

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 10/26/2010  
**Reference No.:** CB-080-2010  
**Draft No.:** 3  
**Proposer(s):** Dernoga  
**Sponsor(s):** Dernoga, Olson  
**Item Title:** An Act enacting Subtitle 32, the Water Quality Resources and Grading Code, concerning grading, drainage and pollution control; erosion and sediment control; stormwater management; and accessibility for the disabled; and for the purpose of repealing certain provisions of Subtitle 4, the Building Code, and codifying them within Subtitle 32.

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**Drafter:** Kathleen H. Canning, Legislative Officer  
**Resource Personnel:** Haitham A. HiJazi, DPW&T  
Dawit Abraham/Susan Hubbard, DPW&T

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	7/13/2010	<b>Executive Action:</b>
<b>Committee Referral:</b>	7/13/2010 - THE	<b>Effective Date:</b>
<b>Committee Action:</b>	9/28/2010 - FAV(A)	
<b>Date Introduced:</b>	9/28/2010	
<b>Public Hearing:</b>	10/26/2010 - 10:00 AM	
<b>Council Action (1)</b>	10/26/2010 - RECOMMIT	
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:N, CE:A, AH:A, TK:A, EO:N, IT:N	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS:

04-111, 04-256, 04-352, 32-101, 32-102, 32-103, 32-104, 32-105, 32-106, 32-107, 32-108, 32-109, 32-110, 32-111, 32-112, 32-113, 32-114, 32-115, 32-116, 32-117, 32-118, 32-119, 32-120, 32-121, 32-124, 32-125, 32-126, 32-127, 32-128, 32-129, 32-130, 32-131, 32-132, 32-133, 32-134, 32-135, 32-136, 32-137, 32-138, 32-139, 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, 32-146, 32-147, 32-148, 32-149, 32-150, 32-151, 32-152, 32-153, 32-154, 32-155, 32-156, 32-157, 32-158, 32-159, 32-160, 32-161, 32-162, 32-163, 32-164, 32-165, 32-166, 32-167, 32-170, 32-171, 32-172, 32-173, 32-174, 32-175, 32-176, 32-177, 32-178, 32-179, 32-180, 32-181, 32-182, 32-183, 32-184, 32-185, 32-186, 32-187, 32-188, 32-189, 32-190, 32-191, 32-192, 32-193, 32-194, 32-195, 32-196, 32-197, 32-198, 32-199, 32-200, 32-202, 32-203, 32-204, 32-205, 32-206, 32-207, 32-208, 32-209, 32-210, 32-211, 32-212, 32-213, 32-216, 32-217, 32-218, 32-219, 32-220, 32-221, 32-222, 32-223, 32-224, 32-225, 32-226, 32-227, 32-229, 32-230, 32-231, 32-232, 32-233, 32-234, 32-235, 32-236, 32-237, 32-238, 32-239

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**COMMITTEE REPORTS:****Transportation, Housing and Environment****Date 9/28/2010**

September 23rd, 2010

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-80-2010 concerns Storm Water Management for the purpose of providing a model stormwater management ordinance for the County and generally relating to stormwater management in compliance with the Stormwater Management Act of 2007.

The Committee met with Stakeholders on September 23rd, 2010 and listened to testimony from environmentalists, Mayors and the developers. After extensive discussions, the Committee directed that proposed CB-79-2010 language as it relates to the non-stormwater management provisions be incorporated into CB-80-2010 as a proposed Draft 2.

September 28th, 2010

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Olson, Harrison, Turner and Knotts)

The Legislative Officer provided a summary of the proposed Draft 2 of the bill and referral comments that were received by the Department of Public Works & Transportation, Department of Environmental Resources and the Soil Conservation District. Proposed Draft 2 of CB-80-2010 incorporated the non-stormwater management provisions in CB-79-2010, including a title change, creating a new Subtitle 32, Water Quality Resources and Grading Code and repealing certain section of Subtitle 4, Building Code. The Committee voted favorable (5-0) on the following technical amendments to be incorporated into Draft 2:

1. On page 67, lines 21 – 23, delete and replace with “(1) The Department may, for good cause shown, grant an Administrative Waiver to a development that received a Preliminary Project Approval prior to May 4, 2010. The waiver granted shall expire according to (2), (3) and (4) of this subsection;
2. On page 78, line 21, add after (1) “Onsite ESD” and renumber existing sections (2) thru (4);
3. On page 78, line 23, delete “standard” and replace with “structural”;
4. On page 78, line 24, after “and” delete “ondite” and replace with “onsite”;
5. On page 78, lines 26 and 29, delete “compliance” and replace with “practice”;
6. On page 79, lines 9, 11 and 12, delete “compliance” and replace with “practice”;

The Office of Law determined that CB-80-2010 was in proper legislative form.

The Office of Audits and Investigation indicated there will not have a negative fiscal impact on the County as a result of adopting CB-80-2010.

**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This bill adopts a new Subtitle 32, Water Quality Resources and Grading Code, as mandated by legislative changes of the Maryland General Assembly regarding stormwater management and grading and it transfers authority over those areas from the Department of Environmental Resources (DER) to the Department of Public Works and Transportation (DPW&T).

DPW&T staff has worked with staff from DER, Maryland-National Capital Park and Planning Commission, the local Soil Conservation District and stakeholders to produce a comprehensive ordinance. Subtitle 32 includes Divisions that are being removed from Subtitle 4 (Building Code); namely, Grading, Drainage and Pollution Control; Stormwater Management; Inspection, Maintenance and Enforcement; Floodplain Ordinance; and Nontidal Wetland Protection Ordinance.

9/28/2010 - CB-80-2010 (DR-2) was amended on the floor prior to introduction; CB-80-2010 (DR-3) was introduced.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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