

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 20

Bill No. 72-12

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, November 19, 2012

A BILL
ENTITLED

AN ACT concerning

Erosion and Sediment Control Plans

FOR the purpose of amending law regarding erosion and sediment control; requiring the submission of certain plans under certain circumstances by certain persons; requiring certain plans to contain certain items; providing for the review and approval of certain plans by certain agencies; requiring compliance with certain plans by certain persons by certain methods; providing for certain exemptions; altering the method for establishing and changing certain fees; requiring certain persons to apply for and obtain certain permits before commencing certain work; requiring certain agencies to issue certain permits and approvals; requiring the posting of a certain security; providing for investigation and enforcement of certain law, regulations and standards; providing certain penalties for certain violations; defining certain terms; making conforming changes to certain law; providing for severability of this Act; and generally relating to county law on erosion and sediment control.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing and reenacting, with amendments

Section 3-6-101(e)
Article 3. Administration
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 32-4-101(s), 32-4-229(g), and 32-4-413
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 33-2-702 and 33-3-109(a)
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003

By renumbering

Sections 33-5-103, 33-5-104, 33-5-105, 33-5-106, 33-5-107, 33-5-108 and 33-5-109
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003
to be Sections ~~be~~ 33-5-105, 33-5-106, 33-5-107, 33-5-108, 33-5-109, 33-5-110, and 33-5-

111

By repealing and reenacting, with amendments

Sections 33-5-101, 33-5-201, 33-5-202(b), (d), (f), and (h), and 33-5-203
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003

By adding

Sections 33-5-103, 33-5-104, 33-5-301, and 33-5-304
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 33-5-105(a), (b)(2), (g)(2), (i), (j), (k), (m), (n), (o)(2)(ii), and (p)(3), 33-5-106,
33-5-107, 33-5-109, 33-5-110, 33-5-111 (as renumbered in Section 2 of this Act)
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003

By renumbering

Sections 33-5-301 and 33-5-302
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003
to be
Sections 33-5-302 and 33-5-303

By repealing and reenacting, with amendments

Sections 33-5-302 and 33-5-303(c), (d), and (f) (as renumbered in Section 4 of this Act)
Article 33. Environmental Protection and Sustainability
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

Article 3. Administration

§ 3-6-101.

(e) “County Code” means the Baltimore County Code as it is designated under § 1-1-101 of the County Code and as it relates to:

- (1) Building;
- (2) Electric;
- (3) Permits and licenses;
- (4) Plumbing;
- (5) The Livability Code;
- (6) The Fire Code;
- (7) Zoning;
- (8) Stormwater management;
- (9) Excavations, grading, EROSION AND sediment control and forest management;
- (10) Chesapeake Bay Critical Area protection;
- (11) Protection of water quality, streams, wetlands and floodplains;
- (12) Forest conservation;
- (13) Removal of asbestos;
- (14) Food service facilities;
- (15) Sanitary requirements for boat marinas;
- (16) Public swimming pools and bathing beaches;

- 1 (17) Nuisances;
- 2 (18) Solid waste; and
- 3 (19) Water and sewers.

4 Article 32. Planning, Zoning and Subdivision Control

5 § 32-4-101.

6 (s) “Environmental agreement” means an agreement concerning an applicant's
7 obligations required by the county, including:

- 8 (1) Chesapeake Bay Critical Area Management;
- 9 (2) Forest buffer protection;
- 10 (3) Forest conservation;
- 11 (4) Grading or EROSION AND sediment control;
- 12 (5) Stormwater management; and
- 13 (6) Wetland mitigation.

14 § 32-4-229.

15 (g) Subsequent detailed Development Plans shall be sealed and certified as being in
16 accordance with the approved Development Plan, including:

- 17 (1) The final grading and EROSION AND sediment control plan;
- 18 (2) The stormwater management plan;
- 19 (3) The landscape plan; and

1 (4) The record plat.

2 § 32-4-413. GRADING AND EROSION AND SEDIMENT CONTROL.~~(From the county~~
3 ~~“development regulations”)~~

4 A plat may not be approved unless provision is made for grading or for EROSION AND
5 sediment control that will minimize soil erosion, loss of topsoil, sedimentation of streams, and
6 degradation of water quality in the area.

7 Article 33. Environmental Protection and Sustainability

8 § 33-2-702.

9 (a) [A] AN EROSION AND Sediment Control Plan under § 33-5-104 of this article
10 is required for all tree harvesting, including harvesting on agricultural land, that would disturb
11 more than 5,000 square feet of surface area in one year.

12 (b) If the EROSION AND Sediment Control Plan affects a total of more than one
13 acre of forest or developed woodland, the plan shall be accompanied by a Forest Management
14 Plan approved by the Department of Environmental Protection and Sustainability, the forestry
15 programs of the State Department of Natural Resources, and the County Forest Conservancy
16 District Board.

17 (c) [A] AN EROSION AND Sediment Control Plan shall be submitted and approved
18 under § 33-5-104 of this article.

19 § 33-3-109.

1 (a) Before the Department of Permits, Approvals and Inspections may issue any
2 grading permit or building permit or before the approval of any EROSION AND sediment
3 control plan, the Director of Environmental Protection and Sustainability or the Director's
4 designee shall determine that the proposed development is in compliance with the provisions of
5 this title.

6 SECTION 2. AND BE IT FURTHER ENACTED, that Sections 33-5-103, 33-5-104, 33-
7 5-105, 33-5-106, 33-5-107, 33-5-108 and 33-5-109, respectively of Article 33. Environmental
8 Protection and Sustainability, Baltimore County Code, 2003, are hereby renumbered to be
9 Sections 33-5-105, 33-5-106, 33-5-107, 33-5-108, 33-5-109, 33-5-110, and 33-5-111,
10 respectively.

11 SECTION 3. AND BE IT FURTHER ENACTED, the Laws of Baltimore County shall
12 read as follows:

13 Article 33. Environmental Protection and Sustainability

14 § 33-5-101. DEFINITIONS.

15 (a) In this title AND IN THE HANDBOOK the following words have the meanings
16 indicated.

17 (b) "ADMINISTRATION" MEANS THE MARYLAND DEPARTMENT OF THE
18 ENVIRONMENT, WATER MANAGEMENT ADMINISTRATION.

19 (c) "ADVERSE IMPACT" MEANS DELETERIOUS EFFECT ON WATERS OR

1 WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES
2 COMPOSITION, AESTHETICS, OR USEFULNESS FOR HUMAN OR NATURAL USES,
3 WHICH ARE OR MAY POTENTIALLY BE HARMFUL OR INJURIOUS TO HUMAN
4 HEALTH, WELFARE, SAFETY, OR PROPERTY, BIOLOGICAL PRODUCTIVITY,
5 DIVERSITY, OR STABILITY OR THAT UNREASONABLY INTERFERES WITH THE
6 ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

7 (D) "APPLICANT" MEANS ANY PERSON THAT EXECUTES THE NECESSARY
8 FORMS TO APPLY FOR A PERMIT OR APPROVAL TO CARRY OUT CONSTRUCTION
9 OF A PROJECT.

10 (E)(1) "APPROVAL AUTHORITY" MEANS THE ENTITY RESPONSIBLE FOR THE
11 REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS.

12 (2) THE APPROVAL AUTHORITY IS THE SOIL CONSERVATION
13 DISTRICT.

14 (F) "BEST MANAGEMENT PRACTICE (BMP)" MEANS A STRUCTURAL DEVICE
15 OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT
16 STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION,
17 AND PROVIDE OTHER AMENITIES.

18 (G) "Buffer" means a naturally vegetated area or vegetated area established or managed in
19 accordance with COMAR 27.01.09 to protect aquatic, wetland, shoreline and terrestrial
20 environments from man-made disturbances.

21 (H) "CLEAR" MEANS TO REMOVE VEGETATIVE GROUND COVER WHILE
22 LEAVING THE ROOT MAT INTACT.

23 (I) "COMAR" MEANS THE CODE OF MARYLAND REGULATIONS.

1 (J) "CONCEPT PLAN" MEANS THE FIRST OF THREE PLANS SUBMITTED
2 UNDER THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS DESCRIBED IN
3 COMAR 26.17.02 AND THE HANDBOOK.

4 [(c) "Department" means the Department of Environmental Protection and
5 Sustainability.

6 (d) (K) "District" means the BALTIMORE County Soil Conservation District.

7 (L) "DRAINAGE AREA" MEANS THAT AREA CONTRIBUTING TO RUNOFF TO
8 A SINGLE POINT MEASURED IN A HORIZONTAL PLANE THAT IS ENCLOSED BY A
9 RIDGE LINE.

10 (M) "ENVIRONMENTAL SITE DESIGN (ESD)" MEANS USING SMALL-SCALE
11 STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND
12 BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF
13 CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON
14 WATER RESOURCES.

15 (N) "EROSION" MEANS THE PROCESS BY WHICH THE LAND SURFACE IS
16 WORN AWAY BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY.

17 (O) "EROSION AND SEDIMENT CONTROL" MEANS A SYSTEM OF
18 STRUCTURAL AND VEGETATIVE MEASURES THAT MINIMIZES SOIL EROSION AND
19 OFF-SITE SEDIMENTATION.

20 (P) "EROSION AND SEDIMENT CONTROL PLAN" MEANS AN EROSION AND
21 SEDIMENT CONTROL STRATEGY OR PLAN DESIGNED TO MINIMIZE EROSION AND
22 PREVENT OFF-SITE SEDIMENTATION.

1 [(e)] (Q) “Excavation” means removal of earth below final or existing grade level,
2 including construction of foundations, footings, and other underground structures.

3 (R) “EXEMPTION” MEANS THOSE LAND DEVELOPMENT ACTIVITIES THAT
4 ARE NOT SUBJECT TO THE EROSION AND SEDIMENT CONTROL REQUIREMENTS
5 OF THIS TITLE.

6 [(f)] (S) “Fill material” means soil, earth, sand, rock, and other similar natural
7 materials.

8 [(g)] (T) “Filling” means any act by which fill material is deposited or placed for
9 the purpose of changing the existing surface area.

10 (U)(1) “FINAL EROSION AND SEDIMENT CONTROL PLAN” MEANS, ALONG
11 WITH A FINAL STORMWATER MANAGEMENT PLAN, THE LAST OF THREE PLANS
12 SUBMITTED UNDER THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS
13 DESCRIBED IN COMAR 26.17.02 AND THE HANDBOOK.

14 (2) A FINAL EROSION AND SEDIMENT CONTROL PLAN SHALL
15 BE PREPARED AND APPROVED IN ACCORDANCE WITH THE SPECIFIC
16 REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT
17 AND THIS TITLE AND DESIGNED IN ACCORDANCE WITH THE HANDBOOK.

18 (V) “FINAL STORMWATER MANAGEMENT PLAN” HAS THE MEANING
19 STATED IN § 33-4-101 OF THIS ARTICLE.

20 [(h)] (W) “Forest” includes a land area of 1 acre or greater that:

21 (1) Supports at least 100 trees per acre with at least 50% of those trees having
22 a 2-inch or greater diameter at 4.5 feet above the ground; or

1 (2) Supports mature trees that provide a contiguous canopy over unimproved
2 land.

3 [(i)] (X)(1) “Forest buffer” means a wooded area that exists or is established to protect
4 a stream system.

5 (2) “Forest buffer” includes trees, shrubs and herbaceous vegetation.

6 [(j)] (Y) “Forest harvest” means the cutting or removal of 1 or more acres of forest
7 or developed woodland within any 1-year interval.

8 [(k)] (Z) “Grading” means the stripping, clearing of, or otherwise disturbing of
9 earth for the purpose of changing an existing surface area, INCLUDING EXCAVATING,
10 FILLING, STOCKPILING, GRUBBING, REMOVING ROOT MAT OR TOPSOIL, OR ANY
11 COMBINATION OF THESE ACTIVITIES.

12 [(l)] (AA) “Grading plan” means a plan prepared by a professional engineer, land
13 surveyor, landscape architect, or architect, licensed to practice in the state, in accordance with the
14 “Grading Regulations for Baltimore County” adopted May 31, 1989, as amended from time to
15 time.

16 (BB)(1) “GRADING UNIT” MEANS THE MAXIMUM CONTIGUOUS AREA
17 ALLOWED TO BE GRADED AT A GIVEN TIME.

18 (2) FOR THE PURPOSE OF THIS TITLE, A GRADING UNIT IS 20 ACRES
19 OR LESS.

20 (CC) “HANDBOOK” MEANS” MEANS THE 2011 MARYLAND STANDARDS AND
21 SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

22 (DD) “HIGHLY ERODIBLE SOILS” MEANS THOSE SOILS WITH A SLOPE

1 GREATER THAN 15 PERCENT OR THOSE SOILS WITH A SOIL ERODABILITY
2 FACTOR, K, GREATER THAN 0.35 AND WITH SLOPES GREATER THAN 5 PERCENT.

3 (EE) “INSPECTION AGENCY” MEANS THE DEPARTMENT OF PERMITS,
4 APPROVALS AND INSPECTIONS.

5 [(m)] (FF). “Interested person” means a person whose property or legal rights would be
6 adversely affected by a violation or threatened violation of the requirements of this title.

7 (GG) “MAXIMUM EXTENT PRACTICABLE (MEP)” MEANS DESIGNING
8 STORMWATER MANAGEMENT SYSTEMS SO THAT ALL REASONABLE
9 OPPORTUNITIES FOR USING ESD PLANNING TECHNIQUES AND TREATMENT
10 PRACTICES ARE EXHAUSTED AND ONLY WHERE ABSOLUTELY NECESSARY IS A
11 STRUCTURAL BMP IMPLEMENTED.

12 (HH)(1) “OWNER OR DEVELOPER” MEANS A PERSON UNDERTAKING OR FOR
13 WHOSE BENEFIT ACTIVITIES SUBJECT TO THIS TITLE ARE UNDERTAKEN.

14 (2) “OWNER” OR “DEVELOPER” DOES NOT INCLUDE A GENERAL
15 CONTRACTOR OR SUBCONTRACTOR WHO DOES NOT OTHERWISE HAVE A
16 PROPRIETARY INTEREST IN THE PROJECT THAT IS SUBJECT TO THIS TITLE.

17 [(n)] (II) “Permit” means the county permit issued by the Department of Permits,
18 Approvals and Inspections to authorize excavation or grading activity.

19 [(o)] (JJ) “Permittee” means a person to whom a permit is issued in accordance with this
20 title.

21 [(p)] (KK) “Person” includes [an estate, the state and local governments, their agencies
22 and instrumentalities] THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY,

1 MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE, OR ANY
2 OF THEIR UNITS, OR AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN,
3 EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND,
4 OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION,
5 OR ANY OF THEIR AFFILIATES, OR ANY OTHER ENTITY.

6 (LL) “RESPONSIBLE PERSONNEL” MEANS ANY FOREMAN,
7 SUPERINTENDENT, OR PRODUCT ENGINEER WHO IS IN CHARGE OF ON-SITE
8 CLEARING AND GRADING OPERATIONS OR THE IMPLEMENTATION AND
9 MAINTENANCE ~~OR~~ OF AN EROSION AND SEDIMENT CONTROL PLAN.

10 [(q)] (MM) “Rubble” means building demolition debris, tree stumps and other
11 land-clearing debris, and other similar wastes determined by the Department as material that
12 must be deposited at a site for which a solid waste processing or a rubble landfill permit has been
13 issued.

14 [(r)] (NN) “Sediment” means soils or other surficial materials transported or deposited by
15 the action of wind, water, ice, or gravity as a product of erosion.

16 [(s) “Sediment control plan” means a plan prepared by a professional engineer, land
17 surveyor, landscape architect, or architect licensed to practice in the state, in accordance with the
18 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control, as amended
19 from time to time, or the current standard plan preapproved by the district.]

20 (OO) “SITE” MEANS ANY TRACT, LOT, OR PARCEL OF LAND, OR
21 COMBINATION OF TRACTS, LOTS, OR PARCELS OF LAND THAT ARE IN ONE
22 OWNERSHIP, OR ARE CONTIGUOUS AND IN DIVERSE OWNERSHIP, WHERE
23 DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR

1 PROJECT.

2 (PP)(1) "SITE DEVELOPMENT PLAN" MEANS THE SECOND OF THREE PLANS
3 SUBMITTED UNDER THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS
4 REQUIRED BY THE STORMWATER MANAGEMENT ACT OF 2007 AND DESCRIBED
5 IN COMAR 26.17.02.

6 (2) A SITE DEVELOPMENT PLAN SHALL INCLUDE THE INFORMATION
7 NECESSARY TO ALLOW A DETAILED EVALUATION OF THE PROPOSED PROJECT.

8 (QQ) "STABILIZATION" MEANS THE PROTECTION OF EXPOSED SOILS FROM
9 EROSION BY THE APPLICATION OF SEED AND MULCH, SEED AND MATTING SOD
10 OR OTHER VEGETATIVE MEASURES OR STRUCTURAL MEASURES OR BOTH.

11 (RR) "STANDARDS AND SPECIFICATIONS" MEANS THE "2011 MARYLAND
12 STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL,"
13 ALSO KNOWN AS THE HANDBOOK, OR ANY SUBSEQUENT REVISIONS.

14 (SS) "STORMWATER" MEANS WATER THAT ORIGINATES FROM A
15 PRECIPITATION EVENT.

16 (TT) "STORMWATER MANAGEMENT SYSTEM" MEANS NATURAL AREAS,
17 ESD PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER
18 STRUCTURE THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR
19 DISCHARGES FROM A SITE.

20 (UU) "VARIANCE" MEANS THE MODIFICATION OF THE MINIMUM GRADING
21 OR EROSION AND SEDIMENT CONTROL REQUIREMENTS FOR EXCEPTIONAL
22 CIRCUMSTANCES SUCH THAT STRICT ADHERENCE TO THE REQUIREMENTS
23 WOULD RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF

1 THIS TITLE.

2 (VV) "WATERSHED" MEANS THE TOTAL DRAINAGE AREA CONTRIBUTING
3 RUNOFF TO A SINGLE POINT.

4 § 33-5-103.

5 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY
6 NOT GRADE LAND WITHOUT AN EROSION AND SEDIMENT CONTROL PLAN
7 APPROVED BY THE SOIL CONSERVATION DISTRICT AND A GRADING PLAN
8 APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
9 SUSTAINABILITY.

10 (2) EROSION AND SEDIMENT CONTROL PLANS AND GRADING PLANS
11 SHALL COMPLY WITH THE FOLLOWING PHASES DESCRIBED IN COMAR 26.17.01.17
12 AND THE HANDBOOK:

13 (I) CONCEPT PLAN;

14 (II) SITE DEVELOPMENT PLAN; AND

15 (II) FINAL EROSION AND SEDIMENT CONTROL PLAN.

16 (3) MODIFICATION OF ANY FINAL EROSION AND SEDIMENT CONTROL
17 PLAN SHALL BE IN ACCORDANCE WITH THE HANDBOOK.

18 (B) (1)(I) THE SOIL CONSERVATION DISTRICT SHALL REVIEW EROSION AND
19 SEDIMENT CONTROL PLANS TO DETERMINE COMPLIANCE WITH THIS TITLE AND
20 THE STANDARDS AND SPECIFICATIONS BEFORE APPROVAL.

21 (II) IN APPROVING THE PLAN, THE DISTRICT MAY IMPOSE

1 SUCH CONDITIONS AS IT DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THE
2 PROVISIONS OF THIS TITLE, COMAR 26.17.01, THE STANDARDS AND
3 SPECIFICATIONS, AND THE PRESERVATION OF PUBLIC HEALTH AND SAFETY.

4 (2) THE REVIEW AND APPROVAL PROCESS SHALL BE IN
5 ACCORDANCE WITH THE COMPREHENSIVE AND INTEGRATED PLAN APPROVAL
6 PROCESS DESCRIBED IN THE STANDARDS AND SPECIFICATIONS, THIS TITLE, AND
7 THE STORMWATER MANAGEMENT ACT OF 2007.

8 (C)(1) AT A MINIMUM, A CONCEPT PLAN SHALL INCLUDE THE MAPPING OF
9 NATURAL RESOURCES AND SENSITIVE AREAS INCLUDING:

10 (I) HIGHLY ERODIBLE SOILS AND SLOPES GREATER THAN 15
11 PERCENT; AND

12 (II) INFORMATION REQUIRED UNDER THIS TITLE.

13 (2) THE AREAS REFERENCED IN PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL REMAIN UNDISTURBED OR AN EXPLANATION SHALL BE
15 INCLUDED WITH EITHER THE CONCEPT PLAN OR THE SITE DEVELOPMENT PLAN
16 DESCRIBING ENHANCED PROTECTION STRATEGIES FOR THE AREAS DURING
17 CONSTRUCTION.

18 (D)(1) A SITE DEVELOPMENT PLAN SUBMITTAL SHALL:

19 (I) INCLUDE ALL CONCEPT PLAN INFORMATION;

20 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
21 INDICATE HOW PROPOSED EROSION AND SEDIMENT CONTROL PRACTICES WILL
22 BE INTEGRATED WITH PROPOSED STORMWATER MANAGEMENT PRACTICES;

1 AND

2 (III) INCLUDE AN INITIAL SEQUENCE OF CONSTRUCTION AND
3 PROPOSED PROJECT PHASING TO ACHIEVE THE GRADING UNIT RESTRICTION.

4 (2) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION, A SITE
5 DEVELOPMENT PLAN SHALL INCLUDE A NARRATIVE AND AN OVERLAY PLAN
6 SHOWING BOTH ESD AND EROSION AND SEDIMENT CONTROL PRACTICES.

7 (E)(1) AN APPLICANT SHALL SUBMIT A FINAL EROSION AND SEDIMENT
8 CONTROL PLAN TO THE DISTRICT FOR REVIEW AND APPROVAL.

9 (2) THE PLAN SHALL INCLUDE:

10 (I) ALL OF THE INFORMATION REQUIRED BY THE CONCEPT
11 AND SITE DEVELOPMENT PLANS; AND

12 (II) ANY INFORMATION IN § 33-5-104 OF THIS SUBTITLE NOT
13 ALREADY SUBMITTED.

14 (3) A FINAL EROSION AND SEDIMENT CONTROL PLAN MAY NOT BE
15 CONSIDERED APPROVED WITHOUT THE INCLUSION OF THE SIGNATURE AND
16 DATE OF SIGNATURE OF THE DISTRICT ON THE PLAN.

17 (F) AN APPROVED PLAN REMAINS VALID FOR TWO (2) YEARS FROM THE
18 DATE OF APPROVAL UNLESS EXTENDED OR RENEWED BY THE DISTRICT.

19 (G)(1) ANY PLANS THAT RECEIVE FINAL APPROVAL AFTER JANUARY 9, 2013
20 SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND THE
21 HANDBOOK.

22 (2) A PLAN THAT RECEIVES FINAL APPROVAL BEFORE JANUARY 9,

1 2013 MAY BE REAPPROVED UNDER ITS EXISTING CONDITIONS IF GRADING
2 ACTIVITIES HAVE BEGUN ON THE SITE BY JANUARY 9, 2015 WITH THE EXCEPTION
3 OF STABILIZATION REQUIREMENTS.

4 (3) STABILIZATION PRACTICES ON ALL SITES SHALL BE IN
5 COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND THE HANDBOOK BY
6 JANUARY 9, 2013 REGARDLESS OF WHEN AN APPROVED EROSION AND SEDIMENT
7 CONTROL PLAN WAS APPROVED.

8 § 33-5-104.

9 (A)(1) AN APPLICANT SHALL SUBMIT AN EROSION AND SEDIMENT
10 CONTROL PLAN THAT COMPLIES WITH THE REQUIREMENTS OF THE SOIL
11 CONSERVATION DISTRICT, THIS TITLE, THE STANDARDS AND SPECIFICATIONS,
12 AND THE STORMWATER MANAGEMENT ACT OF 2007.

13 (2) THE PLANS SHALL INCLUDE SUFFICIENT INFORMATION TO
14 EVALUATE THE ENVIRONMENTAL CHARACTERISTICS OF THE AFFECTED AREAS,
15 THE POTENTIAL IMPACTS OF THE PROPOSED GRADING ON WATER RESOURCES,
16 AND THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED TO
17 MINIMIZE SOIL EROSION AND OFF-SITE SEDIMENTATION.

18 (B) AN APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION:

19 (1) A LETTER OF TRANSMITTAL OR APPLICATION, OR BOTH;

20 (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:

21 (I) THE OWNER OF THE PROPERTY WHERE THE GRADING IS

1 PROPOSED;

2 (II) THE DEVELOPER; AND

3 (III) THE APPLICANT;

4 (3) A VICINITY MAP INDICATING NORTH ARROW, SCALE, SITE
5 LOCATION, AND OTHER INFORMATION NECESSARY TO EASILY LOCATE THE
6 PROPERTY;

7 (4) DRAINAGE AREA MAP(S) AT A 1" = 200' MINIMUM SCALE
8 SHOWING EXISTING, INTERIM, AND PROPOSED TOPOGRAPHY, PROPOSED
9 IMPROVEMENTS, STANDARD SYMBOLS FOR PROPOSED SEDIMENT CONTROL
10 FEATURES, AND PERTINENT DRAINAGE INFORMATION INCLUDING PROVISIONS
11 TO PROTECT DOWNSTREAM AREAS FROM EROSION FOR A MINIMUM OF 200 FEET
12 DOWNSTREAM OR TO THE NEXT CONVEYANCE SYSTEM;

13 (5) THE LOCATION OF NATURAL RESOURCES, WETLANDS,
14 FLOODPLAINS, HIGHLY ERODIBLE SOILS, SLOPES 15 PERCENT AND STEEPER, AND
15 ANY OTHER SENSITIVE AREAS;

16 (6) A GENERAL DESCRIPTION OF THE PREDOMINANT SOIL TYPES ON
17 THE SITE, AS DESCRIBED BY THE APPROPRIATE SOIL SURVEY INFORMATION
18 AVAILABLE THROUGH THE DISTRICT OR THE USDA NATURAL RESOURCES SOIL
19 CONSERVATION SERVICE;

20 (7) PROPOSED STORMWATER MANAGEMENT PRACTICES;

21 (8) EROSION AND SEDIMENT CONTROL PLANS INCLUDING:

22 (I) THE EXISTING TOPOGRAPHY AND IMPROVEMENTS AS

1 WELL AS PROPOSED TOPOGRAPHY AND IMPROVEMENTS AT A SCALE BETWEEN
2 1" = 10' AND 1" = 50' WITH 2 FOOT CONTOURS OR OTHER APPROVED CONTOUR
3 INTERVAL (FOR PROJECTS WITH MORE THAN MINOR GRADING, INTERIM
4 CONTOURS MAY ALSO BE REQUIRED);

5 (II) SCALE, PROJECT, AND SHEET TITLE, AND NORTH ARROW
6 ON EACH PLAN SHEET;

7 (III) THE LIMIT OF DISTURBANCE (LOD) INCLUDING:

8 A 1. LIMIT OF GRADING (GRADING UNITS, IF
9 APPLICABLE); AND

10 B 2. INITIAL, INTERIM, AND FINAL PHASES;

11 (IV) THE PROPOSED GRADING AND EARTH DISTURBANCE
12 INCLUDING:

13 A 1. TOTAL DISTURBED AREA;

14 B 2. VOLUME OF CUT AND FILL QUANTITIES; AND

15 C 3. VOLUME OF BORROW AND SPOIL QUANTITIES;

16 (V) STORM DRAINAGE FEATURES, INCLUDING:

17 A 1. EXISTING AND PROPOSED BRIDGES, STORM DRAINS,
18 CULVERTS, OUTFALLS, ETC.;

19 B 2. VELOCITIES AND PEAK FLOW RATES AT OUTFALLS
20 FOR THE TWO-YEAR AND TEN-YEAR FREQUENCY STORM EVENTS; AND

21 C 3. SITE CONDITIONS AROUND POINTS OF ALL SURFACE
22 WATER DISCHARGE FROM THE SITE;

1 (VI) SUBJECT TO SUBSECTIONS (C) THROUGH (G) OF THIS
2 SECTION, EROSION AND SEDIMENT CONTROL PRACTICES TO MINIMIZE ON-SITE
3 EROSION AND PREVENT OFF-SITE SEDIMENTATION INCLUDING:

4 ~~A~~ 1. THE SALVAGE AND REUSE OF TOPSOIL;

5 ~~B~~ 2. PHASED CONSTRUCTION AND IMPLEMENTATION OF
6 GRADING UNIT(S) TO MINIMIZE DISTURBANCES, BOTH IN EXTENT AND
7 DURATION;

8 ~~C~~ 3. LOCATION AND TYPE OF ALL PROPOSED SEDIMENT
9 CONTROL PRACTICES;

10 ~~D~~ 4. DESIGN DETAILS AND DATA FOR ALL EROSION AND
11 SEDIMENT CONTROL PRACTICES; AND

12 ~~E~~ 5. SPECIFICATIONS FOR TEMPORARY AND
13 PERMANENT STABILIZATION MEASURES INCLUDING, AT A ~~MINIMUM~~:

14 ~~1. THE MINIMUM~~ “STANDARD STABILIZATION
15 NOTE” ON THE PLAN STATING: “FOLLOWING INITIAL SOIL DISTURBANCE OR RE-
16 DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION MUST BE
17 COMPLETED WITHIN:

18 A. THREE (3) CALENDAR DAYS AS TO THE
19 SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND
20 ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); AND

21 B. SEVEN (7) CALENDAR DAYS AS TO ALL
22 OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER

1 ACTIVE GRADING.;"

2 F 6. DETAILS FOR AREAS REQUIRING ACCELERATED
3 STABILIZATION; AND

4 G 7. MAINTENANCE REQUIREMENTS AS DEFINED IN THE
5 STANDARDS AND SPECIFICATIONS.

6 (C)(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN APPLICANT
7 SHALL SUBMIT A SEQUENCE OF CONSTRUCTION DESCRIBING THE RELATIONSHIP
8 BETWEEN THE IMPLEMENTATION AND MAINTENANCE OF CONTROLS,
9 INCLUDING PERMANENT AND TEMPORARY STABILIZATION, AND THE VARIOUS
10 STAGES OR PHASES OF EARTH DISTURBANCE AND CONSTRUCTION.

11 (2) ANY CHANGES OR REVISIONS TO THE SEQUENCE OF
12 CONSTRUCTION SHALL BE APPROVED BY THE DISTRICT BEFORE PROCEEDING
13 WITH CONSTRUCTION.

14 (3) THE SEQUENCE OF CONSTRUCTION, AT A MINIMUM, SHALL
15 INCLUDE THE FOLLOWING:

16 (I) A REQUEST FOR A PRE-CONSTRUCTION MEETING WITH THE
17 DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS;

18 (II) CLEARING AND GRUBBING AS NECESSARY FOR THE
19 INSTALLATION OF PERIMETER CONTROLS;

20 (III) CONSTRUCTION AND STABILIZATION OF PERIMETER
21 CONTROLS;

22 (IV) REMAINING CLEARING AND GRUBBING WITHIN

1 INSTALLED PERIMETER CONTROLS;
2 (V) ROAD GRADING;
3 (VI) GRADING FOR THE REMAINDER OF THE SITE;
4 (VII) UTILITY INSTALLATION AND CONNECTIONS TO EXISTING
5 STRUCTURES;
6 (VIII) CONSTRUCTION OF BUILDINGS, ROADS, AND OTHER
7 CONSTRUCTION;
8 (IX) FINAL GRADING, LANDSCAPING, AND STABILIZATION;
9 (X) INSTALLATION OF STORMWATER MANAGEMENT
10 MEASURES;
11 (XI) APPROVAL OF THE DEPARTMENT OF PERMITS, APPROVAL,
12 AND INSPECTIONS BEFORE REMOVAL OF SEDIMENT CONTROLS; AND
13 (XII) REMOVAL OF CONTROLS AND STABILIZATION OF AREAS
14 THAT ARE DISTURBED BY REMOVAL OF SEDIMENT CONTROLS.

15 (D) AN APPLICANT SHALL SUBMIT A STATEMENT REQUIRING THE
16 OWNER/DEVELOPER OR REPRESENTATIVE TO CONTACT THE DEPARTMENT OF
17 PERMITS, APPROVALS AND INSPECTIONS OR ITS AGENT AT THE FOLLOWING
18 STAGES OF THE PROJECT OR IN ACCORDANCE WITH THE APPROVED EROSION
19 AND SEDIMENT CONTROL PLAN, GRADING PERMIT, OR BUILDING PERMIT:

- 20 (1) BEFORE THE START OF EARTH DISTURBANCE;
21 (2) ON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION
22 AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH

1 DISTURBANCE OR GRADING;

2 (3) BEFORE THE START OF ANOTHER PHASE OF CONSTRUCTION OR
3 OPENING OF ANOTHER GRADING UNIT; AND

4 (4) BEFORE THE REMOVAL OF SEDIMENT CONTROL PRACTICES.

5 (E)(1) AN APPLICANT SHALL SUBMIT CERTIFICATION BY THE
6 OWNER/DEVELOPER THAT ANY CLEARING, GRADING, CONSTRUCTION, OR
7 DEVELOPMENT WILL BE DONE IN ACCORDANCE WITH THE APPROVED EROSION
8 AND SEDIMENT CONTROL PLAN.

9 (2)(I) THE CERTIFICATION SHALL ALSO REQUIRE THAT THE
10 RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT HAVE A
11 CERTIFICATE OF TRAINING AT AN ADMINISTRATION-APPROVED TRAINING
12 PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING
13 THE PROJECT.

14 (II) THE CERTIFICATE OF TRAINING FOR RESPONSIBLE
15 PERSONNEL MAY BE WAIVED BY THE DEPARTMENT OF PERMITS, APPROVALS
16 AND INSPECTIONS ON ANY PROJECT INVOLVING FOUR OR FEWER RESIDENTIAL
17 LOTS.

18 (3) THE OWNER/DEVELOPER SHALL ALLOW RIGHT OF ENTRY FOR
19 PERIODIC ON-SITE EVALUATION BY ANY DEPARTMENT OF THE COUNTY
20 GOVERNMENT, THE ADMINISTRATION, OR BOTH.

21 (F) AN APPLICANT SHALL SUBMIT CERTIFICATION BY A PROFESSIONAL
22 ENGINEER, LAND SURVEYOR, LANDSCAPE ARCHITECT, ARCHITECT, OR
23 FORESTER (FOR FOREST HARVEST OPERATIONS ONLY) REGISTERED IN THE

1 STATE THAT THE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH EROSION
2 AND SEDIMENT CONTROL LAWS, REGULATIONS, AND STANDARDS, IF REQUIRED
3 BY THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OR THE
4 ADMINISTRATION.

5 (G) AN APPLICANT SHALL SUBMIT ANY ADDITIONAL INFORMATION OR
6 DATA DEEMED APPROPRIATE BY THE DEPARTMENT OF PERMITS, APPROVALS
7 AND INSPECTIONS.

8 § 33-5-105.

9 (a) All grading and the installation of EROSION AND sediment control measures
10 shall be in accordance with the approved grading and EROSION AND sediment control plans.

11 (b)(2) The method of disposal of ground or surface water shall be subject to approval by
12 the Department OF PERMITS, APPROVALS AND INSPECTIONS, the Department of Public
13 Works, or both.

14 (g)(2) If in the opinion of the Department OF PERMITS, APPROVALS AND
15 INSPECTIONS or the Department of Public Works, the nature of any excavation may create a
16 hazard to public safety or property, the permittee shall be directed to construct walls, fences,
17 guardrails, or other structures necessary to provide adequate protection.

18 (i) On any property where grading is being done in violation of the grading permit
19 requirements set forth in this title, after being notified by the Department OF PERMITS,
20 APPROVALS AND INSPECTIONS, the owner shall, cease all grading and construction activity,
21 install any temporary EROSION AND sediment control measures directed by the Department,
22 and submit the plans and security necessary to obtain the required permit.

1 (j) When damage occurs on property adjacent to a construction site due to any
2 grading operation or failure of any EROSION AND sediment control measures, the permittee or
3 a designated agent shall contact the owner of the damaged property and attempt to obtain
4 permission to enter onto the property and restore the damaged area, as near as possible to its
5 natural state.

6 (k)(1) If [sediment or] erosion AND SEDIMENT damage occurs to any public property
7 or utilities maintained by the county due to the failure of any [sediment or] erosion AND
8 SEDIMENT control measures, the permittee or a designated agent shall clean, repair, or restore
9 the damaged areas or facilities in a manner acceptable to the Department OF PERMITS,
10 APPROVALS AND INSPECTIONS and the Department of Public Works.

11 (2) If damage occurs to a watercourse, wetland, floodplain, buffer, habitat
12 protection area, or forest buffer on or adjacent to the construction site due to any grading
13 operation or failure of EROSION AND sediment control measures, the permittee shall restore the
14 damaged area as close to its original condition as technically feasible, subject to the approval of
15 the Department OF PERMITS, APPROVALS AND INSPECTIONS AND THE
16 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

17 (m) A copy of the approved EROSION AND sediment control plan[,] AND grading
18 plan[, and, if applicable, a forest protection and establishment plan or forest conservation plan,]
19 shall be maintained on the job site at all times.

20 (n) The permittee shall notify the [Sediment Control] BUILDING INSPECTION
21 Division of the Department OF PERMITS, APPROVALS AND INSPECTIONS before
22 beginning any grading operation.

23 (o)(2)(ii) In case of deferral, compliance with the provisions of paragraph (1) of this

1 subsection shall be accomplished as required by the Department OF PERMITS, APPROVALS
2 AND INSPECTIONS.

3 (p)(3) Before the issuance of a use and occupancy certificate for any construction within
4 the Chesapeake Bay Critical Area, the Department OF ENVIRONMENTAL PROTECTION
5 AND SUSTAINABILITY shall conduct a field inspection to ensure compliance with the
6 approved plans submitted in order to obtain the grading permit, as determined by the Chesapeake
7 Bay Critical Area law and regulations.

8 § 33-5-106.

9 (a)(1) Unless otherwise exempt, approved EROSION AND sediment control and
10 grading plans are required for all grading operations.

11 (2) A grading permit or building permit may not be issued until:

12 (i) Subject to paragraph (3) of this subsection, a grading plan has been
13 submitted to and approved by the Department OF ENVIRONMENTAL PROTECTION AND
14 SUSTAINABILITY; AND

15 (ii) Subject to paragraph (4) of this subsection, [a] AN EROSION
16 AND sediment control plan has been submitted to and approved by the district; and

17 (iii) A forest protection and establishment plan, if applicable, and an
18 accompanying cost estimate to implement the plan, has been approved by the Department, if
19 required].

20 (3) Grading plans are not required for individual residential building lots that
21 qualify for the use of a standard EROSION AND sediment control plan unless a preliminary

1 inspection of the lot by the Department OF PERMITS, APPROVALS AND INSPECTIONS
2 indicates field conditions that warrant that a grading plan is necessary to properly develop the lot.

3 (4) If the grading or construction is within the Chesapeake Bay Critical Area
4 and relates to timber harvesting occurring within any 1 year and affecting 1 or more acres of
5 forest or developed woodland, the EROSION AND sediment control plan may not be approved
6 until a forest management plan is approved by the Department OF ENVIRONMENTAL
7 PROTECTION AND SUSTAINABILITY, the forestry programs of the State Department of
8 Natural Resources, and the County Forest Conservancy District Board.

9 (b) The following activities are exempt from the requirements for grading and
10 EROSION AND sediment control plans:

11 (1) Agricultural land management practices and construction of agricultural
12 structures that occur outside of existing wetlands, watercourses, floodplains, buffers, and habitat
13 protection areas, [and which are subject to] PROVIDED THAT any agricultural land
14 management practice determined by the Department OF PERMITS, APPROVALS AND
15 INSPECTIONS OR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
16 SUSTAINABILITY to be the cause of an erosion or sediment condition detrimental to adjacent
17 properties, public safety or any watercourse [will be referred to] ARE REQUIRED BY the
18 District [for] TO TAKE appropriate action under the District's land use rules and regulations
19 adopted in accordance with § 8-307 of the Agriculture Article of the Annotated Code of
20 Maryland;

21 (2) Grading activities that do not include any watercourses, floodplains,
22 wetland areas, buffers, habitat protection areas, or forest buffers, and that disturb less than 5,000
23 square feet of land area and less than 100 cubic yards of earth; and

1 (3) Grading activities that are subject exclusively to state approval and
2 enforcement under state law and regulations, subject to the following conditions and
3 requirements:

4 (i) Any grading activity subject to state approval and enforcement
5 under state law and regulations determined by the Department OF PERMIT, APPROVALS AND
6 INSPECTIONS to be the cause for an erosion or sediment condition detrimental to adjacent
7 properties, public safety, or any watercourse shall be referred to the State Department of the
8 Environment for corrective action;

9 (ii) [Sediment] EROSION AND SEDIMENT control plans shall be
10 prepared in accordance with and contain the information required by COMAR 26.17.01.07, and
11 all state and local standards and specifications;

12 (iii) Grading plans shall be prepared in accordance with and contain the
13 information required by COMAR 26.17.01.09, and all state and local standards and
14 specifications;

15 (iv) [Forest protection and establishment plans shall be prepared in
16 accordance with and contain the information required by the county Forest Protection and
17 Establishment Manual;

18 (v) If the grading permit has not been issued within 1 year after
19 EROSION AND sediment control plan approval, the EROSION AND sediment control plans are
20 subject to an updated review by the District;

21 [(vi)] (V) The State Department of the Environment shall provide
22 written notification to the county regarding the disposition of any agricultural erosion or
23 sediment problems referred to the District; and

1 [(vii)] (VI) The District shall provide written notification to the county
2 regarding the disposition of any agricultural erosion or sediment problems referred to the District.

3 § 33-5-107.

4 (a) [The fee schedule in this section applies to:

5 (1) The review of a new plan;

6 (2) Recertification of a previously approved plan; and

7 (3) The revision of an approved plan if additional acreage is added to the plan,
8 but the fee applies only to the additional acreage.

9 (b) (1)] The District may charge a fee for the review of soil erosion and sediment
10 control plans.

11 [(2) The fee is \$25, plus a fee based on the number of acres disturbed.

12 (3) The fee is calculated in accordance with the following schedule of
13 cumulative fees:

14 0.0 to 5.00 acres - \$40.00 x Acreage (minimum 1 acre)

15 5.01 to 10.00 acres - 30.00 x Acreage over 5.00 acres

16 10.01 to 20.00 acres - 20.00 x Acreage over 10.00 acres

17 20.01 + acres - 10.00 x Acreage over 20.00 acres

18 (c) (1) If additional acreage is not added to an approved plan, there is no charge
19 for the first revision of a plan.

1 (2) The fee for subsequent revisions of a previously approved plan shall be
2 one-half of the fee normally charged under the current fee schedule.

3 (d) (1) The County Forest Conservancy District Board:

4 (i) Shall review the fee schedule annually;

5 (ii) May change the fee at the beginning of the fiscal year; and

6 (iii) Shall submit changes to the County Council in accordance with the
7 provisions of § 3-1-202(d) of the Code.

8 (2) The fees established by this section shall reflect the cost of reviewing
9 sediment control plans and may not exceed the actual cost of review.

10 (e)] (B) The fees collected under this section are supplementary to state and county
11 funds.

12 § 33-5-109.

13 (a) (1) Forest harvest activities outside of the Chesapeake Bay Critical Area must
14 have EROSION AND sediment control measures installed in accordance with a plan approved
15 by the District.

16 (2) A grading permit is not required for approved forest harvest operations.

17 (3) If the District finds that a minimal erosion and sedimentation hazard upon
18 any adjacent property or watercourse may be caused by the proposed forest harvest activity, it
19 may authorize the use of the standard EROSION AND sediment control plan developed for
20 forest harvest operations.

21 (b) Forest harvest activities in the Chesapeake Bay Critical Area must have a forest

1 management plan approved by the Department OF ENVIRONMENTAL PROTECTION AND
2 SUSTAINABILITY, the forestry programs of the State Department of Natural Resources, and
3 the county Forest Conservancy District Board.

4 § 33-5-110.

5 (a) The owner of a property on which any clearing, filling, or grading activity is
6 undertaken in a watercourse, wetland area, floodplain, buffer, habitat protection area, or forest
7 buffer in violation of the provisions of this title shall, on notification, restore the areas in
8 accordance with the requirements of the Department OF ENVIRONMENTAL PROTECTION
9 AND SUSTAINABILITY.

10 (b) A person who does not comply with the restoration requirements of the
11 Department OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY is subject to the
12 action as provided for in Subtitle 3 of this title.

13 § 33-5-111.

14 (a) The owner of any shorefront property on which there are any eroded areas or
15 deteriorated bulkheads that, under the criteria established by the shoreline enhancement plan, has
16 a detrimental effect on the adjacent shoreline or waterway shall, on notification, take action as
17 required by the Department OF PERMITS, APPROVALS AND INSPECTIONS.

18 (b) The required corrective action shall be performed in accordance with § 33-2-607
19 of this article [and may include structural or vegetative management practices as detailed in the
20 Baltimore County shoreline enhancement plan, dated November, 1986, as amended from time to

1 time].

2 (c) A person who does not comply with the requirements of the Department OF
3 PERMITS, APPROVALS AND INSPECTIONS is subject to the action as provided for Subtitle
4 3 of this title.

5 § 33-5-201.

6 A grading permit is required for all land-disturbing activities not exempted under §
7 [33-5-104] 33-5-106 of this title with the exception of the following:

8 (1) Individual residential lots for which a building permit has been issued and
9 [sediment and] erosion AND SEDIMENT control measures are employed to protect against
10 off-site damage in accordance with a standard EROSION AND sediment control plan approved
11 by the District;

12 (2) Stockpiling of sand, stone and gravel at concrete, asphalt, and material processing
13 plants or storage yards;

14 (3) County sanitary landfill areas operated by the county, provided [sediment and]
15 erosion AND SEDIMENT control measures are employed in accordance with a plan approved by
16 the District;

17 (4) The filling of areas for which a county rubble landfill or solid waste processing
18 facility permit has been issued and [sediment and] erosion AND SEDIMENT controls have been
19 installed in accordance with an approved grading or EROSION AND sediment control plan, or
20 both;

21 (5) Grading undertaken by or on behalf of the federal government and state, its

1 agencies and instrumentalities; or

2 (6) The temporary stockpiling of fill material allowed with the approval of a
3 “stockpile” permit issued by the county, subject to the requirements of the Department OF
4 PERMITS, APPROVALS AND INSPECTIONS.

5 § 33-5-202.

6 (b)(1) The application shall include:

7 (i) A grading plan approved by the Department OF
8 ENVIRONMENTAL PROTECTION AND SUSTAINABILITY; and

9 (ii) [A] AN EROSION AND sediment control plan approved by the
10 District.

11 (2) Any revisions to the grading or EROSION AND sediment control plans
12 are subject to the review of the approving agency.

13 (d) If applicable, an application for a grading permit within the Chesapeake Bay
14 Critical Area shall be accompanied by a forest protection and establishment plan OR CRITICAL
15 AREA MANAGEMENT PLAN, AS APPLICABLE, and a cost estimate approved by the
16 Department ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

17 (f) In approving any permit or extension of a permit, the Department OF PERMITS,
18 APPROVALS AND INSPECTIONS may impose conditions on the permit or extension that the
19 Department considers necessary to ensure compliance with the provisions of this title and the
20 preservation of public health and safety.

21 (h) When a contractor, developer, or owner is in violation of this title, the Department

1 of [Environmental Protection and Sustainability] PERMITS, APPROVALS AND
2 INSPECTIONS may withhold approval of any additional permits requested by that person for
3 construction activity at any location within the county.

4 § 33-5-203.

5 (A)(1) The County Administrative Officer shall establish the permit fee.

6 (2) A permit application may not be accepted for processing unless the fee has
7 been paid to the county.

8 (3) Before starting any additional work necessitated by a revision in the
9 approved plans, the permittee shall obtain an amended permit and pay any additional fee as
10 established by the County Administrative Officer.

11 (B) THE APPLICANT SHALL POST A SECURITY IN ACCORDANCE WITH §
12 32-4-312 OF THE CODE.

13 SECTION 4. AND BE IT FURTHER ENACTED, that Sections 33-5-301 and 33-5-302,
14 respectively of Article 33. Environmental Protection and Sustainability, Baltimore County Code,
15 2003, are hereby renumbered to be Sections 33-5-302 and 33-5-303, respectively.

16 SECTION 5. AND BE IT ENACTED, that Laws of Baltimore County shall read as
17 follows:

18 Article 33. Environmental Protection and Sustainability

1 33-5-301. INVESTIGATION.

2 (A) THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS SHALL
3 ACCEPT AND INVESTIGATE COMPLAINTS REGARDING EROSION AND SEDIMENT
4 CONTROL CONCERNS FROM ANY INTERESTED PERSONS.

5 (B) THE DEPARTMENT SHALL:

6 (1) CONDUCT AN INITIAL INVESTIGATION WITHIN THREE (3)
7 WORKING DAYS AFTER RECEIVING THE COMPLAINT;

8 (2) NOTIFY THE COMPLAINANT OF THE INITIAL INVESTIGATION AND
9 FINDINGS WITHIN SEVEN (7) WORKING DAYS AFTER RECEIVING THE COMPLAINT;
10 AND

11 (3) TAKE APPROPRIATE ACTION WHEN VIOLATIONS ARE
12 DISCOVERED DURING THE COURSE OF THE COMPLAINT INVESTIGATION.

13 33-5-302.

14 (a) (1) The Department OF PERMITS, APPROVALS AND INSPECTIONS is
15 responsible for:

16 (i) Enforcement of this title and approved plans and permits; AND

17 (ii) Field inspection of grading and EROSION AND sediment control
18 measures and devices[; and

19 (iii) The implementation of the forest protection and establishment
20 plan].

21 (2) The Department also shall inspect EROSION AND sediment control

1 measures and devices installed on all county capital improvement projects and public works
2 maintenance projects.

3 (b) [If an inspection reveals that an approved sediment control plan is inadequate to
4 accomplish the erosion and sediment control objectives of the plan or that, due to field
5 conditions, the measures cannot be installed as approved, the permittee shall be required to
6 modify the plans accordingly.] (1) MODIFICATIONS TO AN APPROVED EROSION AND
7 SEDIMENT CONTROL PLAN MAY BE REQUESTED BY THE OWNER/DEVELOPER OR
8 REQUIRED BY THE DISTRICT OR THE DEPARTMENT OF PERMITS, APPROVALS
9 AND INSPECTIONS.

10 (2) MODIFICATIONS SHALL BE MADE IN ACCORDANCE WITH THE
11 EROSION AND SEDIMENT CONTROL CRITERIA CONTAINED IN THE HANDBOOK-
12 AND THE CRITERIA FOR MAJOR AND MINOR MODIFICATIONS AS PROVIDED IN
13 THIS SUBSECTION.

14 (3)(I) MAJOR MODIFICATIONS INCLUDE:

15 1. REVISIONS TO SEDIMENT CONTROL PRACTICES
16 INVOLVING CONCENTRATED FLOW OR IMPOUNDMENTS, SUCH AS A SEDIMENT
17 BASIN OR TRAPS; OR

18 2. SIGNIFICANT CHANGES TO THE SEQUENCE OF
19 CONSTRUCTION OR TO THE PHASING OF GRADING UNITS.

20 (II) MAJOR MODIFICATIONS MUST BE APPROVED BY THE
21 DISTRICT BEFORE IMPLEMENTATION.

22 (4)(I) IN CONJUNCTION WITH THE DEPARTMENT OF PERMITS,
23 APPROVALS AND INSPECTIONS, THE DISTRICT MAY DEVELOP A LIST OF MINOR

1 MODIFICATIONS.

2 (II) THE ADMINISTRATION SHALL REVIEW AND APPROVE ALL
3 MINOR MODIFICATION LISTS.

4 (III) THE DEPARTMENT OF PERMITS, APPROVALS AND
5 INSPECTIONS MAY ALLOW THE IMPLEMENTATION OF MINOR MODIFICATIONS AS
6 FIELD REVISIONS.

7 (IV) THE DEPARTMENT OF PERMITS, APPROVALS AND
8 INSPECTIONS SHALL APPROVE FIELD REVISIONS IN WRITING BEFORE THEIR
9 IMPLEMENTATION.

10

11 (c) Inspections shall be conducted in accordance with inspection procedures
12 established by the Department at the following stages of operation:

13 (1) During initial clearing and grading of the site;

14 (2) On completion of the installation of the principal EROSION AND
15 sediment control measures;

16 (3) Periodically, during the course of the grading or construction activity, or
17 both;

18 (4) Before removal of the EROSION AND sediment control measures; and

19 (5) After final stabilization of the entire site.

20 (d) Building construction may not be started until all principal EROSION AND
21 sediment control measures are installed in accordance with the approved plans and inspected by
22 the Department.

1 (e) (1) THE OWNER OR DEVELOPER SHALL MAINTAIN A COPY OF THE
2 APPROVED EROSION AND SEDIMENT CONTROL PLAN ON SITE.

3 (2) EVERY ACTIVE SITE HAVING A DESIGNED EROSION AND
4 SEDIMENT CONTROL PLAN SHALL BE INSPECTED FOR COMPLIANCE WITH THE
5 PLAN ON AVERAGE ONCE EVERY TWO WEEKS.

6 (3) THE DEPARTMENT SHALL PREPARE A WRITTEN REPORT AFTER
7 EVERY INSPECTION THAT SHALL INCLUDE:

8 (I) THE DATE AND LOCATION OF THE SITE INSPECTION;

9 (II) WHETHER THE APPROVED PLAN HAS BEEN PROPERLY
10 IMPLEMENTED AND MAINTAINED;

11 (III) PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT
12 CONTROL PLAN DEFICIENCIES;

13 (IV) IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT
14 ACTION TAKEN; AND

15 (V) IF APPLICABLE, A DESCRIPTION OF ANY MODIFICATIONS
16 TO THE PLAN.

17 (F) Within 30 days after the completion of any work requiring a permit under this title,
18 the Department shall forward a final inspection report to the District.

19 § 33-5-303.

20 (c)(1) In addition to any other sanction under this title, a person who fails to install or to
21 maintain erosion and sediment controls in accordance with an approved plan is liable to the

1 county OR THE STATE in a civil action for damages in an amount equal to double the cost of
2 installing or maintaining the controls.

3 (2) Any damages that are recovered under this subsection shall be deposited in
4 a special fund to be used:

5 (i) To correct, to the extent possible, the failure to implement or
6 maintain erosion and sediment controls; and

7 (ii) For administration of the EROSION AND sediment control
8 program.

9 (d)(1) In addition to any other sanction under this title, a person who fails to comply
10 with the requirements of a forest protection and establishment plan OR FOREST
11 CONSERVATION PLAN is liable to the county in a civil action for damages in an amount equal
12 to three times the cost of the requirements outlined in the plan.

13 (2) Any damages that are recovered under this subsection shall be used:

14 (i) To correct the failure to implement the requirements of the forest
15 protection and establishment plan OR FOREST CONSERVATION PLAN; and

16 (ii) For administration of the forest protection and establishment
17 program OR FOREST CONSERVATION PROGRAM.

18 (f)(1) In addition to the enforcement methods provided in this title, the Director of the
19 Department OF PERMITS, APPROVALS AND INSPECTIONS may enforce the provisions of
20 this title in accordance with Article 3, Title 6 of the Code.

21 (2) IN ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE CODE, THE
22 DIRECTOR MAY:

1 (I) ISSUE A CORRECTION NOTICE;
2 (II) ISSUE A STOP WORK ORDER, THE EXTENT OF WHICH
3 SHALL BE DETERMINED BY THE DIRECTOR;
4 (III) ISSUE A CITATION;
5 (IV) IMPOSE A CIVIL MONETARY PENALTY; AND
6 (V) REFER THE MATTER TO THE OFFICE OF LAW FOR LEGAL
7 ACTION.

8 (3) THE COUNTY MAY DENY THE ISSUANCE OF ANY PERMITS TO AN
9 APPLICANT WHEN IT DETERMINES THAT THE APPLICANT IS NOT IN COMPLIANCE
10 WITH THE PROVISIONS OF A BUILDING OR GRADING PERMIT OR AN APPROVED
11 EROSION AND SEDIMENT CONTROL PLAN.

12 (4) THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
13 SHALL:

14 (I) STOP WORK ON A SITE WHERE LAND DISTURBANCE IS
15 OCCURRING WITHOUT AN APPROVED EROSION AND SEDIMENT CONTROL PLAN;
16 AND

17 (II) REQUIRE MEASURES TO BE IMPLEMENTED TO PREVENT
18 OFF-SITE SEDIMENTATION.

19 § 33-5-304.

20 EXCEPT AS OTHERWISE PROVIDED BY LAW, IF A SECTION, PARAGRAPH,
21 SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS TITLE IS DECLARED INVALID OR

1 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
2 INVALIDITY OR UNCONSTITUTIONALITY MAY NOT AFFECT ANY OF THE
3 REMAINING WORDS, PHRASES, CLAUSES, SENTENCES, PARAGRAPHS, OR
4 SECTIONS OF THIS TITLE UNLESS:

5 (1) THE SECTION, PARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD
6 IS SUBJECT TO A PROVISION THAT PROHIBITS SEVERABILITY UNDER THIS
7 SECTION; OR

8 (2) THE COURT FINDS THAT THE REMAINING VALID PROVISIONS ALONE
9 ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH
10 THE LEGISLATIVE INTENT.

11 SECTION 6. AND BE IT FURTHER ENACTED, that this Act, having passed by the
12 affirmative vote of five members of the County Council, shall take effect on January 9, 2013.