11.0 Permit Requirements

A. Permit Administration

Baltimore County shall designate an individual to act as a liaison with the Maryland Department of the Environment (MDE) and provide the coordinator's name, title, address, phone number, and email address. Additionally, the County shall submit to MDE an organizational chart detailing personnel and groups responsible for major National Pollutant Discharge Elimination System (NPDES) program tasks with each annual report.

B. Legal Authority

Adequate legal authority shall be maintained in accordance with the NPDES regulation 40 CFR 122.26(d)(2)(i) throughout the term of this permit. In the event that any provisions of its legal authority are found to be invalid, the County shall make the necessary changes to maintain adequate legal authority.

I. Program Funding

1. Annually, a fiscal analysis of the capital, operation, and maintenance expenditures necessary to comply with all conditions of this permit shall be submitted as required in Part IV below.
2. Adequate program funding to comply with all conditions of this permit shall be maintained.

11.1 Permit Administration

The designated individual to act as a liaison with Maryland Department of the Environment is:

Steve Stewart
Manager, Watershed Management and Monitoring Section
Baltimore County Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue, Suite 400
Towson, MD 21204
410-887-4488 x240
sstewart@baltimorecountymd.gov

The major NPDES program tasks are listed in Table 11-1, along with the Baltimore County Departments and associated bureaus or sections responsible for implementation. The County has designated an NPDES Management Committee, composed of representatives from agencies involved in NPDES activities, that meets on a periodic basis for updates and coordination. The main focus of the NPDES Management Committee over the last year has been County property management.

Table 11-1: Major NPDES Program Tasks and Responsible Baltimore County Agencies

NPDES Program Task	Department - Section
Program Administration	DEPRM – Watershed Management and Monitoring
Legal Authority	DEPRM - Administration Office of Law
Source Identification	DEPRM – Watershed Management and Monitoring

	DEPRM – Policy, Education, Research, and Communication OIT – Geographic Information Systems
Stormwater Management – Review	DEPRM – Stormwater Engineering
Stormwater Management – Inspections	DEPRM – Stormwater Engineering DEPRM – Capital Program and Operations
Erosion and Sediment Control	DEPRM – Inspection and Enforcement
Illicit Discharge Detection and Elimination	DEPRM – Watershed Management and Monitoring DEPRM – Environmental Health
County Property Management	DPW – Highways Bureau DPW – Utilities Bureau VOM – Revenue Authority, Vehicle Operations and Maintenance Department of Recreation and Parks Community College of Baltimore County Baltimore County Public Schools
Road Maintenance	DPW – Highways Bureau – Street Sweeping DPW – Utilities Bureau – Storm Drain Cleaning DEPRM – Watershed Management and Monitoring
Public Education	DEPRM – All Sections DEPRM – Policy, Research, Education, and Communication; Major Component
Watershed Assessment and Planning	DEPRM – Watershed Management and Monitoring
Watershed Restoration	DEPRM – Capital Program and Operations
Assessment of Controls	DEPRM – Watershed Management and Monitoring
Program Funding	DEPRM – Finance and Administration
Total Maximum Daily Loads	DEPRM – Watershed Management and Monitoring
Annual Report	DEPRM – Watershed Management and Monitoring DEPRM – Policy, Research, Education, and Communication
Reapplication for NPDES Permit	DEPRM – Watershed Management and Monitoring

DEPRM = Department of Environmental Protection and Resource Management
DPW = Department of Public Works
OIT = Office of Information Technology

The organizational chart submitted as part of the budget request for fiscal year 2011 for the Baltimore County Department of Environmental Protection and Resource Management is displayed in Exhibit 11-1. Exhibit 11-2 is DEPRM's departmental organization effective April 2010.

11.2 Legal Authority

The County continues to maintain adequate legal authority in all areas related to implementation of its NPDES permit. Several regulatory changes, initiated by the State have been addressed this year by Baltimore County.

11.2.1 Stormwater Management

The SWM Act of 2007 required each jurisdiction to change its local ordinance and design manual. These revisions were initiated in 2009 by Baltimore County and completed in May

2010. Bill 25-10 was passed by the County Council on May 27, 2010 and is included in Appendix 11-1.

11.2.2 Chesapeake Bay Critical Area

The Chesapeake Bay Critical Area regulations were revised during the 2008 legislative session. This led to changes in enforcement and fines for violations. The Critical Area Commission also received the ability to promulgate its own regulations. Since then the Commission has changed the rules on grandfathering and lot consolidation, and most recently the retribution for impacts to the buffer. Baltimore County is currently implementing these changes as required by the State Law.

11.2.3 Soil Erosion and Sediment Control

The 1994 Maryland Standards and Specifications Manual for Soil Erosion and Sediment Control are currently being revised by MDE. These changes will augment the current practices for greater improvements to water quality. When completed Baltimore County will adopt this manual for use with its program.

11.3 Fiscal Analysis

Table 11-2 displays the operating costs for FY2010 and the projected operating costs, using a 3% escalator, through FY 2015. Table 11-3 summarizes the capital budget and program through 2015. Both the operating budget and the capital budget and program are submitted annually by the Baltimore County Executive to the Baltimore County Council for approval. The level of commitment for operating and capital funding is fixed through FY2011. Funding for FY2011-2012 will be voted on by citizens as a bond referendum in the November 2010 election.

Table 11-2: NPDES Operating Budget

FY 2010 Current	FY 2011 Budgeted	FY 2012 Projected	FY 2013 Projected	FY 2014 Projected	FY 2015 Projected
$7,749,045	$7,645,744	$7,875,116	$8,111,369	$8,354,710	$8,605,351

Table 11-3: Capital Budget and Program

FY 2009 Budgeted	FY 2010 Budgeted	FY 2011 Projected	FY 2012 Projected	FY 2013 Projected	FY 2014 Projected	FY 2015 Projected
$3,235,450	$15,715,591	$2,600,000	$11,533,000	$0	$10,021,000	$0

Not all of the operating and capital funds are directly related to the NPDES permit. While dredging projects are not directly related to the permit because they do not address stormwater, they are indirectly related because they address pollutant load reduction. The dredging projects require projects that reduce sediment loads within the same watershed as the dredged water body. These retrofit projects typically take the form of various types of stormwater management facilities that reduce pollutants.

Tables 11-4 through 11-6 displays the Capital Budget and Program expenditures by watershed. The watersheds are organized in accordance with the Maryland Tributary Strategies boundaries. There are three budget categories that are not watershed specific. These are listed separately. Each two-year funding cycle is represented as a separate table.

Table 11-4: Baltimore County Environmental Capital Improvement Program - Fiscal Year 2010 & 2011

Project	Budget Number	Total ($)
Upper Western Shore Watershed		
Deer Creek	221-0101	0
Prettyboy Watershed	221-0102	1,450,111
Loch Raven Watershed	221-0103	550,000
Lower Gunpowder Watershed	221-0106	500,000
Little Gunpowder Watershed	221-0104	0
Bird River Watershed	221-0105	3,300,000
Gunpowder Watershed	221-0107	0
Middle River Watershed	221-0108	1,404,279
Patapsco Back Watershed		
Liberty Watershed	221-0109	0
Patapsco Watershed	221-0110	0
Gwynns Falls Watershed	221-0111	3,583,000
Jones Falls Watershed	221-0112	1,800,000
Back River Watershed	221-0114	407,312
Baltimore Harbor Watershed	221-0113	1,250,000
Non-Watershed Specific Funding		
Watershed Restoration	221-0100	1,496,000
Environmental Management	221-0200	2,075,000
Waterway Improvement Projects	221-0300	0
Comm. Conservation Waterway Impr.	221-0900	500,000
Total:		**$18,315,591**

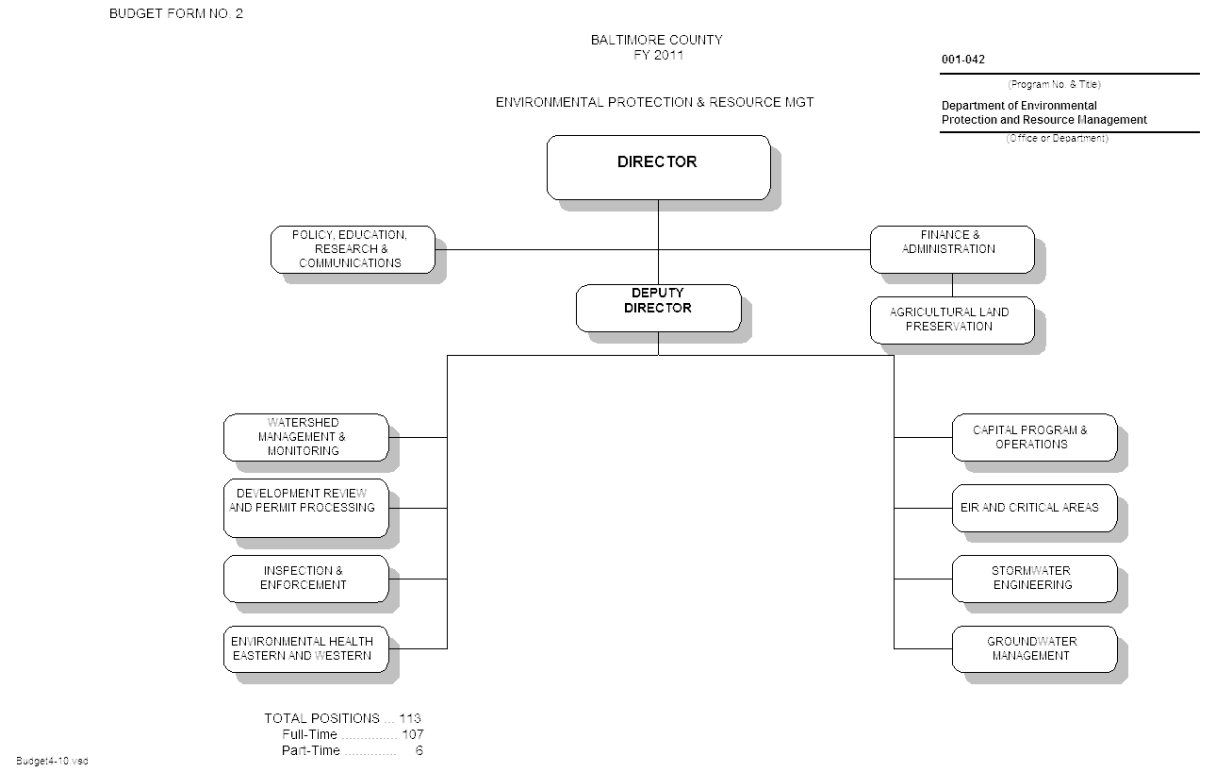
Table 11-5: Baltimore County Environmental Capital Improvement Program - Fiscal Years 2012 & 2013

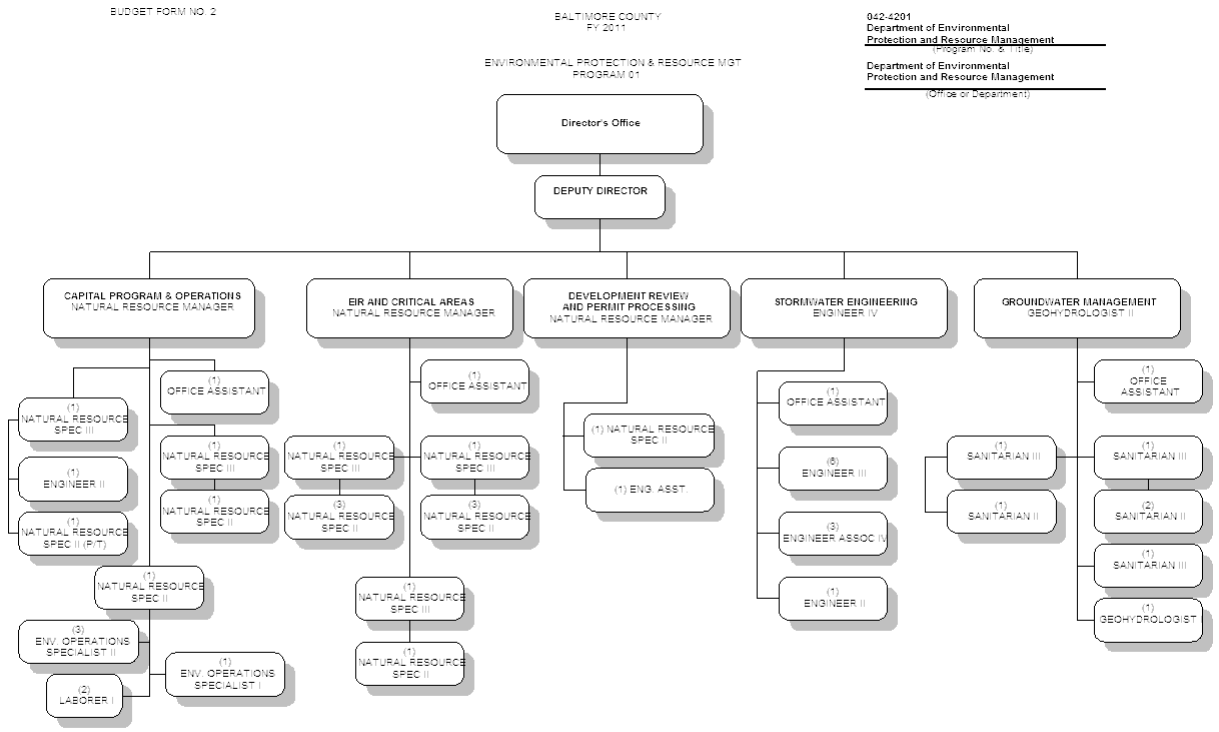
Project	Budget Number	Total ($)
Upper Western Shore Watershed		
Deer Creek	221-0101	0
Prettyboy Watershed	221-0102	450,000
Loch Raven Watershed	221-0103	830,000
Lower Gunpowder Watershed	221-0106	1,167,000
Little Gunpowder Watershed	221-0104	0
Bird River Watershed	221-0105	415,000
Gunpowder Watershed	221-0107	0
Middle River Watershed	221-0108	0
Patapsco Back Watershed		
Liberty Watershed	221-0109	0
Patapsco Watershed	221-0110	400,000
Gwynns Falls Watershed	221-0111	520,000
Jones Falls Watershed	221-0112	2,050,000
Back River Watershed	221-0114	1,706,000
Baltimore Harbor Watershed	221-0113	0
Non-Watershed Specific Funding		
Watershed Restoration	221-0100	1,808,000
Environmental Management	221-0200	1,687,000
Waterway Improvement Projects	221-0300	0
Comm. Conservation Waterway Impr.	221-0900	500,000
Total:		**$11,533,000**

Table 11-6: Baltimore County Environmental Capital Improvement Program - Fiscal Years 2014 & 2015

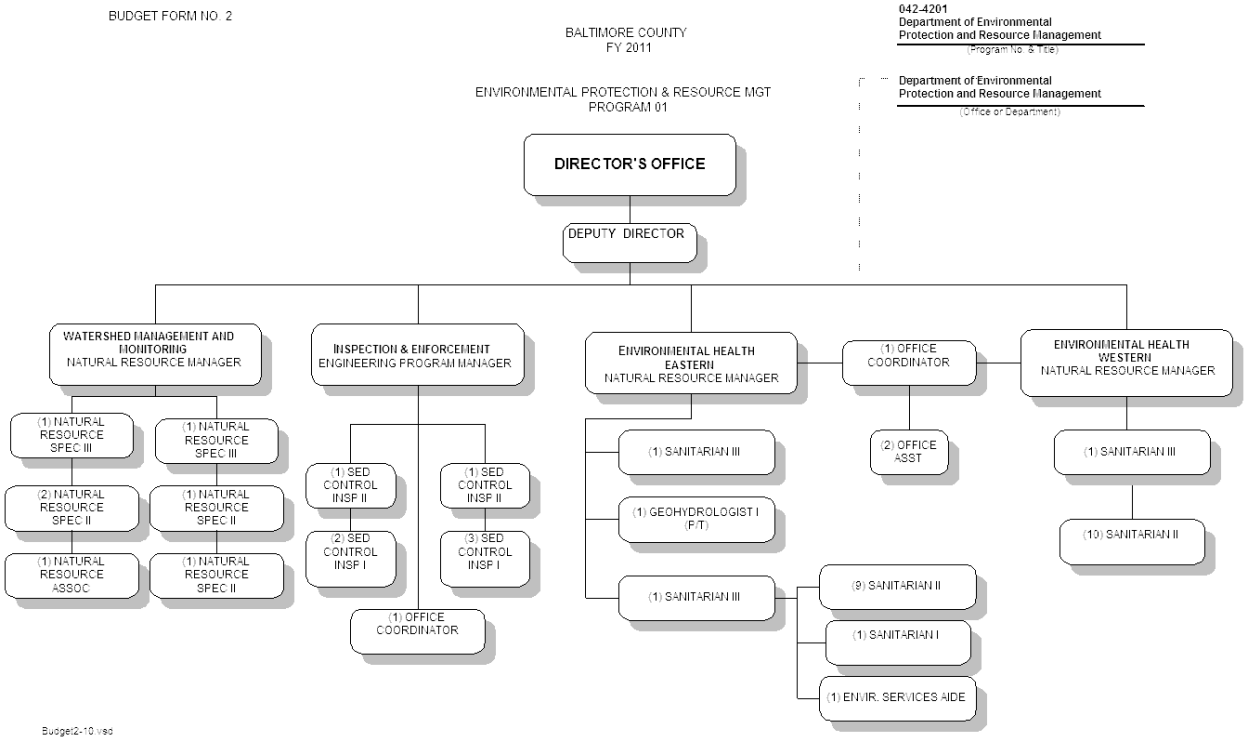
Project	Budget Number	Total ($)
Upper Western Shore Watershed		
Deer Creek	-221-0101	0
Prettyboy Watershed	221-0102	0
Loch Raven Watershed	221-0103	300,000
Lower Gunpowder Watershed	221-0106	1,350,000
Little Gunpowder Watershed	221-0104	0
Bird River Watershed	221-0105	0
Gunpowder Watershed	221-0107	0
Middle River Watershed	221-0108	100,000
Patapsco Back Watershed		
Liberty Watershed	-221-0109	0
Patapsco Watershed	221-0110	800,000
Gwynns Falls Watershed	221-0111	1,325,000
Jones Falls Watershed	221-0112	250,000
Back River Watershed	221-0114	1,900,000
Baltimore Harbor Watershed	221-0113	0
Non-Watershed Specific Funding		
Watershed Restoration	221-0100	2,141,000
Environmental Management	221-0200	1,355,000
Comm. Conservation Waterway Impr.	221-0900	500,000
Total:		**$10,021,000**

Exhibit 11-1: Department of Environmental Protection and Resource Management Table of Organization for FY2011





Budget3-10.vsd



Budget2-10.vsd

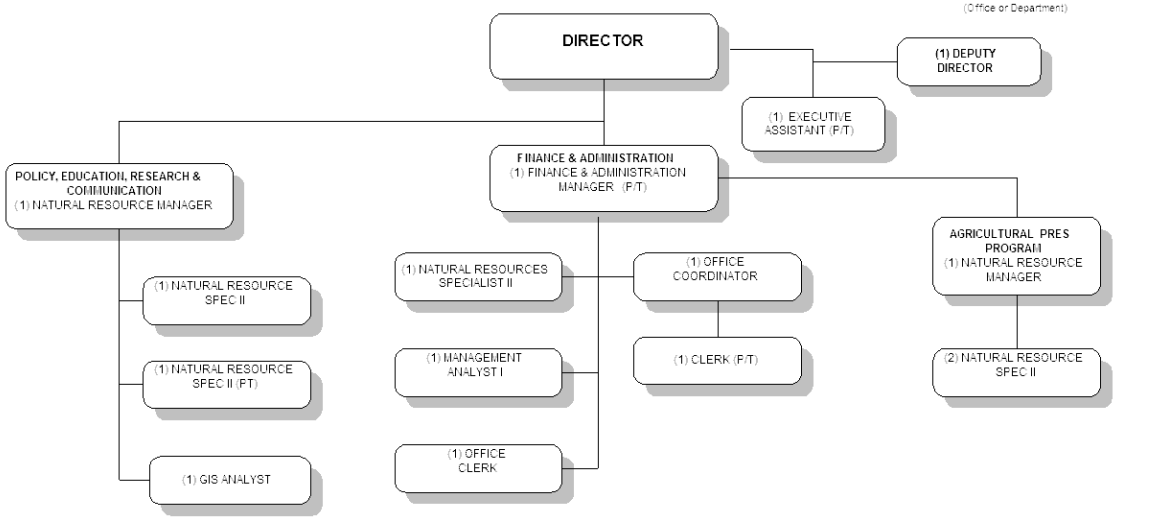
BUDGET FORM NO. 2

BALTIMORE COUNTY
FY 2011

ENVIRONMENTAL PROTECTION & RESOURCE MGT
PROGRAM 01

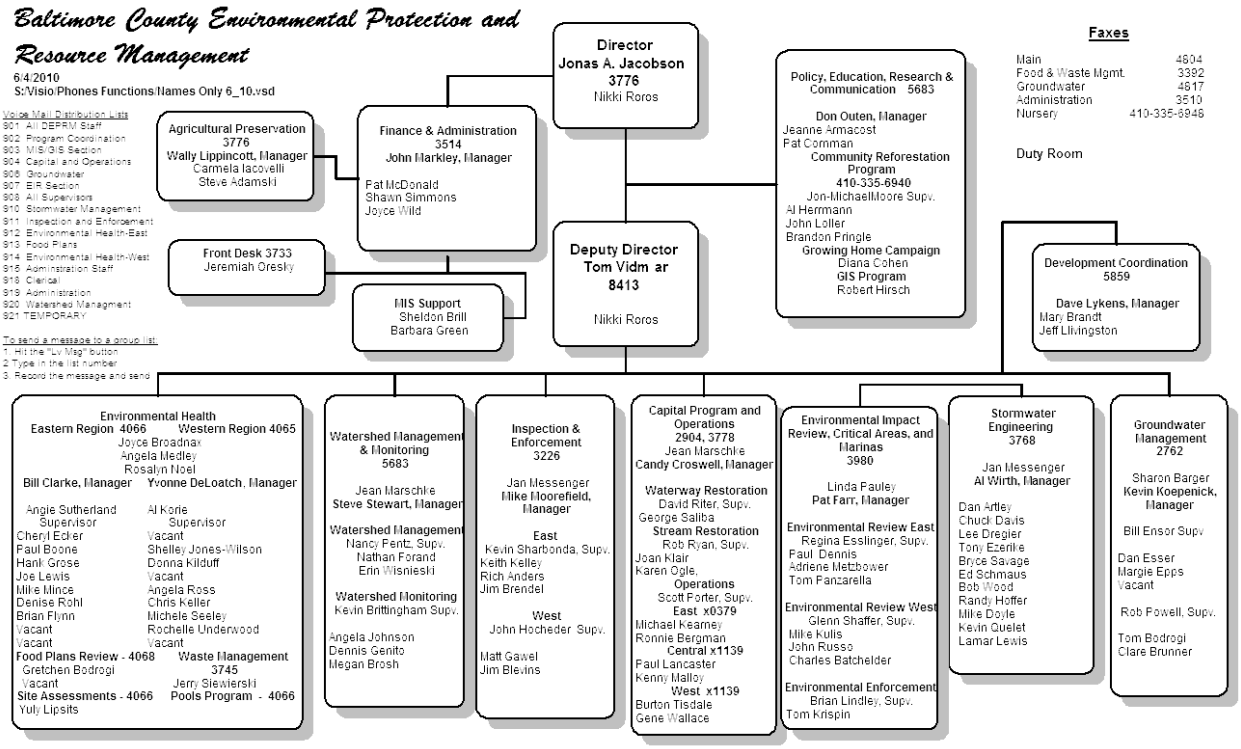
042-4201
Department of Environmental
Protection and Resource Management
(Program No. & Title)

Department of Environmental
Protection and Resource Management
(Office or Department)



Budget1-10.vsd

Exhibit 11-2: Department of Environmental Protection and Resource Management Staff Organizational Chart Effective 2010



Appendix 11-1: Stormwater Management Regulatory Changes

Bill 25-10

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 8

Bill No. 25-10

Mr. John Olszewski, Sr., Chairman
By Request of County Executive

By the County Council, April 19, 2010

A BILL
ENTITLED

Stormwater Management Act of 2010

FOR the purpose of enacting changes to the Stormwater Management title in accordance with changes required by the state's Stormwater Management Act of 2007; requiring certain stormwater management plans; requiring the use of new techniques; providing for certain waivers; providing for enforcement; defining certain terms; providing for the effective date of this Act and generally relating to stormwater management.

By repealing and reenacting, with amendments

Sections 33-4-101, 33-4-102, 33-4-105, 33-4-106(a), 33-4-107, 33-4-108(a) and (g), 33-4-109(d)(1), (e), (g), (h)(1), and (i), 33-4-111, 33-4-112, 33-4-113(b)(2), 33-4-114, and 33-4-115
Title 4. Stormwater Management
Article 33. Environmental Protection and Resource Management
Baltimore County Code, 2003

By adding

Sections 33-4-106.1 and 33-4-112.1
Title 4. Stormwater Management
Article 33. Environmental Protection and Resource Management
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 33-4-101, 33-4-102, 33-4-105, 33-4-106(a), 33-4-107, 33-4-108(a) and (g), 33-4-109(d)(1), (e), (g), (h)(1), and (i), 33-4-111, 33-4-112, 33-4-113(b)(2), 33-4-114, and 33-4-115 of Title 4. Stormwater Management, of Article 33. Environmental Protection and Resource Management, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

§ 33-4-101.

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

(b) "Administration" means the Water Management Administration of the State Department of the Environment.

(c) "Adverse impact" means any deleterious effect on waters, nontidal wetlands, or tidal wetlands, including their quality, quantity, surface area, species composition, aesthetics, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety, or property, biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(D) "AGRICULTURAL LAND MANAGEMENT PRACTICES" MEANS THOSE METHODS AND PROCEDURES USED IN THE CULTIVATION OF LAND IN ORDER TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF RELATED SOIL AND WATER RESOURCES.

[(d)] (E) "Applicant" means any person who is an owner, contract purchaser, or the legally authorized representative of either, requesting approval of development in accordance with this article or Article 32 of the Code.

[(e)] (F) "Best Management Practice (BMP)" means a structural device or non-structural practice designed to store stormwater runoff temporarily, treat stormwater runoff, or both store and treat stormwater runoff for the purpose of providing water resource benefits, including reducing pollution, minimizing erosion, and mitigating flooding.

[(f)] (G) (1) "Channel Protection Storage Volume" (CPV) means the design storage volume for a structural BMP, required to minimize stream channel erosion.

(2) Methods for calculating the CPV are specified in the Design Manual.

(H) "CONCEPT STORMWATER MANAGEMENT PLAN" MEANS THE FIRST OF THREE REQUIRED PLAN APPROVALS THAT CONTAINS INFORMATION NECESSARY TO ALLOW AN INITIAL EVALUATION OF A PROPOSED PROJECT.

[(g)] (I) "Department" means the Department of Environmental Protection and Resource Management.

[(h)] (J) "Design Manual" means the "2000 Maryland Stormwater Design Manual, Volumes I and II", SUPPLEMENT 1 AND ANY SUBSEQUENT SUPPLEMENTS, which is incorporated by reference in COMAR 26.17.02.01-1.

[(i)] (K) "Detention structure" means a permanent structure for the temporary storage of stormwater runoff, designed so as not to create a permanent pool of water.

[(j)] (L) "Development" means to change the stormwater runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, institutional, or governmental construction or alteration.

(M) "DEVELOPMENT STORMWATER MANAGEMENT PLAN" MEANS THE SECOND OF THREE REQUIRED PLAN APPROVALS THAT CONTAINS INFORMATION NECESSARY TO ALLOW A DETAILED EVALUATION OF A PROPOSED PROJECT.

(N) "DIRECT DISCHARGE" MEANS THE CONCENTRATED RELEASE OF STORMWATER TO TIDAL WATERS OR VEGETATED TIDAL WETLANDS FROM NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS IN THE CHESAPEAKE BAY CRITICAL AREA.

[(k)] (O) "Director" means the Director of Environmental Protection and Resource Management or the Director's designee.

[(l)] (P) "Drainage area" means that area contributing stormwater runoff to a single point measured in a horizontal plane which is enclosed by a ridge line.

[(m)](Q)(1) "Easement" means any interest in the property of another created by grant or by express or implied agreement.

(2) "Easement" includes any interest vested in the county by dedication, which confers a right to some advantage, benefit, or lawful use in or over the property.

(R) (1) "ENVIRONMENTAL SITE DESIGN (ESD)" MEANS USING SMALL-SCALE

STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

(2) METHODS FOR DESIGNING ESD PRACTICES ARE SPECIFIED IN THE DESIGN MANUAL.

[(n)] (S) "Exemption" means those land activities not subject to the requirements of this title.

[(o)] (T) "Extended detention" means a structural BMP that provides gradual release of stormwater over a 12- to 48-hour period.

[(p)] (U)(1) "Extreme flood storage volume (QF)" means the design storage volume, for a structural BMP, required to mitigate flooding in the one-hundred-year frequency rainfall event.

(2) Methods for calculating the QF are specified in the Design Manual.

(V) "FINAL STORMWATER MANAGEMENT PLAN" MEANS THE LAST OF THREE REQUIRED PLAN APPROVALS THAT CONTAINS THE INFORMATION NECESSARY TO ALLOW APPROVALS AND PERMITS TO BE ISSUED BY THE DEPARTMENT.

[(q)] (W) "Flow attenuation" means prolonging the flow time of stormwater runoff to reduce the peak discharge.

[(r)] (X)(1) "Forest buffer" means a wooded area that exists or is established to protect a stream system.

(2) "Forest buffer" includes trees, shrubs, and herbaceous vegetation.

[(s)] (Y)(1) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or filled.

(2) "Grading" includes any combination of the acts referenced in paragraph (1) of this subsection.

[(t)] (Z) "Infiltration" means the passage or movement of water into the soil surface.

(AA) "MAXIMUM EXTENT PRACTICABLE (MEP)" MEANS DESIGNING STORMWATER MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED AND, ONLY WHERE ABSOLUTELY NECESSARY, A STRUCTURAL BMP IS IMPLEMENTED.

[(u)] (BB) "Off-site stormwater management" means the BMPs necessary to control stormwater from more than one site.

[(v)] (CC) "On-site stormwater management" means the BMPs necessary to control stormwater within a site.

[(w)] (DD)(1) "Overbank flood protection storage volume (QP)" means the design storage volume for a structural BMP, required to mitigate out-of-bank stream channel flooding.

(2) Methods for calculating the QP are specified in the Design Manual.

[(x)] (EE) "Person" means an individual, corporation, partnership, trust, joint venture, estate, association, the state, a political subdivision of the state, or any agency or instrumentality of the state or a political subdivision of the state.

(FF) "PLANNING TECHNIQUES" MEANS A COMBINATION OF STRATEGIES EMPLOYED EARLY IN PROJECT DESIGN TO REDUCE THE IMPACT FROM DEVELOPMENT AND TO INCORPORATE NATURAL FEATURES INTO A STORMWATER MANAGEMENT PLAN.

[(y)] (GG)(1) "Recharge storage volume (REV)" means that portion of the water quality storage volume required to recharge groundwater.

(2) Methods for calculating the REV are specified in the Design Manual.

[(z)] (HH) "Redevelopment" means any construction, alteration, or improvement [exceeding 5,000 square feet of land disturbance to a site on which the current] PERFORMED ON SITES WHERE EXISTING land use is [predominantly] multi-family residential, commercial, industrial, OR institutional[, or governmental] AND EXISTING SITE IMPERVIOUS AREA EXCEEDS 40%.

[(aa)] (II) "Retention structure" means a permanent structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

[(bb)] (JJ) "Retrofitting" means, for the purpose of improving water quality:

(1) The construction of a structural BMP for a previously developed site;

(2) The modification of an existing structural BMP; or

(3) The implementation of a non-structural BMP for a previously developed site.

[(cc)] (KK) "Sediment" means soils or other surficial materials transported or deposited by the action of winds, water, ice, or gravity as a product of erosion.

[(dd)] (LL) "Site" means[:

(1) For development,] any tract, lot, or parcel of land, or combination of tracts, lots, or parcels of land, that are in one ownership, or are contiguous and in diverse ownership, where development is to be done as part of a unit, subdivision, or project[; and

(2) For redevelopment, either of the following as determined by the Department:

(i) The limit of disturbance as shown on the approved grading plan;

(ii) The limit of disturbance as shown on the approved project plan; or

(iii) The entire tract, lot, or parcel].

[(ee)] (MM) "Stabilization" means the prevention of soil movement by vegetative means, structural means, or both.

[(ff)] (NN) "Stormwater management" means:

(1) For quantitative control, a system of [BMPs, other] ESD practices[,] or OTHER [both] BMPS that control the increased volume and rate of surface stormwater runoff caused by man-made changes to the land; and

(2) For qualitative control, a system of BMPs, other practices, or both that reduce or eliminate pollutants and provide other water resource benefits.

[(gg)] (OO) "Stormwater management plan" means a set of drawings or other documents, submitted by an applicant as a prerequisite to obtaining stormwater management approval, that contains all the information and specifications relating to stormwater management.

[(hh)] (PP) "Stripping" means any activity that removes the vegetative surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

[(ii)] (QQ) "Variance" means the modification of or partial or total relief from the minimum stormwater management requirements for specific circumstances.

[(jj)] (RR)(1) "Waiver" [means] MEANS, ON A CASE-BY-CASE BASIS, partial or total relief from stormwater management quantitative or qualitative control requirements for a site.

(2) "Waiver" includes:

(i) A quantitative waiver, which means partial or total relief from requirements for channel protection storage volume, overbank flood protection storage volume, or extreme flood storage volume; and

(ii) Qualitative waiver, which means partial or total relief from requirements for water quality storage volume or recharge storage volume.

[(kk)] (SS)(1) "Water quality storage volume (WQV)" means the design storage volume for a structural BMP, required for treatment of 90% of the average annual rainfall.

(2) Methods for calculating the WQV are specified in the Design Manual.

[(ll)] (TT) "Watershed" means the total drainage area contributing stormwater runoff to a single point.

§ 33-4-102.

(a) The purpose of this title is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff.

(B) THE GOAL OF THIS TITLE IS TO:

(1) MANAGE STORMWATER THROUGH THE USE OF ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP); AND

(2) UTILIZE APPROPRIATE STRUCTURAL BEST MANAGEMENT PRACTICES (BMPS) ONLY AS NECESSARY.

[(b)] (C)(1) This title applies to development or redevelopment of land for residential, commercial, industrial, institutional, or governmental use.

(2) This title does not apply to agricultural land management practices.

[(c)] (D) Proper management of stormwater runoff will:

(1) Minimize damage to public and private property;
(2) Reduce the effects of development on land;
(3) Reduce stream channel erosion;
(4) Assist in the attainment and maintenance of water quality standards;
(5) Reduce local flooding; and
(6) Maintain after development, as nearly as possible, the predevelopment stormwater runoff characteristics.

[(d)] (E)(1) This title is adopted in accordance with COMAR 26.17.02 and applies to all development and redevelopment occurring within the county.

(2) The application of this title and the procedures expressed in this title:

(i) Are the minimum stormwater management requirements; and

(ii) Are not deemed a limitation or repeal of any other powers granted by state statute.

[(e)] (F) The Department is responsible for coordinating and enforcing the provisions of this title with assistance from the Department of Public Works.

§ 33-4-105.

(a) Redevelopment sites shall meet the minimum control requirements specified in § 33-4-106 of this title, except that recharge storage volume, channel protection storage volume, and overbank flood protection storage volume are not required unless specified by the Department.

(b) (1) [A redevelopment site shall reduce the site impervious area by at least 20%.] ALL REDEVELOPMENT DESIGNS SHALL:

(I) REDUCE IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE BY AT LEAST 50% ACCORDING TO THE DESIGN MANUAL;

(II) IMPLEMENT ESD TO THE MEP TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF THE EXISTING IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE; OR

(III) USE A COMBINATION OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH FOR AT LEAST 50% OF THE EXISTING SITE IMPERVIOUS AREA.

(2) [If a redevelopment site reduces the site impervious area by less than 20%, a combination of impervious surface reduction and BMPs that provide water quality storage volume for the difference between 20% and the actual impervious surface reduction may be provided.] (I) ALTERNATIVE STORMWATER MANAGEMENT MEASURES MAY BE USED TO MEET THE REQUIREMENTS OF THIS SECTION IF THE APPLICANT SATISFACTORILY DEMONSTRATES TO THE DEPARTMENT THAT IMPERVIOUS AREA REDUCTION HAS BEEN MAXIMIZED AND ESD HAS BEEN IMPLEMENTED TO THE MEP.

(II) ALTERNATIVE STORMWATER MANAGEMENT MEASURES INCLUDE:

1. AN ON-SITE STRUCTURAL BMP;

2. AN OFF-SITE STRUCTURAL BMP TO PROVIDE WATER

QUALITY TREATMENT FOR AN AREA EQUAL TO OR GREATER THAN 50% OF THE EXISTING IMPERVIOUS AREA; OR

3. A COMBINATION OF IMPERVIOUS AREA REDUCTION, ESD IMPLEMENTATION, AND AN ON-SITE OR OFF-SITE STRUCTURAL BMP FOR AN AREA EQUAL TO OR GREATER THAN 50% OF THE EXISTING SITE IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE.

(c) (1) [To the maximum extent practicable, a] A redevelopment site shall meet its water quality requirements using [on-site stormwater management] ESD TO THE MEP.

(2) If the Department determines that [conditions exist that prevent the reasonable implementation of] ESD TO THE MEP HAS NOT SATISFIED THE water quality [control practices by using on-site stormwater management] REQUIREMENTS, the Department may accept ON-SITE STRUCTURAL BMPS, off-site BMPS, [stormwater management, retrofitting, or stream] OR RETROFITTING.

(3) STREAM restorations that provide water quality control equal to or greater than on-site stormwater management MAY BE CONSIDERED BY THE DEPARTMENT WHEN ALL OTHER OPTIONS IN PARAGRAPH (2) OF THIS SUBSECTION HAVE BEEN EXHAUSTED.

(d) STORMWATER MANAGEMENT SHALL BE ADDRESSED ACCORDING TO THE NEW DEVELOPMENT REQUIREMENTS IN THE DESIGN MANUAL FOR ANY NET INCREASE IN IMPERVIOUS AREA.

(E) (1) If the Department determines that a redevelopment site cannot meet the requirements of subsection (b) or subsection (c) of this section, either in full or in part, the applicant shall pay a fee into the Stormwater Management Fund as established in Article 10, Title 13 of the Code.

(2) The County Administrative Officer shall establish the amount of the fee.

§ 33-4-106.

(a) The minimum control requirements [as established in] ARE THE USE OF PLANNING TECHNIQUES AND DESIGN METHODS USING ESD TO THE MEP IN ACCORDANCE WITH the Design [Manual for sites subject to this title are as follows] MANUAL, WHICH PROVIDE:

(1) Recharge storage volume;
(2) Water quality storage volume; and
(3) Channel protection storage volume.

§ 33-4-107.

(a) [Before] UNLESS AN EXEMPTION, WAIVER, OR VARIANCE HAS BEEN GRANTED AND EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, BEFORE any grading or building permit is issued or any grading or building is conducted, the applicant shall COMPLY WITH THE REQUIREMENTS FOR THE CONCEPT, DEVELOPMENT, AND FINAL [submit a] stormwater management [plan to the Department for review and approval, unless an exemption, waiver, or variance has been granted] PLANS.

(B) (1) AN APPLICANT SHALL SUBMIT A CONCEPT STORMWATER MANAGEMENT PLAN THAT PROVIDES SUFFICIENT INFORMATION FOR AN INITIAL ASSESSMENT OF THE PROPOSED PROJECT AND DETERMINATION AS TO WHETHER STORMWATER MANAGEMENT CAN BE PROVIDED IN ACCORDANCE WITH § 33-4-106.1 OF THIS TITLE.

(2) THE CONCEPT STORMWATER MANAGEMENT PLAN SHALL INCLUDE:

(I) A PLAN AT 1 INCH = 100 FEET OR SMALLER SHOWING SITE LOCATION, EXISTING MAN-MADE AND NATURAL FEATURES, WATER AND OTHER SENSITIVE RESOURCES, TOPOGRAPHY AND EXISTING DRAINAGE PATTERNS;

(II) ALL PROPOSED IMPERVIOUS AREAS, BUILDINGS, ROADWAYS, PARKING, SIDEWALKS, UTILITIES, AND OTHER SITE IMPROVEMENTS;

(III) THE PROPOSED LIMIT OF DISTURBANCE, ERODIBLE SOILS, STEEP SLOPES, AND AREAS TO BE PROTECTED DURING CONSTRUCTION;

(IV) PRELIMINARY DETERMINATION OF STORMWATER MANAGEMENT REQUIREMENTS, INCLUDING TYPE, SIZE AND LOCATION OF PROPOSED ESD PRACTICES, SUPPORTING COMPUTATIONS, AND ALL POINTS OF DISCHARGE FROM THE SITE;

(V) A NARRATIVE SUPPORTING THE CONCEPT STORMWATER MANAGEMENT DESIGN AND DEMONSTRATING THAT THE ESD WILL BE

IMPLEMENTED TO THE MEP; AND

(VI) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(C)(1) FOLLOWING CONCEPT STORMWATER MANAGEMENT PLAN APPROVAL BY THE DEPARTMENT, THE APPLICANT SHALL SUBMIT A DEVELOPMENT STORMWATER MANAGEMENT PLAN THAT ADDRESSES COMMENTS RECEIVED DURING THE CONCEPT STORMWATER MANAGEMENT PLAN REVIEW PHASE.

(2) THE DEVELOPMENT STORMWATER MANAGEMENT PLAN SHALL INCLUDE:

(I) ALL INFORMATION SUBMITTED DURING THE CONCEPT STORMWATER MANAGEMENT PLAN REVIEW PHASE;

(II) FINAL SITE LAYOUT, EXACT IMPERVIOUS AREA LOCATIONS AND ACREAGES, EXISTING AND PROPOSED TOPOGRAPHY, DELINEATED DRAINAGE AREAS AT ALL POINTS OF DISCHARGE FROM THE SITE, AND STORMWATER VOLUME COMPUTATIONS FOR ESD AND OTHER STORMWATER MANAGEMENT PRACTICES AND STRUCTURES;

(III) AN EROSION AND SEDIMENT CONTROL PLAN THAT INCLUDES THE SEQUENCE OF CONSTRUCTION, ANY PHASING NECESSARY TO MINIMIZE EARTH DISTURBANCES AND IMPACTS TO THE NATURAL RESOURCES, AND AN OVERLAY PLAN SHOWING THE TYPES AND LOCATIONS OF ESD AND EROSION AND SEDIMENT CONTROL PRACTICES TO BE USED;

(IV) A NARRATIVE SUPPORTING THE DEVELOPMENT STORMWATER MANAGEMENT PLAN DEMONSTRATING THAT ESD WILL BE IMPLEMENTED TO THE MEP AND JUSTIFYING ANY PROPOSED STRUCTURAL STORMWATER MANAGEMENT MEASURES; AND

(V) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(D) (1) FOLLOWING DEVELOPMENT STORMWATER MANAGEMENT PLAN APPROVAL BY THE DEPARTMENT, THE APPLICANT SHALL SUBMIT FOR APPROVAL A FINAL EROSION AND SEDIMENT CONTROL PLAN AND A FINAL STORMWATER MANAGEMENT PLAN TO BOTH THE DEPARTMENT AND THE SOIL CONSERVATION

DISTRICT (SCD) THAT ADDRESSES COMMENTS RECEIVED DURING THE DEVELOPMENT STORMWATER MANAGEMENT PHASE.

[(b) The Department and the County Soil Conservation District shall review the stormwater management plan to determine whether it complies with the requirements of this title and may be approved.

(c)] (2) The FINAL stormwater management plan shall serve as the basis for all subsequent construction.

[(d)(1)] (3) The applicant shall submit a FINAL stormwater management plan [that meets] THAT:

(I) MEETS the design requirements of this [title.

(2) The stormwater management plan shall:

(i) Include] TITLE;

(II) INCLUDES sufficient information to evaluate the effectiveness and acceptability of measures proposed for protecting water resources; and

[(ii) Contain] (III) CONTAINS supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire [site] SITE, INCLUDING ESD.

(e) (1) The minimum information to be submitted in support of a FINAL stormwater management plan shall be as provided in paragraphs (2) through [(6)] (8) of this subsection.

(2) Site characteristics:

(i) Topography showing existing and proposed contours, including area downstream from the site necessary to analyze the adverse impact to property and resources, resulting from development of the site;

(ii) Geotechnical investigation, including borings for construction and borings or test pits for infiltration practices;

(iii) Location of all watercourses, impoundments, nontidal wetlands, tidal wetlands, and forest buffers on or adjacent to the site or into which stormwater flows; and

(iv) Delineation of riverine floodplains, if APPLICABLE;

(3) Computations:

(i) Hydrology;

(ii) Hydraulic;

(iii) Structural; and

(iv) Dam breach analysis, if [required.] REQUIRED;

(4) A NARRATIVE SUPPORTING THE FINAL STORMWATER MANAGEMENT PLAN DESIGN;

(5) Other information:

(i) Vicinity map;

(ii) Drainage area map showing:

1. The watershed boundaries;
2. Drainage area;
3. Stormwater flow paths;
4. Existing and proposed land use; and
5. Hydrologic soil groups;

(iii) Proposed improvements, including:

1. Locations of buildings or other structures;
2. Impervious surfaces; and
3. Storm drainage facilities;

(iv) Location of all utilities pertinent to the design;

(v) Structural details for all components of the proposed stormwater management devices and practices;

(vi) Sequence of construction;

(vii) Maintenance responsibility;

(viii) Material specifications;

(ix) Construction specifications;

(x) Location of easements;

(xi) Certifications;

(xii) Required landscaping and planting material;

(xiii) TABLE OF REQUIRED AND PROPOSED STORAGE VOLUMES;

(XIV) TABLE SHOWING TOTAL SITE AREA, DISTURBED AREA,

NEW IMPERVIOUS AREA, AND TOTAL IMPERVIOUS AREA;

(XV) Structure classification;

[(xiv)] (XVI) Maintenance inspection schedule;

[(xv)] (XVII) Certification by the applicant that all stormwater management construction shall be in accordance with the FINAL stormwater management plan; and

[(xvi)] (XVIII) Certification by a Maryland registered professional engineer, a Maryland registered land surveyor, or a Maryland registered landscape architect that the FINAL stormwater management plan meets the minimum design standards set forth in the Code, subject to the following:

1. Pond designs requiring Soil Conservation District or Administration Dam Safety Division approval shall be certified by a professional engineer;

2. A land surveyor may not certify geotechnical or structural components of a structural stormwater BMP; and

3. A landscape architect may not certify a structural stormwater BMP that requires hydraulic or structural design of system components;

[(5)] (6) Estimate of stormwater management construction costs; [and]

(7) AN AS-BUILT CERTIFICATION SIGNATURE BLOCK TO BE EXECUTED AFTER PROJECT COMPLETION; AND

[(6)] (8) Other information as required by the Director or the Design Manual.

(F) A PROJECT MAY PROCEED DIRECTLY FROM THE CONCEPT STORMWATER MANAGEMENT PLAN PHASE TO THE FINAL STORMWATER MANAGEMENT PLAN PHASE WHEN THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT THAT ESD TO THE MEP HAS BEEN USED TO ADDRESS STORMWATER MANAGEMENT, INCLUDING:

(1) A NARRATIVE THAT SUPPORTS THE CONCEPT STORMWATER MANAGEMENT PLAN AND FINAL DESIGN PLAN AND WHICH DEMONSTRATES THAT ESD WILL BE ACHIEVED TO THE MEP AND THAT LAND USE AND RUNOFF CHARGES ARE MINIMIZED; AND

(2) CPV IS ADDRESSED BY TREATING RUNOFF FROM THE 1 YEAR, 24

HOUR DESIGN STORM WITH ESD.

§ 33-4-108.

(a) A grading or building permit may not be issued for any site unless the security required under Article 32 of the Code has been posted, an environmental agreement has been executed, and:

(1) A FINAL EROSION AND SEDIMENT CONTROL PLAN HAS BEEN APPROVED BY THE SOIL CONSERVATION DISTRICT;

(2) A FINAL stormwater management plan has been approved by the Department and the County Soil Conservation District; OR

[(2)] (3) An exemption, waiver, or variance has been granted under this title[; or

(3) The type, size, and location of all stormwater management devices and practices has been approved by the Department, including:

(i) Hydrology;

(ii) Off-site rights-of-way and easements;

(iii) Federal and state permits; and

(iv) Other items required by the Department].

(g) Before starting any additional work necessitated by a revision in the approved FINAL stormwater management plans, the permittee shall amend the permit and pay the additional fee caused by an increase in the scope of the work to be performed.

§ 33-4-109.

(d) (1) If the construction is not being accomplished in accordance with the approved FINAL stormwater management plan and permit, the Department shall, in a timely manner, notify the permittee, owner, or a responsible person at the job site.

(e) The permittee shall provide inspections and certifications by a Maryland registered professional engineer, a Maryland registered land surveyor, or a Maryland registered landscape architect, as described in § 33-4-107[(c)(4)(xvi)] (E)(5)(XVIII) of this title covering the following stages of construction:

(1) Ponds.

(i) Upon completion of excavation to sub-foundation and, when required, installation of structural supports or reinforcement for structures, including:

1. Core trenches and impervious cores;
2. Inlet and outlet structures, anti-seep collars or diaphragms, and watertight pipe connections; and
3. Trenches for enclosed facilities, concrete, and pipe culverts;

(ii) During placement of structural fill;

(iii) During backfilling of foundations and trenches;

(iv) During embankment construction; and

(v) Upon completion of final grading and establishment of permanent stabilization.

(2) Wetland systems.

(i) At the stages specified for ponds in paragraph (1) of this subsection;

(ii) Upon completion of nontidal wetland planting; and

(iii) At the end of the planting warranty period.

(3) Infiltration systems.

(i) During excavation to subgrade and permeability testing;

(ii) During placement and backfill of underdrain and observation wells;

(iii) During placement of geotextiles and all filter media;

(iv) During construction of appurtenant conveyance and pre-treatment systems; and

(v) Upon completion of final grading and establishment of permanent stabilization.

(4) Filtering systems.

(i) During excavation to subgrade;

(ii) During placement and backfill of underdrain systems;

(iii) During placement of geotextiles and all filter media;

(iv) During construction of appurtenant conveyance and pre-treatment systems; and

(v) Upon completion of final grading and establishment of permanent

stabilization.

(5) Open channel systems.

(i) During excavation to subgrade;

(ii) During placement and backfill of underdrain systems for dry swales;

(iii) During installation of diaphragms, check dams, or weirs; and

(iv) Upon completion of final grading and establishment of permanent stabilization.

(6) ESD AND OTHER [Nonstructural] NONSTRUCTURAL practices.

(i) AT STAGES OF CONSTRUCTION SPECIFIED IN THE DESIGN MANUAL;

(II) Upon completion of final grading and establishment of permanent stabilization; and

[(ii)] (III) At the end of the planting warranty period.

(g) The permittee shall maintain a copy of the approved FINAL stormwater management plan on the job site at all times.

(h) (1) Final approval of the stormwater management devices, practices, or both by the county and the County Soil Conservation District is subject to a final inspection of the stormwater management devices and practices and the submittal and approval, within 30 days after completion, of an as-built plan prepared by a Maryland registered professional engineer, a Maryland registered land surveyor, or a Maryland registered landscape architect, as described in § 33-4-107[(c)(4)(xvi)] (E)(5)(XVIII) of this title.

(i) (1) The Department shall [regularly notify the administration of the final approval of all stormwater management devices and practices] SUBMIT NOTICE OF CONSTRUCTION COMPLETION TO THE ADMINISTRATION ON A FORM SUPPLIED BY THE ADMINISTRATION FOR EACH STORMWATER MANAGEMENT PRACTICE WITHIN 45 DAYS AFTER CONSTRUCTION COMPLETION.

(2) IF BMPS REQUIRING SOIL CONSERVATION DISTRICT APPROVAL ARE CONSTRUCTED, NOTICE OF CONSTRUCTION SHALL ALSO BE SUBMITTED TO THE SOIL CONSERVATION DISTRICT.

§ 33-4-111.

(a) The Department shall inspect all ESD TREATMENT SYSTEMS AND STRUCTURAL stormwater management devices and practices to ensure that they are functioning properly:

(1) During the first year of operation; and

(2) At least once every 3 years after the first year.

(b) (1) The following procedures shall apply:

(i) The owner or owners of any property on which ESD TREATMENT SYSTEMS AND STRUCTURAL stormwater management devices or practices are found to be deficient and in need of maintenance shall be notified of the required repairs and given a reasonable time in which to comply;

(ii) A follow-up inspection shall be made to determine if the repairs have been completed in a satisfactory manner; and

(iii) The county and its agent may enter on the property of persons who do not comply with a maintenance notification requiring repairs to any stormwater management devices or practices to perform the necessary maintenance and to assess any direct or indirect cost involved to the owner or owners of the property, including the owners of all property served by the device or practice, which cost shall be a lien on the property of the owner or owners in the same manner as real property taxes, and shall be collected in the same manner provided by law for the collection of real property taxes.

(2) The county may collect the costs imposed under paragraph (1) of this section:

(i) In annual installments not exceeding three in number;

(ii) With interest at the rate of 6% per annum, on an amortized basis; and

(iii) On such other terms and conditions as considered appropriate by the county.

(c) The Department shall maintain inspection reports FOR ESD TREATMENT SYSTEMS AND STRUCTURAL STORMWATER MANAGEMENT DEVICES AND PRACTICES THAT[, including] INCLUDE the following information:

(1) The date of inspection;

(2) The name of inspector;

(3) The condition of:

(i) Vegetation and landscaping;

(ii) Fences;

(iii) Spillways, valves, or other control structures;

(iv) Embankments, slopes, and safety benches;

(v) Reservoir and treatment areas;

(vi) Inlet and outlet channels or structures;

(vii) Underground drainage;

(viii) Sediment and debris accumulation in reservoir and forebay areas;

(ix) ESD TREATMENT SYSTEMS AND [Non-structural] STRUCTURAL STORMWATER MANAGEMENT DEVICES AND practices, to the extent practicable; and

(x) Any other item which could affect the proper function of the stormwater management system; and

(4) A description of needed maintenance.

§ 33-4-112.

(a) The Director may grant a waiver of the stormwater management requirements for individual sites, if the applicant submits a written request containing descriptions, drawings, calculations, and any other information necessary to evaluate the proposed waiver [request] REQUEST, INCLUDING DOCUMENTATION THAT ESD HAS BEEN IMPLEMENTED TO THE MEP.

(b) (1) The Director shall review comments from the Department of Public Works, as necessary, before approving or denying a waiver request.

(2) If there is a dispute, decisions of the Director shall be final and conclusive.

(c) A separate written request is required if there are subsequent additions, extensions, or modifications to a site receiving a waiver.

(d) In making a decision on a waiver request, the Director shall evaluate the cumulative effect of other sites that are partially or totally relieved from the requirements of this title.

(e) The Director may grant a quantitative [waiver] WAIVER, PROVIDED ESD IS

IMPLEMENTED TO THE MEP AND if the applicant can demonstrate that:

(1) Site stormwater runoff is discharged directly to tidal waters or tidal wetlands; [or]

(2) THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY CONTROL PRACTICES; OR

(3) The site is identified for a quantity waiver in a watershed management plan approved by the Department and the administration under COMAR 26.17.02.05.E.

(F) THE DIRECTOR MAY GRANT A QUANTITATIVE WAIVER FOR A PROJECT THAT IS IN-FILL DEVELOPMENT LOCATED WITHIN THE ~~URBAN-RURAL DEMARCATION LINE~~ PRIORITY FUNDING AREA WHERE THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO PLANNED DENSITY AND THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS TITLE WOULD RESULT IN A LOSS OF PLANNED DENSITY, PROVIDED THAT:

(1) PUBLIC WATER AND SEWER AND STORMWATER CONVEYANCE EXIST;

(2) THE QUANTITATIVE WAIVER IS APPLIED TO THE PROJECT FOR THE IMPERVIOUS COVER THAT PREVIOUSLY EXISTED ON THE SITE ONLY;

(3) ESD TO THE MEP IS USED TO MEET THE FULL WATER QUALITY TREATMENT REQUIREMENTS FOR THE ENTIRE DEVELOPMENT; AND

(4) ESD TO THE MEP IS USED TO PROVIDE FULL QUANTITY CONTROL FOR ALL NEW IMPERVIOUS SURFACES..

(G) ~~IF A PHASED DEVELOPMENT PROJECT RECEIVES STORMWATER MANAGEMENT APPROVAL UNDER THIS TITLE BEFORE MAY 4, 2010, THE DIRECTOR MAY GRANT A WAIVER OF THE REQUIREMENT TO IMPLEMENT ESD TO THE MEP FOR SUBSEQUENT PHASES OF THE DEVELOPMENT PROJECT IF THE APPLICANT DEMONSTRATES THAT:~~

~~(1) THE DEVELOPMENT PROJECT COMPLIES WITH THE REQUIREMENTS OF THIS TITLE IN EFFECT ON MAY 4, 2009; AND~~

~~(2) THE APPLICANT DEMONSTRATES THAT THE APPLICANT HAS MADE~~

~~REASONABLE EFFORTS TO INCORPORATE ESD TO THE MEP IN THE SUBSEQUENT PHASES~~ (1) STORMWATER MANAGEMENT QUANTITATIVE AND QUALITATIVE CONTROL WAIVERS MAY BE GRANTED FOR PHASED DEVELOPMENT PROJECTS IF A SYSTEM DESIGNED TO MEET THE 2000 REGULATORY REQUIREMENTS AND THE REQUIREMENTS OF THIS TITLE IN EFFECT ON MAY 4, 2009 FOR MULTIPLE PHASES HAS BEEN CONSTRUCTED BY MAY 4, 2010.

(2) IF THE 2009 REGULATORY REQUIREMENTS CANNOT BE MET FOR FUTURE PHASES CONSTRUCTED AFTER MAY 4, 2010, ALL REASONABLE EFFORTS TO INCORPORATE ESD IN FUTURE PHASES MUST BE DEMONSTRATED.

[(f)] (H) All sites within the Chesapeake Bay Critical Area:

(1) Are also subject to §§ 33-2-602 and 33-2-603 of this article; and

(2) Shall comply with the more restrictive requirements.

§ 33-4-113.

(b) (2) The Director may not grant a variance unless and until the applicant provides specific justification for the [variance] VARIANCE, INCLUDING JUSTIFICATION THAT ESD TO THE MEP HAS BEEN INVESTIGATED THOROUGHLY.

§ 33-4-114.

(a) Plats may be recorded in advance of FINAL stormwater management PLAN approval if the recording is approved by the Department based upon sufficient evidence that stormwater management can be achieved in the locations designated on the plat.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PLANNED UNIT DEVELOPMENT SHALL RECEIVE DEVELOPMENT STORMWATER MANAGEMENT PLAN APPROVAL BEFORE FINAL APPROVAL UNDER § 32-4-245 OF THE CODE.

[(b)] (C)(1) Any site with [a] AN APPROVED EROSION AND SEDIMENT CONTROL PLAN AND stormwater management plan approved by the Department before [July 2, 2001] MAY 4, 2010 shall be governed by the stormwater management LAW AND regulations in effect at the time of the approval[, provided a stormwater management permit is issued before July 1, 2003.

(2) Any site for which a concept plan has been accepted for filing under Article 32, Title 4, Subtitle 2 of the Code, or for which a limited exemption had been granted in accordance with § 32-4-106 of the Code as of July 2, 2001 shall be governed by the stormwater management regulations in effect at the time of the filing or approval, if:

(i) Before July 1, 2003, a stormwater management permit is issued for a site receiving limited exemption approval; and

(ii) Within 2 years after approval of the development plan, a stormwater management permit is issued for a site for which a concept plan has been accepted for filing.

(3) Any site for which a valid, unexpired County Review Group (CRG) plan exists shall be governed by the stormwater management regulations in effect at the time of approval, provided a stormwater management permit is issued before July 1, 2003].

[(4)] (2) [If a] A stormwater management permit [is] issued before [July 1, 2003, a site shall be governed by the stormwater management regulations in effect at the time of issuance of a building permit or execution of an environmental agreement, if before July 2, 2001:

(i) A valid, unexpired building permit exists; or

(ii) A current executed environmental agreement exists] MAY 4, 2010 SHALL REMAIN VALID IN ACCORDANCE WITH ITS TERMS, PROVIDED A FINAL EROSION AND SEDIMENT CONTROL PLAN HAS BEEN APPROVED BY THE SOIL CONSERVATION DISTRICT.

[(c)] (D)(1) Any exemption, waiver, or variance granted by the Department to a site before [July 2, 2001] MAY 4, 2010 shall remain valid in accordance with its terms [provided a] PROVIDED:

(I) A grading or building permit [is issued before July 1, 2003] HAS BEEN ISSUED; OR

(II) AN EROSION AND SEDIMENT CONTROL PLAN HAS BEEN APPROVED.

(2) All subsequent site development shall comply with this title.

(3) Any modification to a previously approved exemption, waiver, or variance shall require compliance with this title.

[(d) Section 32-4-104 of the Code does not apply to the requirements of this title.]

§ 33-4-115.

(a) [(1)] A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 for each violation.

[(2) Each day that the violation continues is a separate offense.]

(b) (1) As an alternative to a criminal action, the county may bring a civil action against any person for any violation of this title.

(2) The action may seek the imposition of a civil penalty of not more than $5,000 against the person, an injunction to prohibit the person from continuing the violation, or both.

(C) EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

[(c)] (D) The Director of Environmental Protection and Resource Management may enforce the provisions of this title in accordance with Article 3, Title 6 of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 33-4-106.1 and 33-4-112.1, are hereby added to Title 4. Stormwater Management, Article 33. Environmental Protection and Resource Management, of the Baltimore County Code, 2003, as amended, to read as follows:

§ 33-4-106.1.

(A) AN APPLICANT SHALL DEMONSTRATE THAT ESD IS BEING IMPLEMENTED TO THE MEP AND, ONLY WHERE ABSOLUTELY NECESSARY, IS A STRUCTURAL BMP BEING USED IN DEVELOPING A STORMWATER MANAGEMENT PLAN.

(B) (1) THE FOLLOWING PLANNING TECHNIQUES SHALL BE APPLIED IN ACCORDANCE WITH THE DESIGN MANUAL TO SATISFY THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN § 33-4-106 OF THIS TITLE:

(I) PRESERVING AND PROTECTING NATURAL RESOURCES;

(II) CONSERVING NATURAL DRAINAGE PATTERNS;

(III) MINIMIZING IMPERVIOUS AREAS;

(IV) REDUCING RUNOFF VOLUME;

(V) USING ESD PRACTICES TO MAINTAIN 100% OF THE AVERAGE ANNUAL PREDEVELOPMENT GROUNDWATER RECHARGE VOLUME FOR THE SITE;

(VI) LIMITING SOIL DISTURBANCE, MASS GRADING, AND COMPACTION;

(VII) USING GREEN ROOFS, PERMEABLE PAVEMENT, REINFORCED TURF, AND OTHER ALTERNATIVE SURFACES;

(VIII) CLUSTERING DEVELOPMENT; AND

(IX) ANY PRACTICES APPROVED BY THE DEPARTMENT AND THE ADMINISTRATION.

(2) THE FOLLOWING ESD TREATMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN § 33-4-106 OF THIS TITLE:

(I) DISCONNECTION OF ROOFTOP RUNOFF;

(II) DISCONNECTION OF NONROOFTOP RUNOFF;

(III) SHEETFLOW TO CONSERVATION AREAS;

(IV) RAINWATER HARVESTING;

(V) SUBMERGED GRAVEL WETLANDS;

(VI) LANDSCAPE INFILTRATION;

(VII) INFILTRATION BERMS;

(VIII) DRY WELLS;

(IX) MICRO-BIORETENTION;

(X) RAIN GARDENS;

(XI) SWALES;

(XII) ENHANCED FILTERS; AND

(XIII) ANY PRACTICES APPROVED BY THE DEPARTMENT AND THE ADMINISTRATION.

(3) ALTERNATE ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES MAY BE USED FOR DEVELOPMENT PROJECTS PROVIDED THEY:

(I) MEET THE PERFORMANCE CRITERIA ESTABLISHED IN THE

DESIGN MANUAL; AND

(II) ARE APPROVED BY THE DEPARTMENT AND THE ADMINISTRATION.

(C) (1) THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN § 33-4-106 OF THIS TITLE:

(I) STORMWATER MANAGEMENT PONDS;

(II) STORMWATER MANAGEMENT WETLANDS;

(III) STORMWATER MANAGEMENT INFILTRATION;

(IV) STORMWATER MANAGEMENT FILTERING SYSTEMS; AND

(V) STORMWATER MANAGEMENT OPEN CHANNELS.

(2) THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL WITH REGARD TO GENERAL FEASIBILITY, CONVEYANCE, PRETREATMENT, TREATMENT AND GEOMETRY, ENVIRONMENT AND LANDSCAPING, AND MAINTENANCE SHALL BE CONSIDERED WHEN SELECTING STRUCTURAL STORMWATER MANAGEMENT PRACTICES.

(D) EXCEPT FOR MAINTENANCE, NO STORMWATER MANAGEMENT MEASURES MAY BE ALTERED WITHOUT DEPARTMENT APPROVAL.

§ 33-4-112.1

(A)(1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) "ADMINISTRATIVE WAIVER" MEANS A WAIVER THAT ALLOWS A SITE TO BE GOVERNED BY THE PROVISIONS OF THIS TITLE THAT WERE IN EFFECT ON MAY 4, 2009.

(3) (I) "APPROVAL" MEANS A DOCUMENTED ACTION BY THE DEPARTMENT FOLLOWING A REVIEW TO DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF SUBMITTED MATERIAL TO MEET THE REQUIREMENTS OF A

SPECIFIED STAGE IN THE DEVELOPMENT REVIEW PROCESS.

(II) "APPROVAL" DOES NOT MEAN AN ACKNOWLEDGMENT BY THE DEPARTMENT THAT SUBMITTED MATERIAL HAS BEEN RECEIVED FOR REVIEW.

(4)(I) "FINAL PROJECT APPROVAL" MEANS APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A PROJECT'S STORMWATER MANAGEMENT FACILITIES.

(II) "FINAL PROJECT APPROVAL" INCLUDES SECURING BONDING OR FINANCING FOR FINAL DEVELOPMENT PLANS IF EITHER IS REQUIRED AS A PREREQUISITE FOR APPROVAL.

(5) "PRELIMINARY PROJECT APPROVAL" MEANS APPROVAL BY THE DEPARTMENT OF A PLAN THAT, AT A MINIMUM, DEPICTS:

(I) THE NUMBER AND CONFIGURATION OF PROPOSED LOTS, DWELLINGS OR BUILDINGS;

(II) THE PROPOSED PROJECT DENSITY;

(III) ROADS, PARKING AND OTHER INFRASTRUCTURE;

(IV) THE TYPE, SIZE, AND LOCATION OF STORMWATER MANAGEMENT BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT COMPUTATIONS;

(V) DRAINAGE PATTERNS AND POINTS OF DISCHARGE; AND

(VI) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(B) THE DIRECTOR MAY GRANT AN ADMINISTRATIVE ~~WAIVER, EVEN IF A FINAL EROSION AND SEDIMENT CONTROL PLAN HAS NOT BEEN APPROVED BY THE SOIL CONSERVATION DISTRICT,~~ WAIVER IF THE APPLICANT ~~MEETS AT LEAST ONE OF THE FOLLOWING ON OR~~ RECEIVED PRELIMINARY PROJECT APPROVAL BEFORE MAY 4, 2010~~:~~

~~(1) A DEVELOPMENT PLAN HAS BEEN APPROVED IN ACCORDANCE WITH § 32-4-229 OF THE CODE;~~

~~(2) A DEVELOPMENT THAT RECEIVED A LIMITED EXEMPTION UNDER § 32-4-106(B) OF THE CODE HAS RECEIVED FINAL APPROVAL;~~

~~(3) ALL THE RELEVANT COUNTY AGENCIES HAVE COMPLETED REVIEW OF A CONCEPT PLAN IN ACCORDANCE WITH ARTICLE 32, TITLE 4, SUBTITLE 2, PART II OR PART IV OF THE CODE;~~

~~(4) APPROVAL OF AN EXEMPTION, WAIVER OR VARIANCE;~~

~~(5) APPROVAL OF A FINAL STORMWATER MANAGEMENT PLAN; OR~~

~~(6) PRELIMINARY APPROVAL~~.

(C) AN ADMINISTRATIVE WAIVER SHALL REMAIN VALID PROVIDED:

(1) FINAL ~~STORMWATER MANAGEMENT~~ PROJECT APPROVAL IS GRANTED BY MAY 4, 2013; AND

(2) CONSTRUCTION AUTHORIZED BY THE ADMINISTRATIVE WAIVER IS COMPLETED BY MAY 4, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having passed by the affirmative vote of five members of the County Council, shall take effect June 1, 2010 and shall apply retroactively to May 4, 2010.

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