

4-105.

[(a) Except as provided in subsection (b) of this section, before any person clears, grades, transports or otherwise disturbs land for any purpose including, but not limited to constructing buildings, mining minerals, developing golf courses, or constructing roads and streets, the appropriate soil conservation district first shall receive, review, and approve the proposed earth change. Land clearing, soil movement, and construction shall be carried out in accordance with the written recommendations of the soil conservation districts regarding control of erosion and siltation and elimination of pollution.]

(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) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BEFORE ANY PERSON BEGINS ANY CONSTRUCTION, THE APPROPRIATE SOIL CONSERVATION DISTRICT SHALL FIRST RECEIVE, REVIEW, AND APPROVE THE PROPOSED EARTH CHANGE AND THE SEDIMENT CONTROL PLAN.

(3) A PERSON MAY NOT BEGIN OR PERFORM ANY CONSTRUCTION UNLESS THE PERSON:

- (I) OBTAINS AN APPROVED SEDIMENT CONTROL PLAN;
- (II) IMPLEMENTS THE MEASURES CONTAINED IN THE APPROVED SEDIMENT CONTROL PLAN;
- (III) CONDUCTS THE CONSTRUCTION AS SPECIFIED IN THE SEQUENCE OF CONSTRUCTION CONTAINED IN THE APPROVED SEDIMENT CONTROL PLAN;
- (IV) MAINTAINS THE PROVISIONS OF THE APPROVED SEDIMENT CONTROL PLAN;

(V) IF THE CONSTRUCTION IS BEING CONDUCTED BY A UNIT OF STATE GOVERNMENT, PAYS THE FEES CHARGES REQUIRED UNDER THIS SUBTITLE § 4-106 OF THIS SUBTITLE; AND