



BALTIMORE HOUSING

STEPHANIE RAWLINGS-BLAKE
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Karen Randle, *Executive Secretary*

From: Paul T. Graziano, *Commissioner*

Date: March 31, 2010

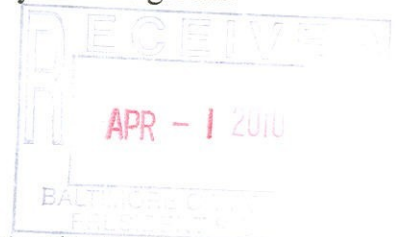
Re: **City Council Bill 10-0434 - Stormwater Management**

The Department of Housing and Community Development and the Housing Authority of Baltimore City (Baltimore Housing) have reviewed City Council Bill 10-0434, which was introduced for the purpose of modifying the provisions governing stormwater management to comply with new requirements of State law; requiring the development, review, and approval of phased plans for stormwater management; establishing certain minimum control requirements to manage stormwater by using environmental site design to the maximum extent practicable; requiring certain site design techniques and certain structural and nonstructural practices; requiring certain reports and inspections; providing for certain exemptions, waivers, and variances; imposing certain fees; defining and redefining certain terms; correcting, clarifying, and conforming related language; providing for a special effective date; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through the management of stormwater.

In 2007, the Maryland General Assembly adopted the Stormwater Management Act. This Act charged Maryland Department of the Environment (MDE) to adopt new regulations and update Maryland's Stormwater Design Manual to implement environmental site design (ESD) to the maximum extent practicable. MDE further required jurisdictions responsible for administering stormwater programs to update their laws by May 4, 2010 to reflect the changes made in State law. City Council Bill #10-0434 would overhaul the City's requirements for stormwater management.

In the past, environmental site design had been encouraged but not mandated by the State. The 2007 statute, however, now requires environmental site design to be implemented to the maximum extent practicable through the use of better site design techniques, alternative surfaces, non structural techniques, and micro-scale practices. The new regulations will require natural buffers such as soil, terrain and vegetation that mimic nature and allow rain to infiltrate gradually into the ground and back into the Chesapeake Bay.

F/A



When confronted with implementation of the new stormwater management regulations in Baltimore City, the phrase “maximum extent practicable” may be tested to the limits of its flexibility. There will be a challenge of achieving practical compliance consistency between newly required environmental site design and competing local land use and building codes requirements. As noted in the Planning Department report of February 18, 2010, more stringent requirements might discourage developers from redeveloping blighted urban neighborhoods where construction activities are more complex and stormwater control may be difficult to accomplish. To overcome these potential impediments, the City has worked with MDE to create a “second tier” approach that include developing a more progressive offset fee structure for sites where stormwater controls may not be feasible and to base fees on an average cost for stormwater management practices.

Baltimore Housing has been informed that ‘emergency regulations’ negotiated between the City and MDE will allow the City to issue a waiver of the new, more stringent stormwater regulations for projects that had completed part of the development review process but had not received ‘Final Approval’ by May 4, 2010 such as the Uplands redevelopment effort. Additionally, Baltimore Housing requests a waiver of the more stringent requirements when property managers are only conducting repairs or replacing existing impervious surfaces such as sidewalks or parking lots in which there is no increase to the overall square footage of the paved surface area. In other words, the new regulations should not apply when a property owner is simply repaving existing damaged concrete or asphalt.

Baltimore Housings supports the adoption of City Council Bill 10-0434 with the amendments proposed and will work with the Department of Public Works to implement its regulations to the maximum extent practicable.

PTG:pmd

cc: Ms. Angela Gibson, *Mayor’s Office of Government Relations*
Ms. Diane Hutchins, *Mayor’s Office of Government Relations*
Mr. Andrew Frank, *First Deputy Mayor*