

Rockville Stormwater Ordinance (Chapter 19) Crosswalk

March 1, 2010

Location in Existing Ch. 19	Location in Proposed Ch. 19	Proposed Changes/Comments		
ARTICLE I. In General				
Sec. 19-1. Definitions.	Sec. 19-2	<p>There are many new definitions, staff added new terms related to Environmental Site Design (ESD) and terms identified by staff as sources of ambiguity. Several terms previously defined were identified as no longer relevant/applicable under the new rules and removed.</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> Definitions Added: Alternative Surface Approving Agency City Waterway Development Stormwater Management Concept Environmental Site Design Environmental Site Design Practices Existing Condition Maximum Extent Practicable Planning Techniques Private Stormwater Management System Public Stormwater Management System Sediment Control Construction Plan Stormwater Stormwater Management System Water Quality Protection Ordinance Wetland </td> <td style="vertical-align: top; width: 50%;"> Definitions Removed: Adverse Impact Agricultural Land Mgmt Practice Exemption Facility Guidelines Non-structural Stormwater Management Practice Management Practice Permittee Private Facility Property Owner Public Facility Retention Structure Sediment Control Permit Plan Stormwater Management Concept Stormwater Management Facility Stripping </td> </tr> </table>	Definitions Added: Alternative Surface Approving Agency City Waterway Development Stormwater Management Concept Environmental Site Design Environmental Site Design Practices Existing Condition Maximum Extent Practicable Planning Techniques Private Stormwater Management System Public Stormwater Management System Sediment Control Construction Plan Stormwater Stormwater Management System Water Quality Protection Ordinance Wetland	Definitions Removed: Adverse Impact Agricultural Land Mgmt Practice Exemption Facility Guidelines Non-structural Stormwater Management Practice Management Practice Permittee Private Facility Property Owner Public Facility Retention Structure Sediment Control Permit Plan Stormwater Management Concept Stormwater Management Facility Stripping
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Sec. 19-2. Purpose.	19-1	The purpose has been updated to reflect the goals of Environmental Site Design: (1) maintaining pre development run off characteristics on a development site, and (2) mitigating the negative impacts of stormwater pollution.		
Sec. 19-3. Scope and Exemptions	19-3, 19-49 and 19 -75	The scoping language that pertains to stormwater management and sediment control has been relocated to their respective Articles. This change will improve the organization of this Chapter by placing the regulatory thresholds for stormwater and sediment control in the same location as the other requirements for each subject.		
Sec. 19-4. Interpretation.	19-4	19-4(a) indicates the ordinance sets out minimum requirements. This is removed in the proposed ordinance because staff felt it does not provide helpful guidance in the interpretation of the ordinance.		
New Section - Severability	19-5	Staff added Sec. 19-5 (<i>Severability</i>) to ensure that the ordinance will stand even if a portion of it is found unenforceable, staff does not anticipate any section to be held unenforceable.		

ARTICLE II. ADMINISTRATION AND ENFORCEMENT		
Sec. 19-11 and 19-12	19-11 and 19-12	Minor edits for consistency and clarity. No significant changes
DIVISION 2. ENFORCEMENT AND PENALTIES		These sections are reorganized. We adopted language restating our existing enforcement procedure so that it is similar to the Ch. 23.5 Water Quality Protection Ordinance. This will make City procedure for environmental enforcement more uniform. The City's enforcement powers have only changed substantively to the extent that our fines reflect the increased amounts now permitted by the State law.
Sec. 19-16. Inspections.	19-13	This section now clearly states the procedure and requirements associated with inspections. This language is similar to the inspection language in Ch. 23.5, Water Quality Protection Ordinance, and will help ensure consistent handling of inspections by all City inspectors.
Sec. 19-17. Violations.	19-14	This section has been revised to reflect that each day a violation continues, constitutes a separate violation for purposes of this Chapter.
Sec. 19-18. Permit Suspension, Revocation, and Stop Work Order. Sec. 19-19. Additional Penalties and Remedies.	19-15 thru 19-18	These sections are reorganized. We adopted language restating enforcement procedures so that it is similar to the Ch. 23.5 Water Quality Protection Ordinance. This new organization clearly spells out the enforcement options available to the Department: administrative orders, fines, judicial remedies, civil remedies, stop work orders, and permit suspension/revocation. This reorganization will benefit the City by making all environmental enforcement actions have similar procedures.
New Section.	19-18	There is now an appeals process for all violations of Ch. 19
ARTICLE III. PERMIT REQUIREMENTS		
Sec. 19-26. Permits Required.	19-26	No significant changes, edited for consistency and clarity.
Sec. 19-27. Permit Application.	19-28	No significant changes, edited for consistency and clarity.
Sec. 19-28. Permit Review and Issuance.	19-29	Language changed to clarify that any stormwater management alternatives such as a fee-in-lieu of on-site stormwater, must be paid prior to permit issuance.
Sec. 19-29. Modification of Requirements.	19-30	No significant changes, edited for consistency and clarity.
Sec. 19-30. Permit Denial.	19-31	No significant changes, edited for consistency and clarity.

Sec. 19-31. Conditions of Permit Approval.	19-32, 19-33	Staff expanded the conditions of permit approval to reflect industry standard permit conditions used in many jurisdictions and in other types of pollution control permits. The current ordinance authorized the department to include any conditions “deemed necessary.” The proposed ordinance clearly states what conditions the department will include. These conditions protect the City by requiring permit holders to report changes in site conditions, accidents, and other events.
Sec. 19-32. Permit Revisions.	19-34	No significant changes, edited for consistency and clarity.
Sec. 19-33. Expiration.	19-35	No significant changes, edited for consistency and clarity.
Sec. 19-34. Bonds and Other Security.	19-37	No significant changes, edited for consistency and clarity.
New Section. Fees & Transition	19-27, 19-36	Staff added language providing for permit application fees to cover the cost of permit review to section 19-27. This was added to make clear that fees may be collected at each stage of City review. Staff added Section 19-36, Transition Provisions, to this Article. These provisions meet, but do not exceed the requirements of the new State regulations.
ARTICLE IV. STORMWATER MANAGEMENT		
DIVISION 1. IN GENERAL		
Sec. 19-37. Stormwater Management Policy.	19-46	Updated to reflect the Stormwater Management Act of 2007 and included it in the statement of policy.
Sec. 19-38. Watershed Management Plans.	19-47	No significant changes, edited for consistency and clarity.
Sec. 19-39. Transition Provisions.	19-36	Moved back to the permits section for clarity since this section relates more to permits and less to the technical stormwater management requirements. Also revised the section to comply with MDE’s rules requiring implementation of ESD for all projects unless grandfathered for applicants that receive stormwater management construction plan approval by May 4, 2010.
Sec. 19-40. Qualified Preparer for Stormwater Management Submittals.	19-48	The proposed rule is now more prescriptive in specifying who must certify plans submitted for review. This rule is necessary because certain stormwater techniques require significant landscaping components and these aspects must be prepared by landscape architects to ensure their functionality.

DIVISION 2. ON-SITE STORMWATER MANAGEMENT	Renamed Division 2. Stormwater Management Requirements	This section was reorganized to cover a broader range of topics and to be more user friendly for the regulated community.
Sec. 19-44. On-Site Stormwater Management Required.	19-51	No significant changes, edited for consistency and clarity.
Sec. 19-45. On-Site Stormwater Management Criteria.	19-52	The name of this section is now “Minimum Stormwater Management Criteria.” This new name reflects the broader scope of this section, which now addresses requirements for the safe conveyance of stormwater off-site. Safe conveyance requirements were previously addressed in various City regulations and policies, now the requirements are consolidated and clearly codified.
New Sections.	19-49, 19-53, 19-54	Sec. 19-49 lists stormwater management alternatives. The criteria sections have been expanded to reflect the ESD to the MEP standard. Staff added 19-53 to directly address redevelopment criteria as required by the State’s new regulations. 19-54 implements the new requirement that all stormwater management plans implement ESD to the maximum extent practicable.
DIVISION 3. STORMWATER MANAGEMENT ALTERNATIVES		
Sec. 19-49. Stormwater Management Alternatives.	19-61	The numbering has changed but the substance has not. Edited for consistency and clarity.
Sec. 19-50. Stormwater Management Alternatives; Stormwater Management Monetary Contribution.	19-62	The numbering has changed but the substance has not. Edited for consistency and clarity.
DIVISION 4. STORMWATER MANAGEMENT APPROVALS	19-63 to 19-67.	This Division covers the sequence of approvals and the submittals required by the new State regulations.
Sec. 19-56. Stormwater Management Concept.	Removed, replaced with 19-64, 19-65	These new sections describe each of the State-required reviews. Previously, Engineering Division reviewed stormwater plans twice, once in what was called the concept review and then again during the permit review. Now there are three reviews, a pre-application review, a design review and the permit review.
Sec. 19-57. Stormwater Management Permit.	19-66	The numbering has changed but the substance has not. Edited for consistency and clarity.

<p>DIVISION 5. MAINTENANCE AND INSPECTION</p> <p>Sec. 19-63. Maintenance Agreement and Easement.</p> <p>Sec. 19-62. Correction of Unsafe/Improper Condition.</p> <p>Sec. 19-61. Maintenance Responsibility.</p>	<p>19-68, 19-69 19-70</p>	<p>The numbering has changed but the substance has not. Edited for consistency and clarity only.</p>
<p>New Section.</p>	<p>19-72</p>	<p>Sec. 19-72 addresses maintenance of ESD practices on single-family home lots. The State’s new regulations require that “legal protection” be placed on all practices to prevent their adverse alteration or removal. This new provision provides the City authority to ensure that ESD practices are not removed by subsequent property owners. This provision does not apply to home-owners who voluntarily place a rain barrel etc. on their existing home. Legal protection is only required for ESD used as part of a stormwater management plan for development.</p>
<p>ARTICLE V. EROSION AND SEDIMENT CONTROL</p>		<p>This article was renumbered and edited for consistency and clarity. Staff added section 19-75 to include the scope of erosion and sediment control regulations. This amendment makes it clearer what types of development the regulations in this article apply to.</p>
<p>ARTICLE VI. STORMWATER MANAGEMENT UTILITY</p>		<p>This Article received administrative amendments. Section 19-87 clarifies the billing procedure for Condominium Association members.</p>

Please see Attachment A in the Eagenda item to see specific text amendments.