

# HOUSE BILL 964

M3

EMERGENCY BILL

0lr1360  
CF SB 420

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By: **Delegates Haddaway, Bates, Beitzel, Conway, Eckardt, Elmore, Impallaria, Jenkins, Krebs, Mathias, McComas, McDonough, Myers, Norman, O'Donnell, Shewell, Smigiel, Sossi, and Stull**

Introduced and read first time: February 12, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Management – New Development and**  
3 **Redevelopment Projects**

4 FOR the purpose of making certain stormwater management regulations adopted by  
5 the Department of the Environment applicable to certain new development and  
6 redevelopment projects that do not have certain final approvals by a certain  
7 date; making this Act an emergency measure; and generally relating to  
8 stormwater management.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 4–203  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2009 Supplement)

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

16 **Article – Environment**

17 4–203.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [The] SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE  
2 Department shall adopt rules and regulations which establish criteria and procedures  
3 for stormwater management in Maryland. The rules and regulations shall:

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

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

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

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

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

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

17 1. The implementation of environmental site design to  
18 the maximum extent practicable;

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

22 3. A developer to demonstrate that:

23 A. Environmental site design has been implemented to  
24 the maximum extent practicable; and

25 B. Standard best management practices have been used  
26 only where absolutely necessary;

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

29 (7) Specify the minimum requirements for inspection and  
30 maintenance of stormwater practices;

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

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

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

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

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

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

9                           2. Protect public health;

10                           3. Safeguard fish and aquatic life and scenic and  
11 ecological values; and

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

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

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

18                   (vii) Capture and treat stormwater runoff to remove pollutants  
19 and enhance water quality;

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

22                   (ix) Implement quantity control strategies to prevent increases  
23 in the frequency and magnitude of out-of-bank flooding from large, less frequent  
24 storm events;

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

27                           (ii) Specify that the comprehensive process established under  
28 subparagraph (i) of this paragraph takes into account the cumulative impacts of both  
29 plans.

30                   (c) Before the regulations required under this subsection are final, the  
31 Department shall hold at least one public hearing in the affected immediate  
32 geographic areas of the State and shall consult with the affected counties and  
33 municipalities.

1           (d) The Department shall provide technical assistance, training, research,  
2 and coordination in stormwater management technology to the local governments  
3 consistent with the purposes of this subtitle.

4           **(E) A REGULATION THAT ESTABLISHES CRITERIA AND PROCEDURES**  
5 **FOR STORMWATER MANAGEMENT AND IS ADOPTED IN ACCORDANCE WITH**  
6 **SUBSECTION (B)(5)(II), (8), AND (9) OF THIS SECTION SHALL APPLY TO ALL NEW**  
7 **DEVELOPMENT OR REDEVELOPMENT PROJECTS THAT DO NOT HAVE FINAL**  
8 **APPROVAL FOR EROSION AND SEDIMENT CONTROL AND STORMWATER**  
9 **MANAGEMENT PLANS BY MAY 4, 2020.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
11 measure, is necessary for the immediate preservation of the public health or safety,  
12 has been passed by a ye and nay vote supported by three-fifths of all the members  
13 elected to each of the two Houses of the General Assembly, and shall take effect from  
14 the date it is enacted.