

## 26.17.02 Stormwater Management

Authority: Environment Article, §§4-201 and 4-203

Annotated Code of Maryland

### **.01 Purpose and Scope.**

A. (proposed text unchanged)

B. (text unchanged)

C. This chapter applies to all new development and redevelopment projects that do not have final approval for erosion and sediment control and stormwater management plans by [date to be inserted, 365 days after final adoption of these regulations.]

### **.02 Definitions.**

A. (text unchanged)

B. In this chapter, the following terms have the meanings indicated.

(1) — (21) (proposed text unchanged)

(22) “*Maximum extent practicable (MEP)*” means designing stormwater management systems so that all reasonable opportunities for using ESD planning techniques and treatment practices are exhausted ~~[[before]]~~ and, only where absolutely necessary, a structural BMP is ~~[[implemented on a development project.]]~~ implemented.

(23) — (28) (proposed text unchanged)

(29) “Redevelopment” means any construction, alteration, or improvement *[[disturbing 5,000 square feet or more of impervious area ]]* performed on sites where existing land use is commercial, industrial, institutional, or multifamily *[[residential.]]* residential and existing site impervious area exceeds 40 percent.

(30) — (32) (text unchanged)

(33) “Site” means any *[[combination or single tract, lot, or parcel of land in one ownership, or is contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.]]* tract, lot, parcel of land, or combination of tracts, lots, parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

(34) — (40) (proposed text unchanged)

**.03 General Provisions.**

A. (proposed text unchanged)

B. (text unchanged)

C. (proposed text unchanged)

D. (text unchanged)

E. In order to assure that Administration-approved programs reflect the policies established in the Design Manual, each county or municipality shall submit proposed revisions to its ordinance to the [[Administration on or before *July 1, 2009.*]]  
Administration by [date to be inserted, 183 days after final adoption of these regulations.]  
Each county and municipality shall adopt a revised ordinance by [date to be inserted, 365 days after final adoption of these regulations] in order to require that all new development and redevelopment projects implement the policies and practices established in the Design Manual. Descriptions of other program elements shall be submitted as requested by the [[Administration in order to ensure that the policies and practices established in the Design Manual have been implemented by *December 31, 2009.*]] Administration.

**.04 Stormwater Management Ordinances.**

A. (proposed text unchanged)

B. Each local ordinance shall provide for:

(1) *A comprehensive stormwater management plan review and approval process that:*

(a) *Considers all aspects of project planning, design, and construction from initial conception through final approval;*

(b) *Requires the submission, review, and approval of interim plans at an increasing level of detail for specific stages of project development; [[ and ]]*

*(c) Provides for coordinated input for all plans from all appropriate agencies including, but not limited to, soil conservation districts and departments of planning, zoning, public works, and environmental [[protection.]] protection; and*

*(d) Requires implementation of ESD to the MEP.*

(2) — (6) (proposed text unchanged)

**.05 When Stormwater Management is Required.**

A. — C. (proposed text unchanged)

D. Redevelopment.

*(1) An approving agency shall require that stormwater management be addressed for redevelopment. Unless otherwise specified by watershed management plans developed according to §E of this regulation, all redevelopment project designs shall:*

*(a) Reduce existing impervious area within the limit of disturbance by at least 50 percent according to the Design [[Manual;]] Manual; or*

*(b) Implement ESD to the MEP to provide water quality treatment for at least 50 percent of the existing impervious [[area; or]] area within the limit of disturbance; or*

*(c) Use a combination of both §D(1)(a) and (b) of this regulation for at least 50 percent of the existing site impervious area.*

*(2) Alternative stormwater management measures may be used to meet the requirements in §D(1) of this regulation if the developer satisfactorily demonstrates to the approving agency that impervious area reduction and ESD have been implemented to the MEP.*

*Alternative stormwater management measures include, but are not limited to:*

*(a) An on-site structural ~~[[BMP to provide water quality treatment for at least 50 percent of the existing impervious area;]]~~ BMP;*

*(b) An off-site structural BMP to provide water quality treatment for an area equal to or greater than 50 percent of the existing impervious area; or*

*(c) 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 percent of the existing site impervious ~~[[area.]]~~ area within the limit of disturbance.*

*(3) (proposed text unchanged)*

*(4) Stormwater management shall be addressed according to the new development requirements in the Design Manual ~~[[if existing site impervious area is less than or equal to 40 percent or]]~~ for any net increase in impervious area.*

*(5)— (7) (proposed text unchanged)*

*E. (proposed text unchanged)*

## **.06 Minimum Control Requirements.**

**A. County and Municipal Requirements.**

*(2) All counties and their incorporated municipalities shall require that the planning techniques, nonstructural and structural practices, and design methods specified in the Design Manual be used to implement ESD to the MEP. Stormwater management plans for development projects subject to this chapter shall be designed using the ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Design Manual. The MEP standard is met when channel stability ~~[[is maintained,]]~~ and 100 percent of the average annual predevelopment groundwater recharge ~~[[is replicated,]]~~ are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.*

*(3) Control of the 2-year ~~[[and 10-year frequency storm events]]~~ frequency storm event, 10-year frequency storm event, or both is required according to the Design Manual if any county or municipality determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.*

*(4) (proposed text unchanged)*

*B. — C. (proposed text unchanged)*

**.08 Stormwater Management Measures.**

*A. The ESD planning techniques and practices and structural ~~[[and nonstructural]]~~ stormwater management measures established in this regulation and the Design Manual shall be contained in all county and municipal ordinances. Each ordinance shall require*

that [one or a combination of these practices be used] a developer demonstrate that ESD has been implemented to the MEP [[before]] and, only where absolutely necessary is a structural BMP [[is considered]] used in developing a stormwater management plan.

*B. ESD Planning Techniques and Practices.*

*(1) The following planning techniques shall be applied according to the Design Manual to satisfy the minimum control requirements established in Regulation .06 of this chapter:*

*(a) Preserving and protecting natural resources;*

*(b) Conserving natural drainage patterns;*

*(c) Minimizing impervious area;*

*(d) Reducing runoff volume;*

*(e) Using ESD practices to [[promote]] maintain 100 percent of the average annual predevelopment groundwater [[recharge;]] recharge volume for the site;*

*(f) Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;*

*(g) Limiting soil disturbance, mass grading, and compaction; and*

*(h) Clustering [[development.]] development; and*

*(i) Any practices approved by the Administration*

(2) — (3) (proposed text unchanged)

C. — F. (proposed text unchanged)

**.09 Stormwater Management Plans.**

A.—D. (proposed text unchanged)

E. Contents and Submission of Stormwater Management Plans.

(1) (proposed text unchanged)

*(2) The owner/developer shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to this chapter and the Design Manual. Plans submitted for concept approval shall include, but are not limited to:*

(a) — (c) (proposed text unchanged)

*(d) Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the [[site; and]] site;*

*(e) A narrative that supports the concept design and describes how ESD will be implemented to the [[MEP.]] MEP; and*

*(f) Any other information required by the approving agency.*

*(3) Following concept plan approval by the appropriate authority, the owner or developer shall submit site development plans that reflect comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:*

(a) — (b) (proposed text unchanged)

*(c) A proposed erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be ~~[[used; and]]~~ used;*

*(d) A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management ~~[[measure.]]~~ measure; and*

*(e) Any other information required by the approving agency.*

(4) — (6) (proposed text unchanged)

**.11 Maintenance.**

A. (proposed text unchanged)

B. Inspection reports shall be maintained by the county or municipality on all stormwater management systems and shall include the following:

(1)—(2) (text unchanged)

[[*(3) An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;*]]

[[~~(4) — (5)~~]] (3) — (4) (proposed text unchanged)

C. (proposed text unchanged)

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