

# SENATE BILL 475

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2lr2035  
CF 2lr2791

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By: **Senators King, Garagiola, Manno, McFadden, Montgomery, Pugh, Raskin,  
and Rosapepe**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Dredging – Testing for Toxic Substances**

3 FOR the purpose of requiring the Department of the Environment to adopt regulations  
4 and a model ordinance to require that sediment dredged from stormwater  
5 retention structures be tested for toxic substances and to prohibit dredged  
6 sediment from being used in a certain manner; and generally relating to  
7 stormwater management and toxic substances.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 4–203  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2011 Supplement)

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

15 **Article – Environment**

16 4–203.

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

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

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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)     REQUIRE THAT ANY DREDGED SEDIMENT FROM A**  
29 **STORMWATER RETENTION STRUCTURE, INCLUDING PONDS AND WETLANDS, BE**  
30 **TESTED FOR TOXIC SUBSTANCES;**

1                   **(9) PROHIBIT ANY DREDGED SEDIMENT FROM A STORMWATER**  
2 **RETENTION STRUCTURE THAT CONTAINS TOXIC SUBSTANCES FROM BEING**  
3 **USED IN AN AREA THAT POSES A RISK TO PUBLIC HEALTH AND SAFETY;**

4                   ~~[(8)]~~**(10)** Specify that all stormwater management plans shall be  
5 designed to:

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

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

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

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

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

15                   2. Protect public health;

16                   3. Safeguard fish and aquatic life and scenic and  
17 ecological values; and

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

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

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

24                   (vii) Capture and treat stormwater runoff to remove pollutants  
25 and enhance water quality;

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

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

31                   ~~[(9)]~~**(11)** (i) Establish a comprehensive process for approving  
32 grading and sediment control plans and stormwater management plans; and

1                   (ii) Specify that the comprehensive process established under  
2 item (i) of this item takes into account the cumulative impacts of both plans.

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

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

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2012.