

(I) HAS ITS OWN SEDIMENT CONTROL REVIEW PROVISIONS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THE GRADING AND SEDIMENT CONTROL PLAN OF THE SOIL CONSERVATION DISTRICT; AND

(II) ISSUES SEDIMENT CONTROL PERMITS; AND

(III) MEETS THE NECESSARY PERFORMANCE STANDARDS ESTABLISHED BY WRITTEN AGREEMENT BETWEEN THE DISTRICT AND THE MUNICIPAL CORPORATION.

4-105.

(a) (1) (i) In this section "construction" means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise disturbing land for any purpose.

(ii) "Construction" includes land disturbing activities for the purpose of:

1. Constructing buildings;
2. Mining minerals;
3. Developing golf courses; and
4. Constructing roads and installing utilities.

(2) (i) Before any person begins any construction, the appropriate approval authority shall first receive, review, and approve the proposed earth change and the sediment control plan.

(ii) Except as provided in subsection (b) of this section, the approval authority is:

1. The appropriate soil conservation district;
2. A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY THAT IS DESIGNATED BY A SOIL CONSERVATION DISTRICT UNDER PARAGRAPH (6) OF THIS SUBSECTION;

[2.] 3. Any municipality not within a soil conservation district;

[3.] 4. If a State or federal unit undertakes any construction, the Department; or

[4.] 5. For abandoned mine reclamation projects conducted by the Department of Natural Resources pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the Department of Natural Resources.

(iii) Criteria used by the Department of Natural Resources for review and approvals under subparagraph (ii)4 of this paragraph:

1. Shall meet or exceed current Maryland standards and specifications for soil erosion and sediment control; or