



TECHNO-GRAM  
004-2016



**SUBJECT:** Grandfathering of Stormwater Management Approvals

**PURPOSE:** To clarify the County's policy regarding Grandfathering of Stormwater Management approvals administered through the Department of Permitting, Inspections and Enforcement's (DPIE)

**SCOPE:** This policy applies to Administrative waivers pertaining to projects with Stormwater Management approvals received on or before May 4, 2013.

Effective immediately, based on information received from the Maryland Department of the Environment (MDE), Stormwater Management (SWM) approvals for land development projects within Prince George's County shall be grandfathered from the 2007 Maryland Stormwater Act based on the following:

**i. Final Stormwater Management and Sediment/Erosion Control Plan Approval Prior to May 4, 2010:**

Any project that received Final Erosion and Sediment Control and SWM approvals prior to May 4, 2010, is exempt from the requirement to provide SWM in accordance with the 2007 Maryland Stormwater Act

**ii. Administrative Waivers:**

In accordance with COMAR, Subsection 26.17.02, a project that received conceptual SWM approval prior to May 4, 2010, and received final SWM approval on or before May 4, 2013, is eligible for an Administrative Waiver. An Administrative Waiver exempts the applicant from the requirements to comply with the SWM mandate found in the 2007 Maryland Stormwater Act to utilize Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). Administrative waivers expire on May 4, 2017 subject to items iii, iv and v below.

**iii. Definition of Construction Completion:**

MDE issued an August 2015 memorandum stating that "all construction authorized under an Administrative Waiver must be completed by May 4, 2017"; otherwise, SWM must be addressed using the current ESD requirement. In a subsequent October 2015 memorandum issued by MDE, the agency stated that "construction completion" will be determined by the local jurisdictional authority. As such, DPIE requires the installation of BMPs in order for a project to reach "construction completion". A SWM BMP may be used as a temporary sediment control device, as long as this device is converted to a permanent BMP feature upon project completion. If a project has approval for multiple BMP devices, all BMP devices are to be installed for that drainage area or limit of



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disturbance in order to constitute “construction completion”. A permittee is required to submit copies of the partial as-builts for sediment traps and basins regarding the installation(s) on or before May 4, 2017 to DPIE’s Site/Road Plan Review Division for review and approval.

**iv. Phased Projects:**

In those instances where a BMP is constructed prior to May 4, 2017, but the drainage area to that BMP is not fully built, the BMP and the development area draining to that BMP are exempt from the requirement to provide SWM in accordance with the 2007 Maryland Stormwater Act.

**v. Expired Administrative Waivers:**

For project(s) not in compliance with Items ii, iii, iv or v above: project plans are to be revised to provide SWM in compliance with the 2007 Maryland Stormwater Act (ESD to the MEP). If such revision is not obtained by May 4, 2017, the portion of the permit not in compliance will be cancelled.

**APPROVED BY:**

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**HAITHAM A. HIJAZI, DIRECTOR**

**MAY 31, 2016**  
**DATE**