

Agenda Item #12
March 29, 2011

Public Hearing

MEMORANDUM

March 25, 2011

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Public Hearing:** Expedited Bill 7-11, Stormwater Management – Revisions

Expedited Bill 7-11, Stormwater Management - Revisions, sponsored by the Council President at the request of the County Executive, was introduced on March 15, 2011. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for April 12 at 2:00 p.m.

Bill 7-11 would limit the use of certain alternative stormwater management measures to redevelopment projects. Specific alternative stormwater management measures for new development and redevelopment were added to County law by Expedited Bill 40-10, which the Council enacted on July 27, 2010. The Executive's transmittal memorandum indicates that the Maryland Department of the Environment considered the language applying alternative stormwater management measures to new development to be less restrictive than State law and therefore not in compliance with State law. MDE did not object to allowing alternative stormwater management measures for redevelopment projects.

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Expedited Bill No. 7-11
Concerning: Stormwater Management –
Revisions
Revised: 3/11/2011 Draft No. 1
Introduced: March 15, 2011
Expires: September 15, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) limit the use of certain alternative stormwater management measures to redevelopment projects; and
- (2) generally amend County law regarding stormwater management.

By amending

Montgomery County Code
Chapter 19, Erosion, Sediment Control and Storm Water Management
Section 19-26

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill 7-11
Stormwater Management - Revisions

- DESCRIPTION:** Amends Chapter 19, Article II of the County Code to comply with the Maryland Stormwater Management Act of 2007
- PROBLEM:** Expedited Bill 40-10 was forwarded by the County Executive to the County Council and passed by the Council on July 27, 2010. As required by State law, the bill which was forwarded by the Executive had received preliminary approval by the Maryland Department of the Environment.
- Amendments to the bill were made during the review of the bill by the Council. MDE has given approval for all of those amendments except for a portion of Section 19-26. MDE considers this change in language to be less restrictive than State law and regulation; and, therefore, not acceptable. This bill addresses and modifies the language that MDE will not approve.
- GOALS AND OBJECTIVES:** The legislation modifies Section 19-26(c) of Chapter 19, Article II of the Code for compliance with State law and regulation by removing language pertaining to new development.
- COORDINATION:** Department of Permitting Services, Department of Environmental Protection
- FISCAL IMPACT:** No additional impact for the Department of Permitting Services
- ECONOMIC IMPACT:** None
- EVALUATION:** For compliance with State law and regulations
- EXPERIENCE ELSEWHERE:** MDE approval of stormwater management legislation is required for all counties and municipalities within the State of Maryland.
- SOURCE OF INFORMATION:** Rick Brush, Manager, Water Recourses, Department of Permitting Services, 240-777-6343
- APPLICATION WITHIN MUNICIPALITIES:** All except Rockville, Gaithersburg, and Takoma Park
- PENALTIES:** Class A



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

March 8, 2011

TO: Valerie Ervin, Council President

FROM: Isiah Leggett, County Executive 

SUBJECT: Legislation relating to Proposed Stormwater Management

I am forwarding to the Council for introduction a bill to revise Chapter 19, Article II of the County Code to comply with State Stormwater Management (SWM) requirements. I am also forwarding a Legislative Request Report for this bill.

Council enacted Expedited Bill 40-10, Stormwater Management on July 27, 2010. The bill required stormwater management through the use of Environmental Site Design (ESD), nonstructural best management practices to the Maximum Extent Practicable (MEP) in compliance with the Maryland Stormwater Management Act of 2007.

The Maryland Department of the Environment (MDE) approved all of the provisions of Expedited Bill 40-10 except for the portion of County Code Section 19-26 relating to the use of specified alternative SWM measures for new development. MDE considered this part of Section 19-26 to be less restrictive than State law and, therefore, not acceptable. The attached bill modifies Section 19-26 by repealing the option of using alternative SWM measures for new development; thereby bringing County law into compliance with State requirements.

As required by State law, Expedited Bill 40-10 was forwarded by the County Executive to MDE before its introduction in Council and received preliminary approval. However, the part of the bill to which MDE objects was added by Council amendment. Please note that any further amendments to the County's SWM law will also be subject to review and approval by MDE.

For more information on this bill, please contact Rick Brush, Water Resources Plan Review Manager, Department of Permitting Services, at 240-777-6343.

Attachments

c: Robert Hoyt, Director, Department of Environmental Protection
Carla Reid, Director, Department of Permitting Services