

FROM	Rudolph S. Chow, P.E., Director Department of Public Works 600 Abel Wolman Municipal Building
SUBJECT	CITY COUNCIL BILL 14-0448

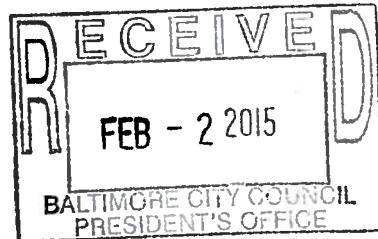
CITY OF  
BALTIMORE  
**MEMO**



TO

DATE:

January 28, 2015



The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall

I am herein reporting on City Council Bill 14-0448 introduced by Council Member Kraft, President Young, Council Members Middleton, Costello, Scott, Stokes, Holton, Reisinger, Welch, Curran and Branch.

The purpose of the Bill is to revise the provisions governing delegations of hearing authority in administrative appeals of soil erosion and sediment control matters to conform to the counterpart delegations authorized in appeals in floodplain management matters and in appeals of stormwater management matters; provide for a special effective date; and generally relating to administrative hearings relating to soil erosion and sediment control.

The State of Maryland requires jurisdictions responsible for administering erosion and sediment control programs to update their laws from time to time to reflect changes in State laws and regulations. Baltimore City is one of 15 jurisdictions and 8 municipalities with the responsibility for administering erosion and sediment control requirements. Controlling the movement of soil and limiting erosion is important for effective protection of the quality of our water bodies.

The Maryland Department of the Environment (MDE) issued a model erosion and sediment control ordinance in February 2012. Baltimore City Ordinance 13-95 adapted the State model ordinance to Baltimore's Code. City Council Bill 14-0448 would revise the Soil Erosion and Sediment Control administrative hearing procedures to conform to the near-identical hearing procedures under the Floodplain Management and Stormwater Management laws, all three of which are contained within Article 7 {Natural Resources} of the Baltimore City Code. The proposed additions to the law would allow the Director of Public Works to delegate to a hearing office the authority to issue final findings of fact, final conclusions of law, final orders, and final administrative decisions of the Department. This delegation has worked well under the Stormwater Management law and has enabled the Department to hold prompt hearings and render decisions in an expeditious manner.

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A copy of this legislation and a link to the existing Soil Erosion and Sediment Control law were provided to the Maryland Department of the Environment (MDE) for their review and approval, which resulted in MDE granting approval for these changes on January 27, 2015.

Based on the Department's experience under the Stormwater Management law for administrative reviews and the subsequent approval given by MDE for the proposed changes to the City's Soil Erosion and Sediment Control law, the Department of Public Works supports passage of City Council Bill 14-0448.

Sincerely,



Rudolph S. Chow, P.E.  
Director

RSC:mmc