

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 10-0434**

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Introduced by: The Council President  
At the request of: The Administration (Department of Public Works)  
Introduced and read first time: January 11, 2010  
Assigned to: Land Use and Transportation Committee

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Committee Report: Favorable, with amendments  
Council action: Adopted  
Read second time: May 3, 2010

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**AN ORDINANCE CONCERNING**

**Stormwater Management**

1  
2 FOR the purpose of modifying the provisions governing stormwater management to comply with  
3 new requirements of State law; requiring the development, review, and approval of phased  
4 plans for stormwater management; establishing certain minimum control requirements to  
5 manage stormwater by using environmental site design to the maximum extent practicable;  
6 requiring certain site design techniques and certain structural and nonstructural practices;  
7 requiring certain reports and inspections; providing for certain exemptions, waivers, and  
8 variances; imposing certain fees; defining and redefining certain terms; correcting, clarifying,  
9 and conforming related language; providing for a special effective date; and generally  
10 relating to the protection, maintenance, and enhancement of the public health, safety, and  
11 welfare through the management of stormwater.

12 BY adding

13 Article 7 - Natural Resources  
14 Section(s) 21-1(~~b-1~~), (e-1), (i-1), (j-1), (l-1), (p-1), (t-1), (w-1), and ~~(v-1)~~ (w-2),  
15 23-4.1, 23-5, 23-8, 24-2.1, and 26-8(c)  
16 Baltimore City Code  
17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 7 - Natural Resources  
20 Section(s) 21-1(d), (f), (o), (p), (s), (t), (v), (x), (y) and (bb), 21-3, 21-4, 21-6(b), 22-1,  
21 22-2, 22-3, 22-4 to 22-6, 22-7(a)(7), (10), (11), and (14) and (b), 22-8, 22-9(a), 22-10(a)  
22 and (c), 23-1, 23-2, 23-4(a)(4), ~~23-6(a)(1)~~ 23-6(a) and (b)(2), (3), and (7), 23-7, 24-2(5),  
23 24-3, 25-1(a) and ~~(b)(2)~~ (b)(1) and (2), 25-2, 25-3(a) and (d), 25-4(2), 26-1, 26-2, 26-3(a)  
24 and (h), 26-4(c), 26-7(a), 27-1(b), 27-2(a) and (b), 27-3(a), 27-4, and 27-5(d) and (e)(1)  
25 Baltimore City Code  
26 (Edition 2000)

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 BY repealing  
2 Article 7 - Natural Resources  
3 Section(s) 21-1(z) and 25-3(e)  
4 Baltimore City Code  
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
7 Laws of Baltimore City read as follows:

8 **Baltimore City Code**

9 **Article 7. Natural Resources**

10 ***Division II: Stormwater Management***

11 **Subtitle 21. Definitions; General Provisions**

12 **§ 21-1. Definitions.**

13 **(B-1) APPROVAL.**

14 **(1) IN GENERAL.**

15 “APPROVAL” MEANS A DOCUMENTED ACTION BY THE DEPARTMENT FOLLOWING A  
16 COMPREHENSIVE REVIEW TO DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF  
17 SUBMITTED MATERIALS TO DEMONSTRATE COMPLIANCE WITH THE REQUIREMENTS OF  
18 A SPECIFIED STAGE IN THE DEVELOPMENT PROCESS OF A PROJECT.

19 **(2) EXCLUSIONS.**

20 “APPROVAL” DOES NOT INCLUDE AN ACKNOWLEDGMENT BY THE DEPARTMENT THAT  
21 MATERIAL HAS BEEN RECEIVED FOR REVIEW.

22 **(d) *Channel protection storage volume.***

23 “Channel protection storage volume” means the volume, calculated in accordance with  
24 the STATE’S Design Manual, used to design structural management practices to control  
25 stream channel erosion.

26 **(E-1) *DESIGN GUIDELINES, CITY.***

27 “DESIGN GUIDELINES, CITY” MEANS THE 2010 BALTIMORE CITY STORMWATER DESIGN  
28 GUIDELINES, AND ALL SUBSEQUENT ADDITIONS, REVISIONS, AND AMENDMENTS TO IT, AS  
29 ADOPTED BY THE DEPARTMENT AND APPROVED BY THE STATE WATER MANAGEMENT  
30 ADMINISTRATION.

31 **(f) *Design Manual, STATE.***

32 “Design Manual, STATE” means the 2000 Maryland Stormwater Design Manual[,  
33 Volumes I and II], and [any] ALL subsequent additions, revisions, and amendments to it.

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1 (I-1) *ENVIRONMENTAL SITE DESIGN.*

2 “ENVIRONMENTAL SITE DESIGN” MEANS USING SMALL-SCALE STORMWATER  
3 MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING  
4 THAT, IN ACCORDANCE WITH METHODS SPECIFIED IN THE STATE’S DESIGN MANUAL, ARE  
5 USED TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE  
6 IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

7 (J-1) *IMPERVIOUS AREA.*

8 “IMPERVIOUS AREA” MEANS ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO  
9 INFILTRATE INTO THE SOIL SURFACE.

10 (L-1) *MAXIMUM EXTENT PRACTICABLE.*

11 “MAXIMUM EXTENT PRACTICABLE” MEANS STORMWATER MANAGEMENT SYSTEMS  
12 DESIGNED SO THAT:

13 (1) ALL REASONABLE OPPORTUNITIES FOR USING ENVIRONMENTAL SITE DESIGN  
14 PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED; AND

15 (2) A STRUCTURAL BEST MANAGEMENT PRACTICE IS IMPLEMENTED ONLY WHERE  
16 ABSOLUTELY NECESSARY.

17 (o) *Overbank flood protection volume.*

18 “Overbank flood protection volume” means the volume, calculated in accordance with  
19 the STATE’S Design Manual, controlled by structural practices to prevent an increase in  
20 the frequency of out of bank flooding generated by development.

21 (p) *Person.*

22 (1) *IN GENERAL.*

23 “Person” means:

24 (I) [(1)] an individual;

25 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY  
26 KIND; OR

27 (III) [(2)] a receiver, trustee, guardian, personal representative, fiduciary, or  
28 representative of any kind[; or

29 (3) a partnership, firm, association, corporation, or other entity of any kind].

30 (2) *INCLUSIONS.*

31 “PERSON” INCLUDES, EXCEPT AS USED IN § 28-13 {“CRIMINAL PENALTIES”} OF THIS  
32 DIVISION II:

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1 (I) THE FEDERAL GOVERNMENT;

2 (II) THE STATE GOVERNMENT;

3 (III) ANY COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION  
4 OF THE STATE; OR

5 (IV) ANY OF THE ENTITIES, INSTRUMENTALITIES, OR OTHER UNITS OF THESE  
6 GOVERNMENTS.

7 (P-1) *PLANNING TECHNIQUES.*

8 “PLANNING TECHNIQUES” MEANS A COMBINATION OF STRATEGIES EMPLOYED EARLY IN  
9 PROJECT DESIGN TO REDUCE THE IMPACT FROM DEVELOPMENT AND TO INCORPORATE  
10 NATURAL FEATURES INTO A STORMWATER MANAGEMENT PLAN.

11 (s) *Recharge volume.*

12 “Recharge volume” means that portion of the water quality volume, calculated in  
13 accordance with the STATE’S Design Manual, used to maintain groundwater recharge  
14 rates at development sites.

15 (t) *Redevelopment.*

16 “Redevelopment” means any construction, alteration, or improvement that:

17 (1) disturbs more than 5,000 square feet of land; AND

18 (2) IS PERFORMED on [sites] A SITE where:

19 (I) THE existing land use is commercial, industrial, institutional, or multi-  
20 family residential; AND

21 (II) THE EXISTING IMPERVIOUS AREA OF THE SITE IS MORE THAN 40% OF THE  
22 TOTAL AREA OF THE SITE.

23 (T-1) *RETROFITTING.*

24 “RETROFITTING” MEANS THE IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN  
25 PRACTICES, THE CONSTRUCTION OF A STRUCTURAL BEST MANAGEMENT PRACTICE, OR THE  
26 MODIFICATION OF AN EXISTING STRUCTURAL BEST MANAGEMENT PRACTICE IN A  
27 PREVIOUSLY DEVELOPED AREA TO IMPROVE WATER QUALITY OVER CURRENT CONDITIONS.

28 (v) *Site.*

29 ~~(1) FOR NEW DEVELOPMENT.~~

30 ~~[“Site”] FOR NEW DEVELOPMENT, “SITE” means: (1) for “new development”,] any tract,~~  
31 ~~lot, or parcel of land, OR AREA OF CONSTRUCTION, or combination of tracts, lots, or~~  
32 ~~parcels of land, OR AREAS OF CONSTRUCTION that [are] is:~~

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1           (1) (i) in one ownership; or

2           (2) (ii) in diverse ownership, but [contiguous] where:

3                   (I) A. development is to be performed as part of a unit, subdivision, or  
4                   project; AND

5                   (II) B. EITHER:

6                           A. ~~1.~~ THE TRACTS, LOTS, OR PARCELS OF LAND ARE CONTIGUOUS; OR

7                           B. ~~2.~~ THE DEVELOPMENT IS A COOPERATIVE PUBLIC-PRIVATE  
8                           UNDERTAKING[; and].

9           ~~(2) FOR REDEVELOPMENT.~~

10                   FOR REDEVELOPMENT [for “redevelopment”], “SITE” MEANS either of the following,  
11                   as the Department determines:

12                           ~~(i) the area of new construction as shown on an approved site plan; or~~

13                           ~~(ii) the original parcel.~~

14           (W-1) (v-1) STORMWATER.

15                   “STORMWATER” MEANS WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

16           (W-2) STORMWATER MANAGEMENT SYSTEMS.

17                   “STORMWATER MANAGEMENT SYSTEMS” MEANS NATURAL AREAS, ENVIRONMENTAL SITE  
18                   DESIGN PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER STRUCTURE  
19                   THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES FROM A SITE.

20           (x) *Stormwater management – Qualitative control.*

21                   (1) *IN GENERAL.*

22                           “Stormwater management” means, for qualitative control, a system of vegetative,  
23                           structural, and nonstructural practices, NATURAL AREAS, ENVIRONMENTAL SITE  
24                           DESIGN PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER  
25                           STRUCTURE that [reduce] REDUCES or [eliminate] ELIMINATES pollutants that might  
26                           otherwise be carried by surface runoff.

27                   (2) *INCLUSIONS.*

28                   “Stormwater management” includes, for qualitative control, design parameters for:

29                           (i) water quality volume; and

30                           (ii) recharge volume.

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1 (y) *Stormwater management – Quantitative control.*

2 (1) *IN GENERAL.*

3 “Stormwater management” means, for quantitative control, a system of vegetative,  
4 structural, and nonstructural practices, NATURAL AREAS, ENVIRONMENTAL SITE  
5 DESIGN PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER  
6 STRUCTURE that [control] CONTROLS the increased volume and rate of surface runoff  
7 caused by man-made changes to the land.

8 (2) *INCLUSIONS.*

9 “Stormwater management” includes, for quantitative controls, design parameters for:

- 10 (i) channel protection storage volume;
- 11 (ii) overbank flood protection volume; and
- 12 (iii) extreme flood volume.

13 [(z) *Stormwater management plan.*

14 “Stormwater management plan” means a set of drawings, reports, and other documents  
15 that:

- 16 (1) is submitted as a prerequisite to obtaining a stormwater management approval;  
17 and
- 18 (2) contains all of the information and specifications required by this Division II.]

19 (bb) *Water quality volume.*

20 “Water quality volume” means the volume needed, calculated in accordance with the  
21 STATE’S Design Manual, to capture and treat the runoff from 90% of the average annual  
22 rainfall at a development site.

23 **§ 21-3. Incorporation by reference.**

24 (a) *In general.*

25 For purposes of this Division II, the following documents are incorporated by reference:

- 26 (1) The STATE’S Design Manual, which serves as the official City guide for  
27 stormwater MANAGEMENT principles, methods, and practices; [and]
- 28 (2) The USDA Natural Resources Conservation Service Maryland Conservation  
29 Practice Standard Pond Code 378 (January 2000); AND
- 30 (3) THE CITY’S DESIGN GUIDELINES, WHICH SERVE TO SUPPLEMENT THE STATE’S  
31 DESIGN MANUAL AS IT RELATES TO STORMWATER MANAGEMENT PRINCIPLES,  
32 METHODS, AND PRACTICES IN THE CITY.

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1 (b) *Defined terms.*

2 (1) Terms used in the STATE'S Design Manual have the meanings ascribed to them in the  
3 Design Manual or otherwise by the State Water Management Administration.

4 (2) These terms include, AMONG OTHERS:

5 (i) "Agricultural land management activities PRACTICES".

6 (ii) "Aquifer".

7 (iii) "Detention structure".

8 (iv) "Extended detention".

9 (v) "Grade".

10 **§ 21-4. Purpose, GOAL, authority, ETC.**

11 (a) *Purpose.*

12 The purpose of this Division II is to:

13 (1) protect, maintain, and enhance the public health, safety, and general welfare  
14 through the management of stormwater;

15 (2) protect public and private property from damage;

16 (3) reduce the adverse effects of development;

17 (4) [control] REDUCE stream channel erosion, POLLUTION, SILTATION, AND  
18 SEDIMENTATION;

19 (5) reduce local flooding;

20 (6) RESTORE, ENHANCE, AND MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL  
21 INTEGRITY OF STREAMS; and

22 (7) [(6)] maintain after development, as nearly as possible, pre-development runoff  
23 characteristics.

24 (B) *GOAL.*

25 THE GOAL OF THIS DIVISION II IS TO MANAGE STORMWATER BY:

26 (1) USING ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT PRACTICABLE;  
27 AND

28 (2) USING STRUCTURAL BEST MANAGEMENT PRACTICES AND ALTERNATIVE PRACTICES  
29 ONLY WHEN NECESSARY.

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1 (C) [(b)] *Authority.*

2 This Division II is adopted under the authority of State Environment Article, Title 4,  
3 Subtitle 2.

4 (D) APPLICATION.

5 THIS DIVISION II APPLIES TO ALL NEW AND REDEVELOPMENT PROJECTS THAT HAVE NOT  
6 RECEIVED FINAL APPROVAL FOR EROSION AND SEDIMENT CONTROL AND STORMWATER  
7 MANAGEMENT PLANS BY MAY 4, 2010.

8 **§ 21-6. Scope.**

9 (b) *Exemptions.*

10 The following activities are exempt from this Division II:

11 (1) agricultural land management ~~activities~~ PRACTICES that employ methods and  
12 procedures to further crop and livestock production and conservation to conserve  
13 related soil and water resources;

14 (2) A SINGLE-FAMILY DETACHED DWELLING IF:

15 (I) THE ACTIVITY DOES NOT DISTURB MORE THAN 2,500 SQUARE FEET OF LAND  
16 AREA; AND

17 (II) THE TRACT, LOT, OR PARCEL HAS NOT PREVIOUSLY BEEN THE SUBJECT OF  
18 AN EXEMPTION UNDER THIS ITEM (2);

19 (3) [(2)] construction, grading, or development (OTHER THAN FOR SINGLE-FAMILY  
20 DWELLINGS) IF:

21 (I) [that] THE ACTIVITY does not disturb more than 5,000 square feet of land;  
22 AND

23 (II) THE TRACT, LOT, OR PARCEL HAS NOT PREVIOUSLY BEEN THE SUBJECT OF  
24 AN EXEMPTION UNDER THIS ITEM (3);

25 (4) A SINGLE-FAMILY DWELLING THAT DISTURBS MORE THAN 2,500 SQUARE FEET OF  
26 LAND AREA BUT LESS THAN 5,000 SQUARE FEET OF LAND AREA, SUBJECT TO THE  
27 PAYMENT OF A "SMALL-PROJECT" FEE ESTABLISHED UNDER § 25-2 {"FEES"} OF  
28 THIS DIVISION II; and

29 (5) [(3)] development [regulated under a State law] that THE STATE WATER  
30 MANAGEMENT ADMINISTRATION DETERMINES WILL BE REGULATED UNDER  
31 SPECIFIC STATE LAWS THAT [provides] PROVIDE for managing stormwater runoff.



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**Subtitle 22. Stormwater Management Plans**

**§ 22-1. [Plan] PHASED PLANS required.**

Except as otherwise expressly provided in this Division II, no person may develop any land unless:

(1) THE PROJECT IS A SINGLE-LOT RESIDENTIAL CONSTRUCTION THAT ESTABLISHES STORMWATER MANAGEMENT MEASURES IN ACCORDANCE WITH A STANDARD STORMWATER MANAGEMENT PLAN PREPARED IN ACCORDANCE WITH THE CITY'S DESIGN GUIDELINES AND APPROVED BY THE DEPARTMENT; OR

(2) the person:

(i) [(1)] establishes stormwater management measures that control or manage runoff from the development; and

(ii) [(2)] incorporates those measures into [a] PHASED stormwater management [plan] PLANS approved by the Department.

**§ 22-2. Design and construction.**

These stormwater management measures must:

(1) meet the [design] requirements of the STATE'S Design Manual, THIS DIVISION II, AND THE CITY'S DESIGN GUIDELINES; and

(2) be constructed according to:

(i) an approved plan for new development; or

(ii) the policies stated in § 23-7 of this Division II for redevelopment.

**§ 22-3. Minimum control requirements.**

(a) *In general.*

The minimum control requirements for these management measures are as provided in this section and the STATE'S Design Manual.

(b) *Volume sizing criteria.*

[The Design Manual's sizing criteria for recharge volume, water quality volume, and channel protection storage volume must be used to design best management practices.]

(1) THE CRITERIA IN THE STATE'S DESIGN MANUAL FOR ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT PRACTICABLE AND THE USE OF ENVIRONMENTAL SITE DESIGN PLANNING TECHNIQUES AND TREATMENT PRACTICES MUST BE EXHAUSTED BEFORE ANY STRUCTURAL BEST MANAGEMENT PRACTICE OR ALTERNATIVE PRACTICE IS IMPLEMENTED.

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1 (2) STORMWATER MANAGEMENT PLANS FOR DEVELOPMENT PROJECTS SUBJECT TO THIS  
2 DIVISION II MUST BE DESIGNED USING ENVIRONMENTAL SITE DESIGN SIZING CRITERIA,  
3 RECHARGE VOLUME, WATER QUALITY VOLUME, AND CHANNEL PROTECTION STORAGE  
4 VOLUME CRITERIA ACCORDING TO THE STATE'S DESIGN MANUAL. THE MAXIMUM-  
5 EXTENT-PRACTICABLE STANDARD IS MET WHEN CHANNEL STABILITY IS MAINTAINED,  
6 PREDEVELOPMENT GROUNDWATER RECHARGE IS REPLICATED, NONPOINT SOURCE  
7 POLLUTION IS MINIMIZED, AND STRUCTURAL STORMWATER MANAGEMENT PRACTICES  
8 OR ALTERNATIVE PRACTICES ARE USED ONLY IF DETERMINED TO BE ABSOLUTELY  
9 NECESSARY.

10 (c) *10-year frequency storm event.*

11 Runoff from the 10-year frequency storm event must be controlled in accordance with the  
12 STATE'S Design Manual if the Department determines that ADDITIONAL STORMWATER  
13 MANAGEMENT IS NECESSARY BECAUSE historical flooding problems exist and downstream  
14 floodplain development and conveyance system design cannot be controlled.

15 (d) *Additional control requirements.*

16 The Department may require more than the minimum control requirements of the  
17 STATE'S Design Manual if:

18 (1) hydrologic or topographic conditions warrant; or

19 (2) flooding, stream channel erosion, or water quality problems exist downstream  
20 from a proposed project.

21 (E) *ALTERNATIVE MINIMUM CONTROLS.*

22 WITH THE APPROVAL OF THE STATE WATER MANAGEMENT ADMINISTRATION, THE  
23 DEPARTMENT MAY ADOPT ALTERNATIVE MINIMUM CONTROL REQUIREMENTS THAT WILL:

24 (1) IMPLEMENT ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT  
25 PRACTICABLE; AND

26 (2) CONTROL FLOOD DAMAGES, ACCELERATED STREAM EROSION, WATER QUALITY,  
27 AND SEDIMENTATION.

28 (F) [(e)] *Consistency with FHMA plans.*

29 Where applicable, stormwater management and development plans must be consistent  
30 with watershed management plans and flood management plans approved by the State  
31 Water Management Administration under the Flood Hazard Management Act of 1976.

32 **§ 22-4. ENVIRONMENTAL SITE DESIGN; ~~Structural and nonstructural practices.~~**

33 (a) *In general.*

34 (1) In designing stormwater management measures, [structural and nonstructural  
35 practices] THE FOLLOWING must be used, either alone or in combination:

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1 (I) ENVIRONMENTAL SITE DESIGN TECHNIQUES AND PRACTICES; AND

2 (II) STRUCTURAL PRACTICES.

3 (2) THE APPLICANT MUST DEMONSTRATE THAT ENVIRONMENTAL SITE DESIGN HAS BEEN  
4 IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE BEFORE THE USE OF A  
5 STRUCTURAL BEST MANAGEMENT PRACTICE OR ALTERNATIVE PRACTICE MAY BE  
6 CONSIDERED IN DEVELOPING THE STORMWATER MANAGEMENT PLAN.

7 (3) [These structural and nonstructural practices] STORMWATER MANAGEMENT  
8 MEASURES, their selection, basic design criteria, methodologies, and construction  
9 specifications:

10 (i) must comply with the STATE'S Design Manual AND THE CITY'S DESIGN  
11 GUIDELINES; and

12 (ii) are subject to approval of the Department and the State Water Management  
13 Administration.

14 (4) ENVIRONMENTAL SITE DESIGN TECHNIQUES AND PRACTICES AND STRUCTURAL  
15 STORMWATER MANAGEMENT MEASURES USED TO SATISFY THE MINIMUM CONTROL  
16 REQUIREMENTS OF § 22-3 OF THIS SUBTITLE:

17 (I) ~~MUST BE HAVE EASEMENTS, AS DESCRIBED IN § 25-1(B)(1) OF THIS DIVISION II,~~  
18 ~~RECORDED IN THE LAND RECORDS OF BALTIMORE CITY;~~

19 (II) ~~MUST BE BINDING ON SUBSEQUENT PROPERTY OWNERS HAVE A RECORDED~~  
20 ~~INSPECTION AND MAINTENANCE AGREEMENT, AS DESCRIBED IN § 27-3 OF THIS~~  
21 ~~DIVISION II;~~ AND

22 (III) MAY NOT BE ALTERED WITHOUT THE DEPARTMENT'S PRIOR APPROVAL.

23 (B) *ENVIRONMENTAL SITE DESIGN PLANNING TECHNIQUES AND PRACTICES.*

24 (1) THE FOLLOWING PLANNING TECHNIQUES MUST BE APPLIED ACCORDING TO THE  
25 STATE'S DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL  
26 REQUIREMENTS OF § 22-3 OF THIS SUBTITLE:

27 (I) PRESERVING AND PROTECTING NATURAL RESOURCES;

28 (II) CONSERVING NATURAL DRAINAGE PATTERNS;

29 (III) MINIMIZING IMPERVIOUS AREA;

30 (IV) REDUCING RUNOFF VOLUME;

31 (V) USING ENVIRONMENTAL SITE DESIGN PRACTICES TO MAINTAIN 100% OF THE  
32 ANNUAL PREDEVELOPMENT GROUNDWATER RECHARGE VOLUME;

33 (VI) USING GREEN ROOFS, PERMEABLE PAVEMENT, REINFORCED TURF, AND OTHER  
34 ALTERNATIVE SURFACES;

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1 (VII) LIMITING SOIL DISTURBANCE, MASS GRADING, AND COMPACTION;

2 (VIII) CLUSTERING DEVELOPMENT; AND

3 (IX) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

4 (2) THE FOLLOWING ENVIRONMENTAL SITE DESIGN TREATMENT PRACTICES MUST BE  
5 DESIGNED ACCORDING TO THE STATE'S DESIGN MANUAL AND THE CITY'S DESIGN  
6 GUIDELINES TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS  
7 ESTABLISHED IN § 22-3 OF THIS SUBTITLE:

8 (I) DISCONNECTION OF ROOFTOP RUNOFF;

9 (II) DISCONNECTION OF NON-ROOFTOP RUNOFF;

10 (III) SHEETFLOW TO CONSERVATION AREAS;

11 (IV) RAINWATER HARVESTING;

12 (V) SUBMERGED GRAVEL WETLANDS;

13 (VI) LANDSCAPE INFILTRATION;

14 (VII) INFILTRATION BERMS;

15 (VIII) DRY WELLS;

16 (IX) MICRO-BIORETENTION;

17 (X) RAIN GARDENS;

18 (XI) SWALES;

19 (XII) ENHANCED FILTERS; AND

20 (XIII) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

21 (3) THE USE OF ENVIRONMENTAL SITE DESIGN PLANNING TECHNIQUES AND TREATMENT  
22 PRACTICES MAY NOT CONFLICT WITH EXISTING STATE OR LOCAL LAWS, ORDINANCES,  
23 REGULATIONS, OR POLICIES.

24 (C) [(b)] *Structural [practices] STORMWATER MANAGEMENT MEASURES.*

25 (1) The following structural stormwater management practices must be designed to  
26 satisfy the applicable minimum control requirements [established in] OF § 22-3 of this  
27 subtitle.

28 (i) stormwater management ponds;

29 (ii) stormwater management wetlands;

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- 1 (iii) stormwater management infiltration;
- 2 (iv) stormwater management filtering systems;
- 3 (v) stormwater management open channel systems; and
- 4 (vi) other practices provided in the STATE'S Design Manual.

5 (2) In selecting structural practices, consideration must be given to the performance  
6 criteria specified in the STATE'S Design Manual for:

- 7 (i) general feasibility;
- 8 (ii) conveyance;
- 9 (iii) pretreatment;
- 10 (iv) treatment and geometry;
- 11 (v) environment and landscaping; and
- 12 (vi) maintenance.

13 (3) Structural practices must accommodate the unique hydrologic or geologic regions of  
14 the [City] SITE.

15 [(c) *Nonstructural practices.*

16 (1) The following nonstructural stormwater management practices must be applied to  
17 minimize increases in new development runoff:

- 18 (i) natural area conservation;
- 19 (ii) disconnection of rooftop runoff;
- 20 (iii) disconnection of non-rooftop runoff;
- 21 (iv) sheet flow to buffers;
- 22 (v) grass channels; and
- 23 (vi) environmentally sensitive development.

24 (2) The use of nonstructural practices is encouraged to minimize the reliance on  
25 structural best management practices.

26 (3) The minimum control requirements listed in of this subtitle may be reduced when  
27 nonstructural practices are incorporated into site designs according to the Design  
28 Manual.

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1 (4) The use of nonstructural practices may not conflict with existing State or local laws,  
2 ordinances, regulations, or policies.

3 (5) Nonstructural practices used to reduce the minimum control requirements:

4 (i) must be recorded in the land records of Baltimore City;

5 (ii) are binding on subsequent property owners; and

6 (iii) may not be altered without the prior approval of the Department.]

7 (d) *Alternative practices.*

8 (1) Alternative structural and nonstructural stormwater management practices may be  
9 used for new development water quality control if they:

10 (i) meet the performance criteria established in the STATE'S Design Manual; and

11 (ii) are approved by the State Water Management Administration.

12 ~~(2) SEPARATE POLICIES FOR PROVIDING WATER QUALITY CONTROL MAY BE USED FOR NEW~~  
13 ~~DEVELOPMENT PROJECTS IF THEY ARE REVIEWED AND APPROVED BY THE STATE~~  
14 ~~WATER MANAGEMENT ADMINISTRATION. SEPARATE POLICIES INCLUDE:~~

15 ~~(I) RETROFITTING;~~

16 ~~(II) STREAM RESTORATION;~~

17 ~~(III) POLLUTION TRADING;~~

18 ~~(IV) DESIGN CRITERIA BASED ON WATERSHED MANAGEMENT PLANS DEVELOPED~~  
19 ~~UNDER § 23-6(B) OF THIS DIVISION H; OR~~

20 ~~(V) FEES PAID THAT ARE DEDICATED EXCLUSIVELY TO PROVIDE STORMWATER~~  
21 ~~MANAGEMENT.~~

22 ~~(3)~~ (2) Practices used for redevelopment projects must be approved by the Department.

23 (e) *Impact analysis.*

24 (1) For the purposes of modifying the minimum control requirements or design criteria,  
25 the [developer] APPLICANT must submit to the Department an analysis of the impacts  
26 of stormwater flows downstream in the watershed.

27 (2) The analysis must include the hydrologic and hydraulic calculations necessary to  
28 determine the impact of hydrograph timing modifications of the proposed  
29 development upon a dam, highway, structure, or natural point of restricted  
30 streamflow.

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1 (3) The point of investigation is to be established, with the Department’s concurrence,  
2 downstream of the first downstream tributary whose drainage area equals or exceeds  
3 the contributing area to the project or stormwater management facility.

4 **§ 22-5. Contents of plan.**

5 [(a) *In general.*]

6 [The plan submitted for review and approval must contain supporting computations,  
7 drawings, and sufficient information to describe the manner, location, and type of  
8 measures in which stormwater runoff will be managed from the entire development.]

9 [(b) *Report and construction drawings.*]

10 [The plan must be accompanied by a report and construction drawings that include  
11 sufficient information to evaluate:

- 12 (1) the environmental characteristics of affected areas;
- 13 (2) the potential impacts of the proposed development on water resources; and
- 14 (3) the effectiveness and acceptability of measures proposed for managing  
15 stormwater runoff.]

16 (A) *IN GENERAL.*

- 17 (1) FOR ANY PROPOSED DEVELOPMENT, THE APPLICANT MUST SUBMIT PHASED  
18 STORMWATER MANAGEMENT PLANS TO THE DEPARTMENT FOR REVIEW AND  
19 APPROVAL.
- 20 (2) AT A MINIMUM, PLANS MUST BE SUBMITTED FOR THE CONCEPT, SITE DEVELOPMENT,  
21 AND FINAL STORMWATER MANAGEMENT CONSTRUCTION PHASES OF PROJECT DESIGN.
- 22 (3) EACH PLAN MUST:
  - 23 (I) INCLUDE THE MINIMUM CONTENT SPECIFIED IN § 22-3 {“MINIMUM CONTROL  
24 REQUIREMENTS”} OF THIS SUBTITLE; AND
  - 25 (II) MEET THE REQUIREMENTS OF THE STATE’S DESIGN MANUAL, THE CITY’S  
26 DESIGN GUIDELINES, AND § 22-4 {“ENVIRONMENTAL SITE DESIGN;  
27 STRUCTURAL, ~~NONSTRUCTURAL~~ PRACTICES”} OF THIS SUBTITLE.

28 (B) *CONCEPT PLAN.*

- 29 (1) THE APPLICANT MUST SUBMIT A CONCEPT PLAN THAT PROVIDES SUFFICIENT  
30 INFORMATION FOR AN INITIAL ASSESSMENT OF THE PROPOSED PROJECT AND WHETHER  
31 STORMWATER MANAGEMENT CAN BE PROVIDED ACCORDING TO § 22-4  
32 {“ENVIRONMENTAL SITE DESIGN; STRUCTURAL, ~~NONSTRUCTURAL~~ PRACTICES”} OF  
33 THIS SUBTITLE AND THE STATE’S DESIGN MANUAL.

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1 (2) PLANS SUBMITTED FOR CONCEPT APPROVAL MUST INCLUDE THE FOLLOWING,  
2 MINIMUM INFORMATION:

3 (I) A MAP THAT SHOWS, AT A SCALE SPECIFIED BY THE DEPARTMENT:

- 4 A. SITE LOCATION;
- 5 B. EXISTING NATURAL FEATURES;
- 6 C. WATER AND OTHER SENSITIVE RESOURCES;
- 7 D. TOPOGRAPHY; AND
- 8 E. NATURAL DRAINAGE PATTERNS;

9 (II) THE ANTICIPATED LOCATION OF ALL:

- 10 A. IMPERVIOUS AREAS;
- 11 B. BUILDINGS;
- 12 C. ROADWAYS;
- 13 D. PARKING;
- 14 E. SIDEWALKS;
- 15 F. UTILITIES; AND
- 16 G. OTHER SITE IMPROVEMENTS;

17 (III) THE LOCATION OF:

- 18 A. THE PROPOSED LIMIT OF DISTURBANCE;
- 19 B. ERODIBLE SOILS;
- 20 C. STEEP SLOPES; AND
- 21 D. AREAS TO BE PROTECTED DURING CONSTRUCTION;

22 (IV) PRELIMINARY ESTIMATES OF:

- 23 A. STORMWATER MANAGEMENT REQUIREMENTS;
- 24 B. THE SELECTION AND LOCATION OF ENVIRONMENTAL SITE DESIGN  
25 PRACTICES TO BE USED; AND
- 26 C. THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE;



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1 (V) A NARRATIVE THAT SUPPORTS THE CONCEPT DESIGN AND DESCRIBES HOW  
2 ENVIRONMENTAL SITE DESIGN WILL BE IMPLEMENTED TO THE MAXIMUM  
3 EXTENT PRACTICABLE; AND

4 (VI) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

5 (C) *SITE DEVELOPMENT PLAN.*

6 (1) AFTER APPROVAL OF THE CONCEPT PLAN, THE APPLICANT MUST SUBMIT, UNLESS  
7 EXEMPTED BY THE DEPARTMENT, AT THE DEPARTMENT'S DISCRETION, SITE  
8 DEVELOPMENT PLANS THAT REFLECT COMMENTS RECEIVED DURING THE PREVIOUS  
9 REVIEW PHASE.

10 (2) PLANS SUBMITTED FOR SITE DEVELOPMENT APPROVAL MUST BE OF SUFFICIENT DETAIL  
11 TO ALLOW SITE DEVELOPMENT TO BE REVIEWED.

12 (3) THESE PLANS MUST INCLUDE THE FOLLOWING, MINIMUM INFORMATION:

13 (I) ALL INFORMATION PROVIDED DURING THE CONCEPT PLAN REVIEW PHASE;

14 (II) FINAL SITE LAYOUT, INCLUDING:

15 A. EXACT IMPERVIOUS AREA LOCATIONS AND ACREAGES;

16 B. PROPOSED TOPOGRAPHY;

17 C. DELINEATED DRAINAGE AREAS AT ALL POINTS OF DISCHARGE FROM  
18 THE SITE; AND

19 D. STORMWATER VOLUME COMPUTATIONS FOR ENVIRONMENTAL SITE  
20 DESIGN PRACTICES AND QUANTITY CONTROL STRUCTURES;

21 (III) A PROPOSED EROSION AND SEDIMENT CONTROL PLAN THAT CONTAINS:

22 A. THE CONSTRUCTION SEQUENCE;

23 B. ANY PHASING NECESSARY TO LIMIT EARTH DISTURBANCES AND  
24 IMPACTS TO NATURAL RESOURCES; AND

25 C. AN OVERLAY PLAN THAT SHOWS THE TYPES AND LOCATIONS OF  
26 ENVIRONMENTAL SITE DESIGN PRACTICES AND EROSION AND SEDIMENT  
27 CONTROL PRACTICES TO BE USED;

28 (IV) A NARRATIVE THAT:

29 A. SUPPORTS THE SITE DEVELOPMENT DESIGN;

30 B. DESCRIBES HOW ENVIRONMENTAL SITE DESIGN WILL BE USED TO MEET  
31 THE MINIMUM CONTROL REQUIREMENTS; AND

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1 C. JUSTIFIES ANY PROPOSED STRUCTURAL STORMWATER MANAGEMENT  
2 OR ALTERNATIVE PRACTICE MEASURE; AND

3 (V) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

4 (D) *FINAL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS.*

5 (1) AFTER SITE DEVELOPMENT APPROVAL, THE APPLICANT MUST SUBMIT FINAL EROSION  
6 AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS THAT REFLECT THE  
7 COMMENTS RECEIVED DURING THE PREVIOUS REVIEW PHASE.

8 (2) PLANS SUBMITTED FOR FINAL APPROVAL MUST BE OF SUFFICIENT DETAIL TO ALLOW  
9 ALL APPROVALS AND PERMITS TO BE ISSUED AS FOLLOWS:

10 (I) FINAL EROSION AND SEDIMENT CONTROL PLANS MUST BE SUBMITTED  
11 ACCORDING TO COMAR 26.17.01.05; AND

12 (II) FINAL STORMWATER MANAGEMENT PLANS MUST BE SUBMITTED IN THE FORM  
13 OF CONSTRUCTION DRAWINGS, ACCOMPANIED BY A REPORT THAT INCLUDES  
14 SUFFICIENT INFORMATION TO EVALUATE THE EFFECTIVENESS OF THE  
15 PROPOSED RUNOFF CONTROL DESIGN.

16 (E) [(c)] *Waivers and variances.*

17 The plan must be accompanied by an application for any waiver or variance sought under  
18 Subtitle 23 or Subtitle 24.

19 **§ 22-6. Report FOR FINAL PLAN.**

20 The report SUBMITTED FOR FINAL STORMWATER MANAGEMENT PLAN APPROVAL must contain  
21 the following, minimum information:

22 (1) a brief narrative description of the project;

23 (2) geotechnical investigations, including soil maps, borings, site specific  
24 recommendations, and any additional information necessary to evaluate the [proposed]  
25 FINAL stormwater management design;

26 (3) descriptions of all water courses, impoundments, and wetlands on or adjacent to the  
27 site or into which stormwater directly flows;

28 (4) [hydrologic computations, including] drainage area maps that show pre-development  
29 and post-development runoff flow path segmentation and land use;

30 (5) ~~hydraulic~~-HYDROLOGIC computations OF THE APPLICABLE ENVIRONMENTAL SITE  
31 DESIGN AND UNIFIED SIZING CRITERIA, ACCORDING TO THE STATE'S DESIGN MANUAL,  
32 FOR ALL POINTS OF DISCHARGE FROM THE SITE;

33 (6) HYDRAULIC COMPUTATIONS FOR ALL ENVIRONMENTAL SITE DESIGN PRACTICES AND  
34 STRUCTURAL STORMWATER MANAGEMENT MEASURES TO BE USED;

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- 1 (7) [(6)] structural computations;
- 2 (8) [(7) unified] VOLUME sizing [criteria volume] computations, according to the STATE'S
- 3 Design Manual, THAT SUPPORT THE FINAL STORMWATER MANAGEMENT DESIGN; and
- 4 (9) [(8)] any other information [required by] THAT the Department REQUIRES.

5 **§ 22-7. Construction drawings FOR FINAL PLAN.**

6 (a) *In general.*

7 The construction drawings SUBMITTED FOR FINAL STORMWATER MANAGEMENT PLAN

8 APPROVAL must include the following:

9 (7) structural and construction details, INCLUDING REPRESENTATIVE CROSS SECTIONS,

10 for all components of:

- 11 (i) the proposed drainage system or systems; and
- 12 (ii) stormwater management facilities;

13 (10) [dimensions of] DATA FOR:

- 14 (i) total site area;
- 15 (ii) disturbed area;
- 16 (iii) new impervious area; and
- 17 (iv) total impervious area;

18 (11) a table that shows the ENVIRONMENTAL SITE DESIGN AND unified sizing criteria

19 volumes required by the STATE'S Design Manual;

20 (14) a maintenance INSPECTION AND MAINTENANCE ACTIVITY schedule;

21 (b) [*Covenant of compliance*] *CERTIFICATION OF COMPLIANCE.*

22 The [developer] APPLICANT must [covenant] CERTIFY on the drawings that all grading,

23 drainage, construction, and development will be done in strict accordance with the

24 APPROVED plan.

25 **§ 22-8. Preparation of plan.**

26 (a) *In general.*

27 [A] THE DESIGN OF ALL stormwater management [plan] PLANS must be prepared by a

28 professional engineer, professional land surveyor, or landscape architect licensed in the

29 State.

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1 (b) *Professional engineer only.*

2 If STORMWATER best management practices require a dam safety permit from the  
3 Maryland Department of the Environment OR SMALL POND APPROVAL FROM THE CITY, the  
4 plan must be prepared by a professional engineer licensed in the State.

5 **§ 22-9. Easements for runoff.**

6 (a) *Easement.*

7 If a stormwater management plan involves directing some or all runoff from the site, the  
8 [developer] APPLICANT is responsible for obtaining from adjacent property owners any  
9 needed easements or property interests for water flow.

10 **§ 22-10. Review and approval of plan.**

11 (a) *Review AND COMMENT.*

12 (1) The Department must PERFORM A COMPREHENSIVE review OF THE PLANS FOR each  
13 [proposed plan] PHASE OF SITE DESIGN to determine [its] compliance with this Division  
14 II.

15 (2) FOR EACH PLAN PHASE, COORDINATED COMMENTS WILL BE PROVIDED THAT REFLECT  
16 INPUT FROM ALL APPROPRIATE AGENCIES, INCLUDING PLANNING, ZONING, AND PUBLIC  
17 WORKS.

18 (3) AT EACH PHASE OF PROJECT DESIGN, COMMENTS FROM THE DEPARTMENT AND OTHER  
19 APPROPRIATE AGENCIES MUST BE ADDRESSED BY THE APPLICANT AND APPROVAL  
20 RECEIVED BEFORE SUBSEQUENT SUBMISSIONS.

21 (c) *Notification.*

22 [Within 30 days after it receives a completed stormwater management plan] AFTER THE  
23 DEPARTMENT HAS COMPLETED ITS COMPREHENSIVE REVIEW FOR EACH PHASE OF SITE  
24 DESIGN, the Department must notify the applicant of:

25 (1) the Department's approval of the plan;

26 (2) the Department's disapproval of the plan, together with:

27 (i) the reasons for disapproval; and

28 (ii) any modifications that the Department requires for approval; or

29 (3) if no decision has yet been made:

30 (i) the status of the review process; and

31 (ii) the anticipated date of completion.

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Subtitle 23. Waivers

§ 23-1. Quantitative control waiver.

(A) *IN GENERAL.*

~~The EXCEPT AS PROVIDED FOR IN § 23-5 {“PHASED DEVELOPMENT PROJECTS”} OF THIS SUBTITLE, THE~~ Department may grant a waiver of quantitative control requirements, ~~APPLIED TO THE EXISTING IMPERVIOUS COVER ON THE SITE,~~ for a project if:

(1) ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE; AND

(2) 1 OR ANOTHER OF THE FOLLOWING APPLIES:

(i) ~~(1)~~ the project is within an area for which a watershed management plan has been developed [under] CONSISTENT WITH § 23-6 of this subtitle;

(ii) ~~(2)~~ the project has a direct, CONCENTRATED discharge OF STORMWATER; ~~to tidal waters or TO CONNECTED CLOSED STORM DRAINAGE SYSTEMS OF ADEQUATE CAPACITY;~~ ~~(3)~~ THE PROJECT HAS A DIRECT, CONCENTRATED DISCHARGE OF STORMWATER TO [other tidal] TIDALLY INFLUENCED RECEIVING wetlands;

A. TO TIDAL WATERS;

B. TO TIDALLY INFLUENCED RECEIVING WETLANDS; OR

C. TO CONNECTED CLOSED STORM DRAINAGE SYSTEMS OF ADEQUATE CAPACITY, AS PROVIDED IN SUBSECTION (B) OF THIS SECTION;

(iii) THE PROJECT IS AN IN-FILL DEVELOPMENT TO WHICH ALL OF THE FOLLOWING APPLY:

A. THE PROJECT IS LOCATED IN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER STATE FINANCE AND PROCUREMENT ARTICLE TITLE 5, SUBTITLE 7B;

B. THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO THE PLANNED DENSITY ALLOWED UNDER THE CITY’S ZONING CODE;

C. IMPLEMENTATION OF STORMWATER MANAGEMENT REGULATIONS ADOPTED BY THE STATE IN 2009 WOULD RESULT IN A LOSS OF PLANNED DENSITY ALLOWED UNDER THE CITY’S ZONING CODE;

D. THE AREA IS SERVED BY EXISTING PUBLIC WATER, SEWER, AND STORMWATER CONVEYANCES;

E. THE QUANTITATIVE WAIVER IS APPLIED ONLY TO THE IMPERVIOUS COVER THAT PREVIOUSLY EXISTED ON THE SITE;

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1 F. ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT  
2 PRACTICABLE IS USED TO MEET THE FULL WATER QUALITY  
3 TREATMENT REQUIREMENTS FOR THE ENTIRE DEVELOPMENT; AND

4 G. ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT  
5 IS USED TO PROVIDE FULL QUANTITY CONTROL FOR  
6 ALL NEW IMPERVIOUS SURFACES;

7 (IV) ~~(4)~~THE APPLICANT DEMONSTRATES THROUGH ENGINEERING ANALYSIS  
8 THAT UNMANAGED 10-YEAR AND 100-YEAR STORM EVENTS FOR THE  
9 PROPOSED DEVELOPMENT WILL NOT CAUSE EROSION, FLOODING, OR AN  
10 ADVERSE IMPACT ON THE RECEIVING WATERS OR DOWNSTREAM  
11 STORMWATER CONVEYANCE SYSTEM; or

12 (V) ~~(5)~~[(3)] the Department determines that circumstances exist that prevent  
13 the reasonable implementation of quantity control practices.

14 (B) CLOSED DRAINAGE SYSTEMS.

15 FOR PURPOSES OF SUBSECTION (A)(2)(II)C OF THIS SECTION, HYDROLOGIC AND HYDRAULIC  
16 INVESTIGATIONS MUST SHOW THAT THE RECEIVING STORM DRAINAGE SYSTEM CAN  
17 ACCOMMODATE ANTICIPATED STORM WATER FLOWS FROM THE PROJECT SITE WITHOUT  
18 DOWNSTREAM FLOODING OR STREAM-BANK EROSION.

19 **§ 23-2. Qualitative control waiver.**

20 ~~The~~ EXCEPT AS PROVIDED FOR IN § 23-5 {“PHASED DEVELOPMENT PROJECTS”} OF THIS  
21 SUBTITLE, THE Department may grant a waiver of qualitative control requirements for a  
22 project if:

23 (1) THE PROJECT WILL RETURN THE DISTURBED AREA TO A PREDEVELOPMENT RUNOFF  
24 CONDITION, SUCH AS PIPELINE OR CONDUIT PROJECTS, CERTAIN LANDSCAPING  
25 PROJECTS, CERTAIN MAINTENANCE PROJECTS, AND CERTAIN UNDERGROUND PROJECTS;

26 (2) [(1)] the project is [a] AN IN-FILL development project (THAT IS, A DEVELOPMENT ON  
27 VACANT, BYPASSED, OR UNDERUTILIZED LAND WITHIN AN EXISTING DEVELOPED AREA)  
28 for which [stormwater management implementation is]:

29 (I) ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM  
30 EXTENT PRACTICABLE; AND

31 (II) IT HAS BEEN DEMONSTRATED THAT OTHER BEST MANAGEMENT PRACTICES ARE  
32 not feasible;

33 (3) [(2)] the project is a redevelopment project for which the requirements of § 23-7 of  
34 this subtitle are satisfied; or

35 (4) [(3)] the Department determines that circumstances exist that prevent the reasonable  
36 implementation of [quality control practices] ENVIRONMENTAL SITE DESIGN TO THE  
37 MAXIMUM EXTENT PRACTICABLE.

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1 § 23-4. WAIVER – Application for waiver.

2 (a) *In general.*

3 The application for a waiver must:

4 (4) be submitted to the Department with the [developer's] APPLICANT'S proposed  
5 stormwater management plan.

6 § 23-4.1. WAIVER – PUBLIC NOTICES AND COMMENT.

7 (A) WEBSITE NOTICE.

8 (1) WHEN AN APPLICATION FOR A WAIVER IS SUBMITTED, THE DEPARTMENT SHALL  
9 PREPARE AND POST ON ITS WEBSITE, AVAILABLE FOR DOWNLOAD, A PUBLIC NOTICE OF  
10 THE APPLICATION.

11 (2) THE PUBLIC NOTICE SHALL INCLUDE:

12 (I) THE APPLICANT'S NAME AND ADDRESS;

13 (II) A DESCRIPTION OF THE LOCATION AND NATURE OF THE ACTIVITY FOR WHICH  
14 THE APPLICATION IS MADE;

15 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OFFICE WITHIN THE  
16 DEPARTMENT FROM WHICH PERSONS MAY OBTAIN INFORMATION ABOUT THE  
17 APPLICATION;

18 (IV) A STATEMENT THAT ANY FURTHER NOTICES ABOUT ACTIONS ON THE  
19 APPLICATION WILL BE POSTED ON THE DEPARTMENT'S WEBSITE;

20 (V) A DESCRIPTION OF HOW PERSONS MAY SUBMIT INFORMATION OR COMMENTS  
21 ABOUT THE APPLICATION; AND

22 (VI) THE DATE WHEN THE PUBLIC COMMENT PERIOD CLOSSES, NOT TO EXCEED 30  
23 DAYS, AND BY WHICH INFORMATION OR COMMENTS MUST BE RECEIVED BY THE  
24 DEPARTMENT.

25 (B) MAIL AND EMAIL NOTICES.

26 THE DEPARTMENT ALSO SHALL MAIL OR EMAIL PUBLIC NOTICES TO:

27 (1) ALL CONTIGUOUS PROPERTY OWNERS;

28 (2) THE CITY COUNCILMEMBER IN WHOSE DISTRICT THE PROPERTY IS LOCATED; AND

29 (3) PERSONS WHO HAVE SUBMITTED INFORMATION OR COMMENTS ABOUT THE  
30 APPLICATION.

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1        (C) COMMENTS.

2                COMMENTS ON AN APPLICATION MUST BE SUBMITTED IN WRITING TO THE DEPARTMENT  
3                BEFORE THE CLOSE OF THE PUBLIC COMMENT PERIOD, AS SPECIFIED IN THE PUBLIC NOTICE.

4        **§ 23-5. PHASED DEVELOPMENT PROJECTS.**

5                THE DEPARTMENT MAY GRANT A QUANTITATIVE AND QUALITATIVE CONTROL WAIVER FOR A  
6                PHASED DEVELOPMENT PROJECT IF:

7                (1) BY MAY 4, 2010, A STORMWATER SYSTEM HAS BEEN CONSTRUCTED THAT IS DESIGNED  
8                TO MEET:

9                        (I) THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED IN 2000 BY THE  
10                        MARYLAND DEPARTMENT OF THE ENVIRONMENT; AND

11                        (II) THE REQUIREMENTS OF THIS DIVISION II, AS IN EFFECT ON JULY 27, 2002; OR

12                (2) FOR FUTURE PHASES OF A PHASED DEVELOPMENT PROJECT THAT ARE CONSTRUCTED  
13                AFTER MAY 4, 2010:

14                        (I) THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED IN 2009 BY THE  
15                        MARYLAND DEPARTMENT OF THE ENVIRONMENT CANNOT BE MET; AND

16                        (II) THE APPLICANT DEMONSTRATES THAT ALL REASONABLE EFFORTS WERE MADE  
17                        TO INCORPORATE ENVIRONMENTAL SITE DESIGN INTO THESE PHASES OF THE  
18                        DEVELOPMENT.

19        **§ 23-6. Watershed management plan.**

20                (a) *In general.*

21                (1) The Department may develop [a] AN OVERALL watershed management plan for the  
22                purpose of implementing different policies for waivers and redevelopment.

23                (2) If the Department establishes a watershed management plan for a specific watershed,  
24                the Department may develop quantitative control waivers and redevelopment  
25                provisions that differ from [§ 23-1(2) and (3)] § 23-1(A)(2)(II) THROUGH (V) and  
26                § 23-7.

27                (3) (I) IF THE DEPARTMENT ESTABLISHES A WATERSHED MANAGEMENT PLAN FOR A  
28                SPECIFIC WATERSHED, THEN THE DEPARTMENT MAY DEVELOP SEPARATE POLICIES,  
29                REVIEWED AND APPROVED BY THE STATE WATER MANAGEMENT  
30                ADMINISTRATION, FOR PROVIDING WATER QUALITY CONTROL.

31                        (II) THESE SEPARATE POLICIES MAY INCLUDE:

32                                A. RETROFITTING;

33                                B. STREAM RESTORATION;



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1            C. POLLUTION TRADING;

2            D. DESIGN CRITERIA BASED ON WATERSHED MANAGEMENT PLANS DEVELOPED  
3            UNDER § 23-6(B) OF THIS DIVISION II;

4            E. PAYMENT OF OFFSET FEES THAT ARE DEDICATED EXCLUSIVELY TO PROVIDE  
5            FOR STORMWATER MANAGEMENT WITHIN THE SAME WATERSHED AS THE  
6            PROPOSED DEVELOPMENT; OR

7            F. OTHER POLICIES DEVELOPED BY THE DEPARTMENT.

8            (b) *Requisites.*

9            For this purpose, the watershed management plan must:

10            (2) include an evaluation of both quantity and quality management AND OF  
11            OPPORTUNITIES FOR ENVIRONMENTAL SITE DESIGN IMPLEMENTATION;

12            (3) include a cumulative impact assessment of CURRENT AND PROPOSED watershed  
13            development;

14            (7) be consistent with the General Performance Standards for Stormwater  
15            Management in Maryland, found in Section 1.2 of the STATE'S Design Manual;  
16            and

17            **§ 23-7. Redevelopment.**

18            (A) *IN GENERAL.*

19            (1) STORMWATER MANAGEMENT PLANS ARE REQUIRED FOR ALL REDEVELOPMENT, UNLESS  
20            OTHERWISE SPECIFIED BY WATERSHED MANAGEMENT PLANS DEVELOPED UNDER  
21            § 23-6(B) OF THIS SUBTITLE.

22            (2) STORMWATER MANAGEMENT MEASURES MUST BE CONSISTENT WITH THE STATE'S  
23            DESIGN MANUAL.

24            (B) [(a)] *Waived requirements.*

25            Unless otherwise specified by the Department, a redevelopment project need not comply  
26            with requirements of the STATE'S Design Manual for:

27            (1) recharge volume;

28            (2) channel protection storage volume; [and ]

29            (3) overbank flood protection volume; AND

30            (4) EXTREME FLOOD PROTECTION VOLUME.

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1 (C) [(b)] *Applicable requirements – In general.*

- 2 (1) All redevelopment projects must, IN ACCORDANCE WITH THE STATE’S DESIGN  
3 MANUAL, reduce existing site impervious areas WITHIN THE LIMITS OF DISTURBANCE  
4 by at least [20%] 50%.
- 5 (2) If site conditions prevent the reduction of impervious area, then [stormwater  
6 management practices] ENVIRONMENTAL SITE DESIGN PRACTICES must be implemented  
7 TO THE MAXIMUM EXTENT PRACTICABLE [to provide qualitative control] for at least  
8 [20%] 50% of the site’s EXISTING impervious area WITHIN THE LIMITS OF  
9 DISTURBANCE.
- 10 (3) If a combination of impervious area reduction and stormwater practice implementation  
11 is used, the combined area must equal or exceed [20%] 50% of the [site] SITE’S  
12 EXISTING IMPERVIOUS AREA WITHIN THE LIMITS OF DISTURBANCE.

13 (D) [(c)] *Applicable requirements – Alternatives.*

14 [If conditions prevent impervious area reduction or on-site stormwater management,  
15 practical alternatives may be considered, including:]

16 (1) ALTERNATIVE STORMWATER MANAGEMENT MEASURES MAY BE USED TO MEET THE  
17 REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION IF THE APPLICANT  
18 SATISFACTORILY DEMONSTRATES TO THE DEPARTMENT THAT:

19 (I) IMPERVIOUS AREA REDUCTION HAS BEEN MAXIMIZED; AND

20 (II) ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM  
21 EXTENT PRACTICABLE.

22 (2) Alternative stormwater management measures include:

23 (I) [(1) fees] AN ON-SITE STRUCTURAL BEST MANAGEMENT PRACTICE;

24 (II) [(2)] off-site implementation of STRUCTURAL best management practices TO  
25 PROVIDE WATER QUALITY TREATMENT for [a drainage area comparable in size  
26 and percent imperviousness to that of the project] AN AREA EQUAL TO AT LEAST  
27 50% OF THE EXISTING IMPERVIOUS AREA WITHIN THE LIMITS OF DISTURBANCE;  
28 AND

29 (III) [(3) watershed or stream restoration;] A COMBINATION OF IMPERVIOUS AREA  
30 REDUCTION, ENVIRONMENTAL SITE DESIGN IMPLEMENTATION, AND AN ON-SITE  
31 OR OFF-SITE STRUCTURAL BEST MANAGEMENT PRACTICE FOR AN AREA EQUAL  
32 TO AT LEAST 50% OF THE EXISTING SITE IMPERVIOUS AREA WITHIN THE LIMITS  
33 OF DISTURBANCE;.

34 (E) SEPARATE POLICIES.

35 (1) THE DEPARTMENT MAY DEVELOP SEPARATE POLICIES FOR PROVIDING WATER QUALITY  
36 TREATMENT FOR REDEVELOPMENT PROJECTS IF THE DEPARTMENT DETERMINES THAT

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1 THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION HAVE BEEN  
2 IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE.

3 (2) THE DEPARTMENT'S CRITERIA FOR SEPARATE POLICIES ARE OUTLINED IN THE CITY'S  
4 DESIGN GUIDELINES.

5 (3) ANY SEPARATE REDEVELOPMENT POLICY MUST BE REVIEWED AND APPROVED BY THE  
6 STATE WATER MANAGEMENT ADMINISTRATION.

7 (4) THESE SEPARATE POLICIES MAY INCLUDE:

8 (I) A COMBINATION OF IMPERVIOUS AREA REDUCTION, ENVIRONMENTAL SITE  
9 DESIGN, AND ON-SITE AND OFF-SITE STRUCTURAL BEST MANAGEMENT  
10 PRACTICES;

11 (II) ~~(iv)~~[(4)] retrofitting to improve water quality over current conditions by:

12 A. [(i)] construction of structural best management practices in a  
13 previously developed area; OR

14 B. [(ii)] modification of existing structural best management practices; [or]

15 [(iii)] implementation of a nonstructural practice; or]

16 (III) ~~(v)~~-WATERSHED OR STREAM RESTORATION;

17 (IV) ~~(vi)~~-POLLUTION TRADING;

18 (V) ~~(vii)~~-DESIGN CRITERIA BASED ON WATERSHED MANAGEMENT PLANS DEVELOPED  
19 UNDER § 23-6(B) OF THIS SUBTITLE;

20 (VI) ~~(viii)~~-PAYMENT OF OFFSET FEES THAT ARE DEDICATED EXCLUSIVELY FOR  
21 STORMWATER MANAGEMENT WITHIN THE SAME WATERSHED AS THE PROPOSED  
22 DEVELOPMENT;

23 (VII) A PARTIAL WAIVER OF THE TREATMENT REQUIREMENTS IF ENVIRONMENTAL  
24 SITE DESIGN IS NOT PRACTICABLE; OR

25 (VIII) ~~(ix)~~[(5)] other practices approved by the Department.

26 (5) THE DEPARTMENT WILL DETERMINE DURING THE CONCEPT DESIGN PHASE WHICH  
27 ALTERNATIVE MEASURES MAY BE MADE AVAILABLE. PRIORITIZATION OF THE  
28 ALTERNATIVE MEASURES LISTED IN PARAGRAPH (4) OF THIS SUBSECTION MUST BE  
29 CONSIDERED AFTER A DETERMINATION BY THE DEPARTMENT THAT IT IS NOT  
30 PRACTICAL TO MEET THE 2009 REGULATORY REQUIREMENTS USING ENVIRONMENTAL  
31 SITE DESIGN.

32 (6) WHEN DETERMINING WHICH ALTERNATIVE MEASURES MAY BE AUTHORIZED UNDER  
33 PARAGRAPH (4) OF THIS SUBSECTION FOR A PROJECT, THE DEPARTMENT MAY CONSIDER  
34 WHETHER:

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1           (I) THE REDEVELOPMENT PROJECT IS LOCATED IN AN AREA DESIGNATED AS:

2                   A. A PRIORITY FUNDING AREA UNDER STATE FINANCE AND PROCUREMENT  
3                   ARTICLE TITLE 5, SUBTITLE 7B;

4                   B. A TRANSIT ORIENTED DEVELOPMENT AREA UNDER STATE  
5                   TRANSPORTATION ARTICLE TITLE 7, SUBTITLE 1; OR

6                   C. A BASE REALIGNMENT AND CLOSURE REVITALIZATION AND INCENTIVE  
7                   ZONE UNDER STATE ECONOMIC DEVELOPMENT ARTICLE TITLE 5,  
8                   SUBTITLE 13;

9           (II) THE REDEVELOPMENT PROJECT IS NECESSARY TO ACCOMMODATE GROWTH  
10           CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN FOR THE AREA IN WHICH  
11           THE PROJECT WILL BE LOCATED; OR

12           (III) BONDING AND FINANCING HAVE BEEN SECURED BASED ON AN APPROVAL OF A  
13           REDEVELOPMENT PLAN APPROVED BY THE DEPARTMENT.

14           ~~(F)~~ *APPLICABLE REQUIREMENTS – INCREASED IMPERVIOUS AREA.*

15           FOR ANY NET INCREASE IN IMPERVIOUS AREA RESULTING FROM THE PROJECT,  
16           STORMWATER MANAGEMENT MUST BE ADDRESSED ACCORDING TO THE NEW DEVELOPMENT  
17           REQUIREMENTS OF THE STATE’S DESIGN MANUAL.

18    **§ 23-8. ADMINISTRATIVE WAIVER.**

19           (A) IN GENERAL.

20           (1) AN ADMINISTRATIVE WAIVER IS A DECISION BY THE DEPARTMENT TO ALLOW  
21           CONSTRUCTION OF A DEVELOPMENT PROJECT TO BE GOVERNED BY THE PROVISIONS OF  
22           THIS DIVISION II, AS IN EFFECT ON MAY 4, 2009.

23           (2) AN ADMINISTRATIVE WAIVER DOES NOT INCLUDE QUANTITATIVE OR QUALITATIVE  
24           CONTROL WAIVERS ISSUED UNDER § 23-1, § 23-2, OR § 23-5 OF THIS DIVISION II.

25           (B) PRELIMINARY PROJECT APPROVAL.

26           (1) AN ADMINISTRATIVE WAIVER MAY BE GRANTED BY THE DEPARTMENT TO A  
27           DEVELOPMENT PROJECT THAT, ON OR BEFORE MAY 4, 2010, HAS RECEIVED  
28           PRELIMINARY PROJECT APPROVAL AS PART OF A PRELIMINARY OR PLANNING REVIEW  
29           PROCESS.

30           (2) AT A MINIMUM, A PRELIMINARY PROJECT APPROVAL INCLUDES:

31                   (I) THE NUMBER OF PLANNED DWELLING UNITS OR LOTS;

32                   (II) THE PROPOSED PROJECT DENSITY;

33                   (III) THE PROPOSED SIZE AND LOCATION OF ALL LAND USES FOR THE PROJECT;

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1           (IV) A PLAN THAT IDENTIFIES:

2                   A. THE PROPOSED DRAINAGE PATTERNS;

3                   B. THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE; AND

4                   C. THE TYPE, LOCATION, AND SIZE OF ALL STORMWATER MANAGEMENT  
5                   MEASURES BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT  
6                   REQUIREMENT COMPUTATIONS; AND

7           (V) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

8           (3) AN APPROVAL GRANTED UNDER THIS SUBSECTION DOES NOT REQUIRE APPROVAL OF AN  
9           EROSION AND SEDIMENT CONTROL PLAN AS A CONDITION FOR THE APPROVAL.

10        (C) EXPIRATION.

11           EXCEPT AS PROVIDED BY SUBSECTION (D) OF THIS SECTION, AN ADMINISTRATIVE WAIVER  
12           GRANTED UNDER SUBSECTION (B) OF THIS SECTION EXPIRES ON:

13                   (1) MAY 4, 2013, IF THE DEVELOPMENT PROJECT DOES NOT HAVE FINAL EROSION AND  
14                   SEDIMENT CONTROL AND FINAL STORMWATER MANAGEMENT APPROVAL ON OR  
15                   BEFORE THAT DATE; OR

16                   (2) MAY 4, 2017, IF THE DEVELOPMENT PROJECT RECEIVES FINAL EROSION AND  
17                   SEDIMENT CONTROL AND FINAL STORMWATER MANAGEMENT APPROVAL ON OR  
18                   BEFORE MAY 4, 2013.

19        (D) EXTENSION.

20           (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ADMINISTRATIVE  
21           WAIVER MAY NOT BE EXTENDED.

22           (2) THE DEPARTMENT MAY GRANT AN EXTENSION FOR AN ADMINISTRATIVE WAIVER ONLY  
23           IF, BY MAY 4, 2010, A DEVELOPMENT PROJECT:

24                   (I) HAS RECEIVED A PRELIMINARY PROJECT APPROVAL AS PROVIDED FOR IN  
25                   SUBSECTION (B) OF THIS SECTION; AND

26                   (II) WAS SUBJECT TO:

27                           A. A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT;

28                           B. A TAX INCREMENT FINANCING APPROVAL; OR

29                           C. AN ANNEXATION AGREEMENT.

30           (3) WHEN AN AGREEMENT OR APPROVAL IDENTIFIED IN PARAGRAPH (2)(II) OF THIS  
31           SUBSECTION EXPIRES, ANY ADMINISTRATIVE WAIVER THAT WAS EXTENDED WILL  
32           EXPIRE.

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1 (E) COMPLETION OF CONSTRUCTION.

2 CONSTRUCTION AUTHORIZED BY AN ADMINISTRATIVE WAIVER GRANTED UNDER THIS  
3 SECTION MUST BE COMPLETED, WITH AN OCCUPANCY PERMIT ISSUED UNDER THE BUILDING  
4 CODE AND A USE PERMIT ISSUED UNDER THE ZONING CODE, ON OR BEFORE EITHER:

5 (1) MAY 4, 2017; OR

6 (2) THE EXPIRATION DATE SPECIFIED FOR ANY EXTENSION GRANTED UNDER  
7 SUBSECTION (D) OF THIS SECTION.

8 **Subtitle 24. Variances**

9 **§ 24-2. Application for variance.**

10 The application for a variance must:

11 (5) be submitted to the Department with the [developer's] APPLICANT's proposed  
12 stormwater management plan.

13 **§ 24-2.1. PUBLIC NOTICES AND COMMENT.**

14 (A) WEBSITE NOTICE.

15 (1) WHEN AN APPLICATION FOR A VARIANCE IS SUBMITTED, THE DEPARTMENT SHALL  
16 PREPARE AND POST ON ITS WEBSITE, AVAILABLE FOR DOWNLOAD, A PUBLIC NOTICE OF  
17 THE APPLICATION.

18 (2) THE PUBLIC NOTICE SHALL INCLUDE:

19 (I) THE APPLICANT'S NAME AND ADDRESS;

20 (II) A DESCRIPTION OF THE LOCATION AND NATURE OF THE ACTIVITY FOR WHICH  
21 THE APPLICATION IS MADE;

22 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OFFICE WITHIN THE  
23 DEPARTMENT FROM WHICH PERSONS MAY OBTAIN INFORMATION ABOUT THE  
24 APPLICATION;

25 (IV) A STATEMENT THAT ANY FURTHER NOTICES ABOUT ACTIONS ON THE  
26 APPLICATION WILL BE POSTED ON THE DEPARTMENT'S WEBSITE;

27 (V) A DESCRIPTION OF HOW PERSONS MAY SUBMIT INFORMATION OR COMMENTS  
28 ABOUT THE APPLICATION; AND

29 (VI) THE DATE WHEN THE PUBLIC COMMENT PERIOD CLOSES, NOT TO EXCEED 30  
30 DAYS, AND BY WHICH INFORMATION OR COMMENTS MUST BE RECEIVED BY THE  
31 DEPARTMENT.



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1 **§ 25-2. Fees.**

2 (a) *In general.*

3 Non-refundable fees will be assessed and collected IN ADVANCE by the Department [at the  
4 time the stormwater management plan is submitted] FOR EACH PHASE OF A DEVELOPMENT.

5 (b) *Fee schedule.*

6 (1) The fees assessed under this Division II[: (1)] are in addition to the usual fees charged  
7 for grading or building permits[; and].

8 (2) FEES shall be assessed for plan reviews, waivers, offsets, stormwater [permits]  
9 APPROVALS, ADMINISTRATION AND MANAGEMENT OF THE APPROVAL PROCESS,  
10 inspections, "SMALL-PROJECT" EXEMPTIONS UNDER § 21-6(B)(4) OF THIS DIVISION II,  
11 fees in lieu, and the like[.].

12 (3) THE AMOUNT OF THESE FEES SHALL BE BASED ON THE RELATIVE COMPLEXITY OF A  
13 PROJECT, in accordance with [the] A fee schedule established from time to time by the  
14 Board of Estimates.

15 **§ 25-3. Performance security.**

16 (a) *Required.*

17 For any development that requires a stormwater management plan under this Division II, a  
18 grading or building permit may not be issued until the applicant posts a surety or cash  
19 bond, [irrevocable letter of credit,] or other means of security acceptable to the  
20 Department.

21 (d) *Full release* RELEASE.

22 The security may not be ~~fully~~ released until:

23 (1) the Department conducts a final inspection of the completed work;

24 (2) the [developer] APPLICANT submits "as-built" plans to the Department, CONTAINING  
25 AN EXECUTED AS-BUILT CERTIFICATION BLOCK; and

26 (3) the Department [certifies] VERIFIES that the stormwater management facilities:

27 (i) have been completed; and

28 (ii) comply with the approved plan and this Division II.

29 [(e) *Partial release.*

30 (1) The Department may establish a procedure for releasing the security in arts, prorated  
31 on completion and acceptance of the various stages of development and construction,  
32 as specifically delineated, described, and scheduled on the stormwater management  
33 plan.



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1 (2) This procedure must be established before approval of the stormwater  
2 management plan.

3 (3) To obtain a partial release, the applicant must notify the Department, on completion of  
4 each stage, that the facility is ready for inspection.]

5 **§ 25-4. Permit suspension or revocation.**

6 After written notice to the permit holder, the Department may suspend or revoke any grading  
7 or building permit for any of the following reasons:

8 (2) any change in the site runoff characteristics on which a plan APPROVAL or waiver was  
9 [approved] GRANTED;

10 **Subtitle 26. Inspections**

11 **§ 26-1. By whom conducted.**

12 All inspections under this Division II must be:

13 (1) conducted by an authorized representative of the Department; OR

14 (2) CERTIFIED BY A PROFESSIONAL ENGINEER LICENSED IN THIS STATE.

15 **§ 26-2. Notices by [developer] APPLICANT.**

16 The [developer] APPLICANT must notify the Department:

17 (1) AT LEAST 48 HOURS BEFORE STARTING ANY WORK IN CONJUNCTION WITH SITE  
18 DEVELOPMENT;

19 (2) [(1)] at least 48 hours before starting any work in conjunction with the stormwater  
20 management plan; and

21 (3) [(2)] on completion of the project.

22 **§ 26-3. Inspections during construction.**

23 (a) *In general.*

24 At a minimum, regular inspections must be made AND DOCUMENTED, at the stages of  
25 construction specified in this section, FOR EACH ENVIRONMENTAL SITE DESIGN PLANNING  
26 TECHNIQUE AND PRACTICE AND EACH STRUCTURAL AND NONSTRUCTURAL STORMWATER  
27 MANAGEMENT PRACTICE.

28 (h) *[Nonstructural] ENVIRONMENTAL SITE DESIGN AND NONSTRUCTURAL practices.*

29 For ENVIRONMENTAL SITE DESIGN AND nonstructural practices:

30 (1) on completion of final grading;

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- 1 (2) on establishment of permanent stabilization; and
- 2 (3) before issuance of ~~use and occupancy approval~~ AN OCCUPANCY PERMIT UNDER THE
- 3 BUILDING CODE AND A USE PERMIT UNDER THE ZONING CODE.

4 **§ 26-4. Inspection reports.**

5 (c) *Notice to [developer] APPLICANT.*

6 The Department must provide the [developer] APPLICANT with the results of each  
7 inspection report as soon as possible after the inspection.

8 **§ 26-7. As-built certification.**

9 (a) *Required.*

10 Once construction is complete, the [developer] APPLICANT must submit to the Department  
11 an as-built plan certification by a professional engineer or professional land surveyor  
12 licensed in the State.

13 **§ 26-8. Notice to State Administration.**

14 (C) *CONTENTS.*

15 THE NOTICE MUST REPORT, ON A SITE-BY-SITE BASIS, THE TYPE, NUMBER, TOTAL DRAINAGE  
16 AREA, AND TOTAL IMPERVIOUS AREA TREATED BY ALL ENVIRONMENTAL SITE DESIGN  
17 TECHNIQUES AND PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT PRACTICES.

18 **Subtitle 27. Maintenance**

19 **§ 27-1. Maintenance responsibility.**

20 (b) *Scope of responsibility.*

21 The owner OF A PROPERTY THAT CONTAINS PRIVATE STORMWATER MANAGEMENT  
22 FACILITIES INSTALLED UNDER THIS DIVISION II or ANY other person in control OF THAT  
23 PROPERTY must, IN PERPETUITY, maintain in good condition and promptly repair and  
24 restore all:

- 25 (1) ENVIRONMENTAL SITE DESIGN PRACTICES;
- 26 (2) STORMWATER MANAGEMENT FACILITIES;
- 27 (3) [(1)] grade surfaces, walls, drains, dams, and structures;
- 28 (4) [(2)] vegetation;
- 29 (5) [(3)] erosion and sediment control measures; and
- 30 (6) [(4)] other protective devices.

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1 **§ 27-2. Maintenance schedule.**

2 (a) *Required.*

3 A maintenance schedule must be developed for the life of every stormwater management  
4 facility OR SYSTEM OF ENVIRONMENTAL SITE DESIGN PRACTICES.

5 (b) *Contents.*

6 The schedule must specify:

- 7 (1) the maintenance to be completed;
- 8 (2) the time for completing that maintenance; and
- 9 (3) the person [who will perform] ~~IS RESPONSIBLE FOR PERFORMING~~ that maintenance.

10 **§ 27-3. Maintenance agreement.**

11 (a) *Prerequisite for permit.*

12 Before any grading or building permit may be issued for A PROJECT FOR WHICH a private  
13 stormwater management facility IS REQUIRED, the owner must execute an inspection and  
14 maintenance agreement binding on all current and subsequent owners of land served by the  
15 facility.

16 **§ 27-4. Maintenance inspections.**

17 (a) *Periodic inspections required.*

18 (1) The Department must periodically inspect all ENVIRONMENTAL SITE DESIGN PRACTICES  
19 AND STRUCTURAL stormwater management [systems] MEASURES to ensure that  
20 preventative maintenance is being performed.

21 (2) These inspections must be made:

- 22 (i) at least once during the 1<sup>st</sup> year of operation; and
- 23 (ii) at least once every 3 years following.

24 (b) *Inspection reports.*

25 (2) These inspection reports must include the following:

- 26 (i) the date of inspection;
- 27 (ii) the name of the inspector;
- 28 (III) AN ASSESSMENT OF THE QUALITY OF THE STORMWATER MANAGEMENT SYSTEM  
29 RELATED TO ENVIRONMENTAL SITE DESIGN TREATMENT PRACTICE EFFICIENCY  
30 AND THE CONTROL OF RUNOFF TO THE MAXIMUM EXTENT PRACTICABLE;

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1 (IV) [(iii)] the condition of:

- 2 A. vegetation and filter media;
- 3 B. fences and other safety devices;
- 4 C. spillways, valves, and other control structures;
- 5 D. embankments, slopes, and safety benches;
- 6 E. reservoir and treatment areas;
- 7 F. inlet and outlet channels and structures;
- 8 G. underground drainage;
- 9 H. sediment and debris accumulation in storage and forebay areas;
- 10 I. any nonstructural practices to the extent practicable; and
- 11 J. any other item that could affect the proper function of the stormwater
- 12 management system; and

13 (v) [(iv)] a description of needed maintenance.

14 **§ 27-5. Deficiencies.**

15 (d) *Enforcement action.*

16 If repairs are not made or are not done properly, the Department may take any enforcement  
17 action authorized by SUBTITLE 28 OF THIS ARTICLE OR OTHERWISE BY law.

18 (e) *Immediate danger to health or safety.*

19 (1) If, [because of an unsafe condition or improper maintenance] AFTER AN INSPECTION BY  
20 THE DEPARTMENT, the CONDITION OF A stormwater management facility [presents] IS  
21 DETERMINED TO PRESENT an immediate danger to the public health or safety, the  
22 Department may take whatever action is necessary to protect the public and make the  
23 facility safe.

24 **SECTION 2. AND BE IT FURTHER ORDAINED, That until the City’s Design Guidelines has been**  
25 **approved by the State Water Management Administration, the State’s Design Manual governs.**

26 **SECTION 3 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
27 are not law and may not be considered to have been enacted as a part of this or any prior  
28 Ordinance.

29 ~~**SECTION 3. AND BE IT FURTHER ORDAINED,** That plans submitted before the effective date of~~  
30 ~~this Ordinance will be reviewed under the then-existing stormwater management regulations. If~~  
31 ~~those plans do not receive final approval for stormwater management and for erosion and sediment~~

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1 ~~control before the effective date of this Ordinance, then the plans must be resubmitted under this~~  
2 ~~Ordinance. If those plans do receive final approval before the effective date of this Ordinance, but~~  
3 ~~construction does not begin with 2 years of that plan's approval, the plan or portion not under~~  
4 ~~construction must be resubmitted under this Ordinance.~~

5 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on May 4, 2010.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor, Baltimore City