

SENATE BILL 198

M3

1lr1264

By: **Senator Glassman**

Introduced and read first time: January 26, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Regulations – Applicability**

3 FOR the purpose of providing that the subdivision of a single lot into a certain number
4 of lots is governed by the stormwater management ordinance in effect on a
5 certain date if the additional lot has certain characteristics; and generally
6 relating to stormwater management.

7 BY repealing and reenacting, with amendments,
8 Article – Environment
9 Section 4–203
10 Annotated Code of Maryland
11 (2007 Replacement Volume and 2010 Supplement)

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

14 **Article – Environment**

15 4–203.

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

20 (b) The Department shall adopt rules and regulations which establish
21 criteria and procedures for stormwater management in Maryland. The rules and
22 regulations shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

14 1. The implementation of environmental site design to
15 the maximum extent practicable;

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

19 3. A developer to demonstrate that:

20 A. Environmental site design has been implemented to
21 the maximum extent practicable; and

22 B. Standard best management practices have been used
23 only where absolutely necessary;

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

26 (7) Specify the minimum requirements for inspection and
27 maintenance of stormwater practices;

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

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

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

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

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

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

7 2. Protect public health;

8 3. Safeguard fish and aquatic life and scenic and
9 ecological values; and

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

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

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

16 (vii) Capture and treat stormwater runoff to remove pollutants
17 and enhance water quality;

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

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

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

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

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

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

1 **(E) THE STORMWATER MANAGEMENT ORDINANCE IN EFFECT ON MAY**
2 **3, 2009, SHALL GOVERN THE SUBDIVISION OF A SINGLE LOT INTO TWO LOTS IF**
3 **THE SECOND LOT:**

4 **(1) IS FOR RESIDENTIAL USE;**

5 **(2) IS AT LEAST 5 ACRES IN SIZE; AND**

6 **(3) HAS OR WILL HAVE AN IMPERVIOUS AREA NOT EXCEEDING 7%**
7 **OF THE TOTAL SURFACE AREA OF THE LOT.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2011.