 organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substances
20 into any waters of this State, that will render the waters harmful or detrimental to:

21 (1) Public health, safety, or welfare;

22 (2) Domestic, commercial, industrial, agricultural, recreational, or other
23 legitimate beneficial uses;

24 (3) Livestock, wild animals, or birds; or

25 (4) Fish or other aquatic life.

26 [(d)] (E) “Waters of this State” includes:

27 (1) Both surface and underground waters within the boundaries of this
28 State subject to its jurisdiction, including that part of the Atlantic Ocean within the
29 boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes,
30 rivers, streams, storm drain systems, public ditches, tax ditches, and public drainage
31 systems within this State, other than those designed and used to collect, convey, or dispose
32 of sanitary sewage; and

1 (2) The flood plain of free-flowing waters determined by the Department
2 of Natural Resources on the basis of the 100-year flood frequency.

3 4-103.

4 (a) (1) A county or municipality may issue grading and building permits as
5 provided by law.

6 (2) A grading or building permit may not be issued until the developer:

7 (i) Submits a grading and sediment control plan approved by:

8 1. The appropriate soil conservation district; [or]

9 2. A municipal corporation in Montgomery County that is
10 designated under paragraph (4) of this subsection; [and] OR

11 **3. THE DEPARTMENT, IF THE PROPERTY THAT IS THE**
12 **SUBJECT OF THE GRADING OR BUILDING PERMIT IS, OR IS INCLUDED IN, A LARGE**
13 **REDEVELOPMENT SITE; AND**

14 (ii) Certifies that all land clearing, construction, and development
15 will be done under the plan.

16 (3) **(I) [Criteria] EXCEPT FOR LARGE REDEVELOPMENT SITES,**
17 **CRITERIA** for sediment control and the procedure for referring an applicant to the
18 appropriate soil conservation district shall be acceptable to the soil conservation district
19 and the Department of the Environment.

20 **(II) FOR LARGE REDEVELOPMENT SITES, CRITERIA FOR**
21 **SEDIMENT CONTROL SHALL BE DETERMINED BY THE DEPARTMENT AND SHALL BE**
22 **AS PROTECTIVE OF THE ENVIRONMENT AS THE CRITERIA REQUIRED UNDER**
23 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

24 (4) A soil conservation district may delegate approval authority of a
25 grading and sediment control plan to a municipal corporation in Montgomery County that:

26 (i) Has its own sediment control review provisions that are at least
27 as stringent as the provisions of the grading and sediment control plan of the soil
28 conservation district;

29 (ii) Issues sediment control permits; and

30 (iii) Meets the necessary performance standards established by
31 written agreement between the district and the municipal corporation.

1 4-105.

2 (a) (1) (i) In this section, “construction” means land clearing, grubbing,
3 topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise
4 disturbing land for any purpose.

5 (ii) “Construction” includes land disturbing activities for the purpose
6 of:

- 7 1. Constructing buildings;
- 8 2. Mining minerals;
- 9 3. Developing golf courses; and
- 10 4. Constructing roads and installing utilities.

11 (2) (i) Before any person begins any construction, the appropriate
12 approval authority shall first receive, review, and approve the proposed earth change and
13 the sediment control plan.

14 (ii) Except as provided in subsection (b) of this section, the approval
15 authority is:

- 16 1. The appropriate soil conservation district;
- 17 2. A municipal corporation in Montgomery County that is
18 designated by a soil conservation district under paragraph (6) of this subsection;
- 19 3. Any municipality not within a soil conservation district;
- 20 4. If a State or federal unit undertakes any construction, the
21 Department or the Department’s designee; [or]
- 22 5. For abandoned mine reclamation projects conducted by
23 the Department pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the Department;
24 **OR**

25 **6. FOR LARGE REDEVELOPMENT SITES, THE**
26 **DEPARTMENT.**

27 (iii) Criteria used by the Department or the Department’s designee
28 for review and approvals under subparagraph (ii)4 of this paragraph:

- 29 1. Shall meet or exceed current Maryland standards and
30 specifications for soil erosion and sediment control; or

1 district and the county government department authorized by county law or regulation to
2 perform those functions.

3 (c) In Prince George’s and Montgomery counties, the Washington Suburban
4 Sanitary Commission, after consultation with and advice of the soil conservation districts
5 of the two counties and the Department of the Environment, shall prepare and adopt rules
6 and regulations for erosion and sediment control requirements for utility construction
7 work. The rules and regulations shall be adopted and enforced as are others of the
8 Commission under authority conferred by other laws. These rules and regulations apply to
9 any utility construction work in Prince George’s and Montgomery counties. The provisions
10 of this subsection do not apply until the soil conservation district in each county approves
11 erosion and sediment control requirements for utility construction work in that county.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.