

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**Robert Summers, Acting Secretary**

**BILL NO:** SB 198

**COMMITTEE:** Education, Health, and Environmental Affairs

**POSITION:** Oppose

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**TITLE:** Stormwater Management – Regulations - Applicability

**BILL ANALYSIS:**

This Bill proposes to provide that the subdivision of a single lot into two lots is governed by the stormwater management ordinance in effect on May 3, 2009.

**POSITION AND RATIONALE:**

The Maryland Department of the Environment opposes SB 198. The Bill proposes to modify the recently adopted (May 4, 2009) stormwater management regulation (COMAR 26.17.02) using previous regulatory requirements that predate the implementation of the new stormwater management ordinance that addresses the “Stormwater Management Act of 2007.” The proposed modifications in SB 198 are specific to the subdivision of a single lot into two if the second lot is for residential use, is at least 5 acres in size, and has or will have an impervious area not exceeding 7% of the total surface area of the lot.

MDE has developed a specific “Model Standard Plan” to address the single family residential development available for all localities to adopt. The limitations of the “Model Standard Plan” are:

- Ø Total site impervious cover shall not exceed 15% of the lot size;
- Ø Total land area disturbed during construction shall be less than 30,000 square feet;

Therefore, the Standard Plan limitations easily meet the proposed Bill specific requirements (e.g., 7% impervious limitations and greater than 5 acre lot) as well as comply with overall intent of the “Stormwater Management Act of 2007” that required the use of environmental site design (ESD) techniques. The Model Standard Plan was developed to assist owners of individual single family residential lot developments. Individuals that exceed the Standard Plan limitations for a single residential lot development outlined above will be required to develop a final stormwater management plan and obtain an

approval from the appropriate approval authority (e.g., County or Municipality).

The proposed SB 198 mandates the use of the previous stormwater management requirements (e.g., stormwater management ordinance in effect as of May 3, 2009) and will greatly affect Maryland's effort to ensure ESD to the maximum extent practicable for all new and redevelopment projects is achieved. MDE opposes SB 198 since it would not be consistent with the "Stormwater Management Act of 2007" and the recently adopted stormwater management regulations.

**FOR MORE INFORMATION,**  
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