

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Bill No. CB-21-2014

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Lehman

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Compost Soil Materials

3 For the purpose of amending provisions related to soil materials in Class 3 fills by incorporating  
4 compost soil materials, and generally relating to soil materials in Prince George's County.

5 BY repealing and reenacting with amendments:

6 **SUBTITLE 32. WATER RESOURCES PROTECTION**  
7 **AND GRADING.**

8 Sections 32-125 and 32-157,  
9 The Prince George's County Code  
10 (2011 Edition, 2012 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Section 32-125 and 32-157 of the Prince George's County Code be and the same  
13 is hereby repealed and reenacted with amendments:

14 **SUBTITLE 32. WATER RESOURCES PROTECTION**  
15 **AND GRADING.**

16 **DIVISION 2. GRADING, DRAINAGE AND POLLUTION CONTROL.**

17 **Sec. 32-125. Definitions.**

18 (a) Wherever the following words are used in, or in conjunction with, the administration of  
19 this Division, they shall have the following meaning:

20 \* \* \* \* \*

1 (39) **Open-Pit Mining.** The continuing or reoccurring removal of material from  
2 below the ground surface by open excavation on a site for immediate or ultimate use at the same  
3 or other site in processing and manufacturing of building and construction materials or any other  
4 products, or at various locations elsewhere in its natural state.

5 **(39.1) Organic Matter.** Means compost materials including nonhazardous waste  
6 material that is segregated from inorganic waste material and is derived from sources including  
7 food waste, brush, yard waste, agricultural and silvicultural sources, including tree crops,  
8 vineyard materials, grain, legumes, sugar, and other crop by-products or residues.

9 \* \* \* \* \*

10 **(58.1) Technically Infeasible.** Means that compost application can not be  
11 accomplished because of an existing physical or site constraint.

12 **Sec. 32-157. Fill - Materials.**

13 (a) All Class 1 and 2 fills shall consist of readily compactable soils meeting the following  
14 minimum requirements:

15 (1) No inclusions of ice or snow, organic or other deleterious materials subject to  
16 decay and high shrink-swell soils shall be permitted.

17 (2) No rock or similar irreducible material with a maximum dimension greater than  
18 eighteen (18) inches shall be buried or placed in any portion of the fill, with the top two and one-  
19 half (2 ½) feet below finished grade, foundations and utility service connections having nothing  
20 larger than eight (8) inches in any dimension, unless permitted by the Director after receipt of a  
21 report by a soil engineer certifying that he has investigated the property and the fill materials,  
22 and that a fill including oversized materials may be constructed to meet the intent of this  
23 Division.

24 (b) Class 3 fills may include:

25 (1) T[t]he more difficult to compact soils, at other than optimum moisture content;  
26 rock and similar irreducible materials without limit as to size provided no detectable voids are  
27 formed, into which overlying soils may later be displaced; and top soil, intermittently layered  
28 with nonorganic soil. In other than rock gardens, at least twelve (12) inches of top soil must  
29 cover all rock or irreducible materials with a maximum dimension greater than eight (8) inches.

1           (2) (i) Except where technically infeasible, a top soil layer shall provide for a  
2 minimum organic matter content of ten percent (10%) dry weight in planting beds and five  
3 percent (5%) organic matter content in turf areas.

4           (ii) The Department shall consult with the Department of Environmental  
5 Resources and the Prince George’s Soil Conservation District in development of compost  
6 application guidelines for the application of compost as a soil amendment by January 1, 2015.  
7 The compost application guidelines shall include:

- 8                           (A) compost amendment applications and limitations based on soil quality,  
9 depth, and slope;
- 10                           (B) design guidelines for soil retention, soil quality and implementation;
- 11                           (C) compost quality; and
- 12                           (D) maintenance of soil after installation.

13           (iii) Upon the adoption of the compost application guidelines, the Department  
14 shall apply to the Maryland Department of the Environment for the application of compost as a  
15 soil amendment to be considered an environmental site design (ESD) practice approved in  
16 accordance with Section 32-179(2)(M) of the County Code as a means to meet the minimum  
17 stormwater control requirements contained in Section 32-178 of the County Code.

18           (c) The material must be free of contamination levels of any pollutant which is, or may be  
19 considered to represent, a possible health hazard to the public or may be detrimental to surface or  
20 ground water quality, or may cause damage to property or the drainage system.

21           \*           \*           \*           \*           \*           \*           \*           \*

22           SECTION 2 BE IT FURTHER ENACTED that that the provisions of this Ordinance  
23 shall not apply to a preliminary plan of subdivision for which an approval has been granted prior  
24 to January 1, 2015.

25           SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
30 Act, since the same would have been enacted without the incorporation in this Act of any such  
31 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2 calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.